



Teaching
Regulation
Agency

Ms Grace Wilely: Professional conduct panel outcome

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

March 2025

Contents

Introduction	3
Allegations	4
Summary of evidence	4
Documents	5
Witnesses	6
Decision and reasons	6
Findings of fact	7
Panel's recommendation to the Secretary of State	15
Decision and reasons on behalf of the Secretary of State	18

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

Teacher:	Ms Grace Whiley
TRA reference:	23474
Date of determination:	20 March 2025
Former employer:	Bluebell Primary School, Norwich

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 17 to 20 March 2025 by way of a virtual hearing, to consider the case of Ms Garce Whiley.

The panel members were Ms Jo Palmer-Tweed (former teacher panelist – in the chair), Mr Ian Hylan (teacher panellist) and Ms Emma Billings (lay panellist).

The legal adviser to the panel was Ms Helen Kitchen of Blake Morgan, solicitors.

The presenting officer for the TRA was Ms Matilda Hesleton of Browne Jacobson, solicitors.

Ms Grace Whiley was present and was represented by Ms Althea Brown of Counsel.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 13 November 2024.

It was alleged that Ms Grace Whiley was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a Teacher at the Bluebell Primary School from October 2023 to March 2024:

1. She engaged in inappropriate and/or unprofessional behaviour in or around January-February 2024, by;
 - a. showing one or more pupils video footage which contained blackface;
 - b. referring to Pupil A as watermelon;
 - c. stating Pupil B was “daddy’s little princess and that’s how Muslims are” or using words to that effect;
 - d. stating in reference to Pupil B/Muslims that “they are entitled and think they are better than everyone else” or using words to that effect.
2. In behaving as may be found proven at allegation 1 above she demonstrated a lack of tolerance and/or respect for the rights and/or beliefs and/or race of others

After the allegations had been amended, as below, Ms Whiley admitted the facts in sub-allegations 1a and 1c of allegation 1 but did not admit that her actions constituted her engaging in inappropriate and/or unprofessional behaviour. Ms Whiley denied allegations 1b and 1d and allegation 2.

Ms Whiley did not admit unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Summary of evidence

Documents

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

Section 1: Chronology and anonymized pupil list – pages 1 to 7

Section 2: Notice of proceedings – pages 8 to 20

Section 3: Teaching Regulation Agency witness statements – pages 21 to 65

Section 4: Teaching Regulation Agency documents – pages 66 to 124

Section 5: Teacher documents – pages 125 to 165

In addition, the panel agreed to accept the following:

Bundle of disputed documents including:

Witness statement of Witness D (in redacted form) - pages 1 to 10; and

Response from Ms Whiley to the TRA investigation - pages 11 to 16.

The panel members confirmed that they had read all the documents within the bundle, in advance of the hearing, and the additional documents that the panel decided to admit.

During the course of the hearing the panel agreed to admit two further documents into evidence, with the agreement of both parties:

A plan of the Year 5 classroom at the School produced by Ms Whiley; and

A clearer copy of pages 69 to 70 of the TRA's bundle produced by the TRA.

In the consideration of this case, the panel had regard to the document Teacher misconduct: Disciplinary procedures for the teaching profession May 2020, (the "Procedures").

Witnesses

The panel heard oral evidence from the following witnesses called by the presenting officer:

Witness A – [REDACTED]

Witness C – [REDACTED]

Witness D – [REDACTED]

The panel also heard evidence from Ms Whiley.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case before it and reached a decision. It accepted the legal advice provided.

Ms Whiley commenced employment at the School in or around September/October 2023 covering a maternity position, having previously worked there as a supply teacher for a period of time.

On 1 February 2024 Witness A and Witness D both allegedly heard Ms Whiley making an inappropriate comment about Pupil B, as Ms Whiley was leaving the classroom. Pupil B had already left the classroom.

On 2 February 2024, Witness A submitted a low-level concern form about the comment he alleged he had heard Ms Whiley make, and, on the same day, Witness D emailed the headteacher of the School about the comment she alleged she had heard Ms Whiley make.

On a form dated 2 January 2024 (but believed to have been completed on 2 February), Witness B submitted a low-level report form raising concerns about a video clip that Ms

Whiley had shown to her class during an English lesson that she reported was the previous week, a clip which Witness B alleged contained blackface.

On the same day, 2 February 2024, Witnesses B and C allegedly heard Ms Whiley use the word “watermelon” when talking to Pupil A. On 5 February 2024 they submitted a low-level concern form, in their joint names, regarding this.

On or around 6 February 2024, Ms Whiley was suspended by the School.

On 15 February 2024, Witnesses A, B, C and D and, later, Ms Whiley were interviewed by the School’s investigations officer, who was accompanied by an HR representative for

the School.

In March 2024, Ms Whiley resigned from the School.

