



Teaching
Regulation
Agency

Mr Darryl Roberts: Professional conduct panel outcome

**Panel decision and reasons on behalf of the
Secretary of State for Education**

January 2025

Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	5
Documents	5
Witnesses	5
Decision and reasons	6
Findings of fact	6
Panel's recommendation to the Secretary of State	10
Decision and reasons on behalf of the Secretary of State	13

Professional conduct panel decision and recommendations, and decision on behalf of the Secretary of State

Teacher: Mr Darryl Roberts

TRA reference: 22776

Date of determination: 20 January 2025

Former employer: King's Lynn Academy, Gaywood, King's Lynn

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 20 January 2025 by way of a virtual hearing, to consider the case of Mr Darryl Roberts.

The panel members were Ms Jo Palmer-Tweed (teacher panellist – in the chair), Ms Wendy Shannon (lay panellist) and Mrs Joanne Arscott (teacher panellist).

The legal adviser to the panel was Mr Graham Miles of Blake Morgan LLP solicitors.

The presenting officer for the TRA was Mr Lee Bridges of Kingsley Napley LLP solicitors.

Mr Darryl Roberts was not present and was not represented.

The hearing was recorded and took place in public, save that any oral evidence or submission concerning Mr Roberts’ health and personal circumstances was heard in private.

Allegations

The panel considered the allegation set out in the Notice Of Proceedings dated 1 October 2024.

It was alleged that Mr Darryl Roberts was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

Whilst working as a Maths teacher at King's Lynn Academy ("the School"):

1. On or around 29 June 2023, he made inappropriate contact and/or used excessive physical force on Pupil A in that he pulled and/or dragged Pupil A by their hood.
2. His conduct at paragraph 1 was contrary to Child Protection and/or Safeguarding guidance.

In his response form, Mr Roberts admitted the factual allegations, but did not admit unacceptable professional conduct or conduct that may bring the profession into disrepute.

Preliminary applications

As to whether the hearing should proceed in the absence of Mr Roberts

Mr Roberts was not present and not represented. After hearing submissions from the Presenting Officer and receiving legal advice, the panel determined that the hearing should proceed in the absence of Mr Roberts for the following reasons:

- The Notice of Hearing was sent to Mr Roberts on 1 October 2024. Mr Roberts confirmed by email dated 9 October 2024 that he had received the Notice of Hearing sent to him by email.
- The panel was satisfied that the Notice of Hearing had been sent to Mr Roberts in accordance with paragraphs 5.23 and 5.24 of Teacher misconduct: Disciplinary procedures for the teaching profession 2020.
- In his response to the Notice of Hearing Mr Roberts answered 'no' to the question, 'Do you intend to be present at the hearing?'
- Although Mr Roberts had indicated that he was now residing in South Africa, it was clear from the email correspondence with him that he was aware of the opportunity to participate in the hearing by virtual means.

- The panel was satisfied that Mr Roberts had voluntarily waived his right to participate in the hearing.
- There was no application by or on behalf of Mr Roberts for an adjournment and there was no indication that Mr Roberts would attend the hearing at a later date if the hearing were to be adjourned. Accordingly, the panel was not satisfied that any purpose would be served by an adjournment.
- There was also a public interest in regulatory proceedings concluding reasonably promptly.

Summary of evidence

Documents

In advance of the hearing, the panel received a bundle of documents which included:

Section 1: Chronology, anonymised pupil list and list of key people – pages 5 to 7

Section 2: Notice of Hearing and response – pages 8 to 15

Section 3: Teaching Regulation Agency witness statements – pages 16 to 24

Section 4: Teaching Regulation Agency documents – pages 25 to 323

Section 5: Teacher documents – pages 324 to 333

In addition, the panel received the following:

- Proceeding in absence bundle – pages 1 to 22
- Response form – pages 1 to 3.

The panel members confirmed that they had read all of these documents in advance of the hearing.

In the consideration of this case, the panel had regard to the document Teacher Misconduct: Disciplinary Procedures for the Teaching Profession 2020, (the “Procedures”).

Witnesses

The panel heard oral evidence from Witness A and Witness B.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case before it and reached a decision.

Mr Darryl Roberts was employed at Kings Lynn Academy (“the School”) as a Teacher of Mathematics between 21 January 2020 and 28 August 2023. He was responsible for planning and delivering lessons to Key Stage 3 and 4 pupils.

It was alleged that, on 29 June 2023, Mr Roberts was teaching a class of Year 7 pupils. Pupil A was not a pupil in Mr Roberts’ class. However, during the lesson, Pupil A entered the classroom through a back door without Mr Roberts’ knowledge or permission. He then hid underneath a desk at the back of the classroom and whistled to disrupt the lesson. It was alleged that, when Mr Roberts became aware of Pupil A’s presence, he took hold of the hood of Pupil A’s coat and dragged him out of the classroom. After the lesson had finished, some Year 7 pupils from the class informed Witness B, [REDACTED], of what they had seen. Witness B then spoke to Pupil A, before reporting the incident to Witness A, [REDACTED].

Witness B was instructed to carry out an initial fact-finding exercise. This included asking Pupils A, B and C and Mr Roberts to complete written statements. Their statements were then passed to Witness A.

On 30 June 2023, Witness A was instructed by the Principal to conduct a formal investigation, and Mr Roberts was suspended. A disciplinary hearing was held on 1 August 2023. Mr Roberts was subsequently reported to the TRA.

Mr Roberts stated in his response to the Notice of Hearing that he admitted the allegations. However, there was no statement of agreed facts and it was clear from Mr Roberts’ earlier responses that there were certain parts of the accounts of Pupil A that he disagreed with. The alternative wording within allegation 1 also made it necessary for the panel to make findings of fact despite Mr Roberts’ admissions.

Findings of fact

The findings of fact are as follows:

It was alleged that you are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

Whilst working as a Maths teacher at King’s Lynn Academy (“the School”):

1. On or around 29 June 2023, you made inappropriate contact and/or used excessive physical force on Pupil A in that you pulled and/or dragged Pupil A by their hood.

Mr Roberts made a statement on the day of the incident in which he said that Pupil A had come into his classroom on several occasions, entering without permission and loudly disrupting the lesson. He had contacted Pupil A's [REDACTED] to inform her of this unacceptable behaviour. He said that on the morning of 29 June 2023, Pupil A threw open the door to the classroom and demanded to know why [REDACTED] had been contacted. Mr Roberts said that he told Pupil A that it was because of his constant interruptions, and he asked Pupil A to leave. Pupil A then walked through the classroom and left via the door at the back of the classroom. Mr Roberts said that, without his knowledge, Pupil A subsequently entered the classroom again through the back door and hid underneath a desk at the back of the classroom. Mr Roberts said that he discovered that Pupil A was there after he started whistling. Mr Roberts said, *'When told to come out he ignored me, so I took the hood of his coat and dragged him out the classroom. In the process, his water pistol fell out his coat so I confiscated it. He then threw the back door open again and shouted at me that I am not allowed to drag him by his coat and that he wanted his water pistol back. When I refused to give back the water pistol, he ripped the poster off my door and took one of the chairs from my classroom and swore at me.'*

In a statement made on the day of the incident, Pupil A said that he had hidden in Mr Roberts' class under a table and was whistling. He said that Mr Roberts had, *'hit me with a chair (I don't know if he did this on purpose) and then he grabbed the back of my coat and dragging me across the classroom. Nearly strangling me'*.

Pupil A was interviewed again the day after the incident. In his second statement, he said that Mr Roberts, *'made me feel really shaky and nearly cry because he grabbed me hard and he chucked me out the door. But I held my cry in because people would have taken the mick out of me'*.

Two other pupils who were in the classroom at the time of the incident also provided statements. Pupil B said that Pupil A was *'dragged on the floor by his coat by sir'*. He then referred to a phone call that Mr Roberts then made in the classroom. He said, *'Sir then called [Pupil A's] [REDACTED] complaining about how he's saying he's shaking with anger'*.