Findings of fact

The findings of fact are as follows:

The panel found the following in relation to the particulars of the allegations against you, for these reasons:

1. You engaged in inappropriate and/or unprofessional behaviour in or around January-February 2024, by;

a. showing one or more pupils video footage which contained blackface;

Ms Whiley had formally admitted allegation 1a (but not that her conduct constituted her engaging in inappropriate and/or unprofessional behaviour) at the outset of the hearing. Her admission was accepted by the panel and that part of the allegation found proven on the basis of her admission.

The panel noted that, in the course of her oral evidence, Ms Whiley accepted that her showing the video footage which contained blackface was, in her view, her behaving in a way that was inappropriate and unprofessional.

The panel had sight of a low-level concern reporting form completed by Witness B, dated 5 January 2024 (but which the panel found may have been incorrectly dated) and which was recorded as having been received by the School on 5 February 2024. On the form Witness B recorded that she was in the classroom, "last week", during an English lesson taken by Ms Whiley when the class was studying Sinbad the Sailor. The class were going to be making their own movie trailer based on the book they had been learning about. Witness B recorded that the class watched an older film trailer of Sinbad and that it involved blackface. Ms Whiley did not comment on what had been shown, including contextualising it or debriefing about it.

In her evidence, which was accepted by the panel, Ms Whiley's admitted showing the film clip to the class. She had found it on YouTube the afternoon before the lesson and it showed more detail of Sinbad's dress and appearance, which were the issues she wanted the class to focus on, then more modern clips. She claimed to have only previewed 5 minutes of the film clip in advance of the class and was not aware of there being any blackface in the part she saw. When Ms Whiley played the clip to the class it went on further and, in the later part that she had not seen before, it showed some characters in blackface. She stopped the clip when she noticed this. Ms Whiley had then led a class discussion about adjectives to describe Sinbad and his clothing and mentioned the film being old fashioned and that sometimes things were shown differently now. No one in the class commented on the blackface, or asked questions, although when Ms Whiley noticed a reaction to the clip she *"brought them back on task"*.

Having found the allegation proven on Ms Whiley's admission, the panel then went on to consider if Ms Whiley's behaviour in showing the video which contained blackface was her engaging in inappropriate and/or unprofessional behaviour. This was a matter for the judgement of the panel.

The panel found that Ms Whiley's conduct, in showing the video which contained blackface, although accidental, was her engaging in inappropriate behaviour.

In reaching its decision the panel took into account all of the circumstances, including that Ms Whiley was aware that the film was old, and so had the potential to contain content that may be considered unacceptable by modern standards.

The panel found that it was incumbent upon Ms Whiley, as the class teacher, to have ensured that any video she used in her class teaching was appropriate for her pupils. She had not been sufficiently thorough in her checking of the video and, in consequence, had exposed the Year 5 pupils in her class to the blackface film content. The panel found that this constituted her behaving in an inappropriate way.

However, taking account of the following:

- that Ms Whiley had taken some steps to check the video and had not seen any part that included blackface;
- that Ms Whiley had not intended the pupils see the part of the film which contained blackface;
- that the pupils had only seen the relevant part of the video because it had run on longer than Ms Whiley had intended; and
- that Ms Whiley had turned the video off as soon as she became aware that it contained blackface and so minimised her pupils' exposure to it,

the panel determined that Ms Whiley's conduct was her engaging in unprofessional behaviour.

b. referring to Pupil A as watermelon;

Witness B's low level concern report form referred to this issue but as she had not attended the hearing to give evidence, for reasons that were not made known to the panel, it did not give any substantive weight to her evidence.

Witness C, who was in the same lesson as Witness B, recalled the class being asked a question to which they did not answer. She said Ms Whiley asked Pupil A, twice, what she was thinking about and then said to Pupil A "watermelon". Witness C noted Pupil A seemingly being taken aback and embarrassed as a consequence of her being singled out by being asked a question. She thought that Pupil A may not have understood the remark. She said Ms Whiley waited a few seconds then continued teaching.

Ms Whiley denied making the alleged remark, something the panel noted she had done consistently since it was first alleged. Ms Whiley said that she had been unaware that watermelon was an offensive term before she had looked it up which she did after concerns about her alleged remark were drawn to her attention. She stated that she would never speak to a child in such an offensive manner and did not do so to Pupil A. She said that she may have called Pupil A "sweetie" or "sweetheart" around this time, which, on reflection, she felt might not have been appropriate, but she did not say "watermelon". She had no reason to use the word and did not do so.

The panel assessed the evidence before it. It noted that:

- the remark was alleged to have been made in a classroom where a number of pupils were chatting;
- from the plan provided to the panel, there would appear to have been some distance between Ms Whiley and where Witness C was sitting;
- Witness C had told the panel she had only been able to see Ms Whiley sideways on;
- Witness C was there to support a particular child and this would have been the primary focus of her attention; and
- That the low-level concern report form had been made jointly between Witness B and Witness C although Witness C confirmed that it was in her handwriting.

Witness B had not attended as a witness with no reason being provided to the panel for this.