Pupil C said in his statement that Mr Roberts saw Pupil A, *'and dragged him by his hood on the floor out of the classroom.'*

Mr Roberts attended an investigatory meeting on 12 July 2023. During this meeting, Mr Roberts acknowledged that he was aware of the School's protocols, but did not know if he had followed them in this instance as Pupil A was not a pupil in his class and it was not a normal situation. During the same meeting, after reference was made to Mr Roberts

grabbing Pupil A's hood and dragging him, he was asked if he had considered any other techniques or responses. Mr Roberts said that he had not done so in the heat of the moment. When asked if there was anything that he would do differently, he said that he would leave the pupil under the desk and call the duty team.

The panel was satisfied by the evidence presented, including the admissions made by Mr Roberts during the School's investigation, that he had pulled and dragged Pupil A by the hood of his coat and that this amounted to inappropriate contact and excessive physical force. In reaching the conclusion that excessive physical force had been used, the panel had regard to the prolonged nature of the physical contact in dragging Pupil A, a Year 7 pupil, from under the desk until he was completely outside of the classroom.

The panel found allegation 1 proved.

2. Your conduct at paragraph 1 was contrary to Child Protection and/or Safeguarding guidance.

The panel was referred to several documents setting out relevant child protection and/or safeguarding guidance. These documents included:

- Positive Behaviour for Learning Policy (September 2022);
- The Trust Safeguarding Policy (September 2022);
- The Trust Code of Conduct;
- Keeping Children Safe in Education.

Paragraph 14.9 of that Positive Behaviour for Learning Policy stated, 'Staff must exhaust all other strategies before resorting to physical intervention, unless there is an immediate risk to staff and student safety...'

Within the same policy document, reference was made to DfE guidance which stated, 'Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder'. This was not a situation in which Mr Roberts was required to use physical force to prevent Pupil A from harming himself, another pupil or a member of staff. Pupil A was not causing damage to property. Although his behaviour, in whistling whilst hiding under the desk, was disturbing the lesson, it could not be said that he was causing disorder which required physical intervention.

The Trust Code of Conduct, which Mr Roberts had signed, stated, 'Staff should conduct themselves at all times in a way which acknowledges their professional and ethical responsibilities to protect the interests of students'.

The evidence presented was that Mr Roberts was an experienced teacher who had received appropriate child protection and safeguarding training and regular updates.

Despite this, his conduct in relation to Pupil A was a clear breach of relevant child protection and safeguarding guidance.

The panel found allegation 2 proved.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute

Having found the allegations proved, the panel went on to consider whether the facts of those proven allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as “the Advice”.

The panel was satisfied that the conduct of Mr Roberts, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Roberts was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel also considered whether Mr Roberts’ conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual’s conduct would amount to unacceptable professional conduct. The panel considered the offence of violence, but concluded that the offence did not appropriately reflect the proven conduct in this case.

The panel found that Mr Roberts had pulled and dragged Pupil A by the hood of his coat and that this amounted to inappropriate contact and excessive physical force. Although the panel was only dealing with the incident on 29 June 2023, the panel had regard to the fact that Mr Roberts had not simply pulled Pupil A out from under a desk, he continued to

drag him across the floor and out of the classroom, holding the hood of Pupil A's coat. Despite having received appropriate safeguarding training and being aware of the protocols under the School's Positive Behaviour for Learning Policy, Mr Roberts said that he 'completely lost the ability to think straight'. The panel was satisfied that the evidence presented indicated a complete loss of self-control and a display of anger on the part of Mr Roberts. Witness B referred to Mr Roberts still appearing to be in a heightened state when she came into the classroom after the incident. Although there was no evidence that Pupil A had sustained any physical injury in the incident, there was evidence that the incident had caused distress to Pupil A and some other pupils to become, 'a bit worried'.

The panel was satisfied that the conduct of Mr Roberts amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

Accordingly, the panel was satisfied that Mr Roberts was guilty of unacceptable professional conduct.

In relation to whether Mr Roberts' actions amounted to conduct that may bring the profession into disrepute, the panel took into account the way the teaching profession is viewed by others. It considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

The panel therefore found that Mr Roberts' actions constituted conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely: the safeguarding and wellbeing of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of inappropriate contact and use of excessive physical force on a pupil.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Roberts were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Roberts was outside that which could reasonably be tolerated.

In addition to the public interest considerations set out above, the panel went on to consider whether there was a public interest in retaining Mr Roberts in the profession. The panel decided that there was a public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon his abilities as an educator.

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Roberts.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Roberts. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct affecting the safeguarding and well-being of pupils;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE);
- violation of the rights of pupils;

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors.

Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

Mr Roberts did have a previously good work history and the panel accepted that the incident was out of character.

Whilst Mr Roberts actions were deliberate, the panel was satisfied that there was no intention on his part to harm the pupil.

There was no evidence to suggest that Mr Roberts was acting under duress. However, Mr Roberts referred to a number of extreme personal circumstances that affected his behaviour. [REDACTED].

Both Witness A and Witness B said in their evidence that Mr Roberts' conduct on the day in question was out of character. Witness A added that she had never had any previous concerns about Mr Roberts' use of physical contact with pupils. They also both acknowledged that Mr Roberts had dealt with challenging behaviour appropriately prior to this incident.

The panel took into account Mr Roberts' early admission of his conduct, which indicated a degree of honesty on his part. At his investigation meeting, Mr Roberts was asked if there was anything that he would do differently and he said that he would leave the pupil under the desk and call the duty team. Mr Roberts later expressed regret for the harm that Pupil A experienced and for any impact on other pupils in the class who witnessed the incident. This indicated a degree of insight on the part of Mr Roberts.

Taking all of these factors into account, the panel concluded that the risk of repetition of similar behaviour was low.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of sanction.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that the findings of unacceptable professional conduct and/or conduct likely to bring the profession into disrepute should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Mr Roberts is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Roberts involved breaches of the responsibilities and duties set out in statutory guidance 'Keeping children safe in education'.

The panel finds that the conduct of Mr Roberts fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include a teacher using excessive physical force on a pupil.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In assessing that for this case, I have considered the overall aim of a

prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Roberts, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel comments that: "There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of inappropriate contact and use of excessive physical force on a pupil." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which it sets out as follows:

"The panel took into account Mr Roberts' early admission of his conduct, which indicated a degree of honesty on his part. At his investigation meeting, Mr Roberts was asked if there was anything that he would do differently and he said that he would leave the pupil under the desk and call the duty team. Mr Roberts later expressed regret for the harm that Pupil A experienced and for any impact on other pupils in the class who witnessed the incident. This indicated a degree of insight on the part of Mr Roberts.

Taking all of these factors into account, the panel concluded that the risk of repetition of similar behaviour was low."

In my judgement, the evidence of insight and remorse found by the panel, as well as evidence of specific mitigating circumstances, means that I agree with it that the risk of repetition is limited. I have given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observes that: "The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception." I am particularly mindful of the finding of a teacher using excessive physical force against a pupil in this case and the negative impact that such a finding could have on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct and conduct likely to bring the profession into disrepute, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

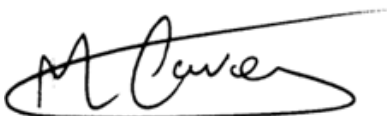
I have also considered the impact of a prohibition order on Mr Roberts himself. The panel notes that: “Mr Roberts did have a previously good work history and the panel accepted that the incident was out of character.” Elsewhere, the panel confirms its view that there is a public interest in keeping Mr Roberts in the profession.

A prohibition order would prevent Mr Roberts from teaching. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel’s comments concerning the degree of insight or remorse demonstrated by Mr Roberts and the consequent low risk of repetition. I have also considered, and concur with, the panel’s concluding remarks:

“The panel was of the view that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession.”

For these reasons, I have concluded that a prohibition order is not proportionate or in the public interest. I consider that the publication of the findings made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.

A handwritten signature in black ink, appearing to read 'A. C. C. C.', enclosed within a hand-drawn oval border.

Decision maker: Marc Cavey

Date: 21 January 2025

This decision is taken by the decision maker named above on behalf of the Secretary of State.