The panel had been informed by Witness C that she had discussed the remark with Witness B before the low-level report form was completed. Witness B had filed another low-level concern report form the same day about Ms Whiley and the incident in allegation 1 without Witness C being aware of it.

These issues raised a concern for the panel as to the impact that Witness B may have had on Witness C's recollection and reporting of the concern in allegation 1b. However, the panel had no opportunity to question or assess the credibility or motivations Witness B.

Taking account of these factors, and applying the required standard, the panel did not find it more likely than not that the alleged remark was made by Ms Whiley and so found this allegation not proven.

The panel was of the view that, due to the factors identified above, Witness C may have misheard or misinterpreted what she heard being said by Ms Whiley and so genuinely believed what she recorded on the low-level concern report form.

In the light of its findings on sub-part 1b of allegations 1 the panel did not go on to consider the wider issue of inappropriate and unprofessional behaviour in connection with sub-part 1b of allegation 1.

c. stating Pupil B was “daddy’s little princess and that’s how Muslims are” or using words to that effect;

d. stating in reference to Pupil B/Muslims that “they are entitled and think they are better than everyone else” or using words to that effect.

The panel noted that although it was divided in two sub-parts, 1c and 1d, that there was effectively only one expression alleged to have been made, on one occasion, which it was alleged included the remarks detailed at 1c and 1d. The panel therefore recorded its decision-making on sub-parts 1c and 1d of allegation 1 together, although it considered and made findings upon them in sequential order, considering sub-part 1c first and then 1d.

Ms Whiley formally admitted sub-part 1c of allegation 1 in that she accepted that she had said “*words to the effect of*” the remark alleged in that sub-part of the allegation 1. She admitted that she had said to another staff member:

“I was surprised by her [Pupil B’s] behaviour but thought it might be because she has been spoilt by her father because Islamic fathers sometimes do that”.

Ms Whiley denied using the words “*daddy’s little princess*” and/or “*that’s how Muslims are*”.

Ms Whiley said there were no pupils present when she made the remark and that neither Witness A nor Witness D said anything to her about what she had said.

At the outset of the hearing Ms Whiley did not formally admit the stem of allegation 1 in relation to sub-allegation 1c, that in making the remark she behaved in a way that was inappropriate or unprofessional. However, in her oral evidence to the panel Ms Whiley accepted that the remark she admitted making was both inappropriate and unprofessional.

Ms Whiley denied sub-part 1d of allegation 1. She specifically denied using the words “*Muslims*” and “*entitled*”. She said that she was not aware of the meaning of the word “*entitled*” at the relevant time, something the panel did not find credible.

In her formal response to the stem of allegation 1 in relation to 1d, Ms Whiley, having denied making the remark in sub-part 1d, did not accept that she had behaved inappropriately or unprofessionally by making any such remark. However, in her oral evidence, she did accept that if she had said what was alleged in sub-part 1d of allegation 1 that it would have been inappropriate and unprofessional.

Whilst the panel noted the admission Ms Whiley made to sub-part 1c of allegation 1, it appeared to the panel that the admission was to the making of a remark in substantially different terms to that alleged. Ms Whiley had not accepted making a remark using the words “*daddy’s little princess*” or “*that’s how Muslims are*”, which the panel considered were significant elements of the alleged remark.

The panel therefore went on to make findings of fact in relation to allegations 1c and 1d. The panel did not believe that this caused any unfairness to Ms Whiley as she had provided the panel with a full account of the relevant occasion.

The panel considered the evidence in relation to sub-parts 1c and 1d of allegation 1.

Witness A, who the panel found to be a fair, consistent and credible witness, recalled that on 1 February Ms Whiley was in her classroom after lunchtime with himself and Witness D. Pupil B had been working over lunchtime and had been the last pupil to leave. The staff were talking, including about pupils who had been kept behind. As Ms Whiley was leaving the classroom she stood in the doorway and said:

“that’s the thing with Muslim families, she daddy’s little princess and they are” and then he heard the word “*entitled*” or “*arrogant*”.

Witness A was not sure which of those two words he heard Ms Whiley say but he thought it was more likely to be “*entitled*”. However, he emphasised, as he had throughout the School’s and the TRA’s investigations, that he was not completely sure. He was 90% sure that the word “*entitled*”, and not “*arrogant*”, was used.

Witness D, who the panel found to be a reliable and credible witness, recalled being present in the classroom with Witness A and Ms Whiley on the 1 February 2024. Whilst Ms Whiley was getting ready to leave, Witness D heard Ms Whiley talk about Pupil B being slow and thinking she could do what she wanted and then Ms Whiley said that Pupil B was daddy's little princess and that's how Muslims are and said they are entitled and think they are better than anyone else. She told the panel she was 100% certain this was what Ms Whiley said. She had noted this wording down in her personal notebook after school the same day she heard it, to keep an accurate record if it. She had transcribed it into the email she sent the following morning to the headteacher, in which she had raised her concern about the remark.

Ms Whiley, when asked about the remarks during the School's investigations, had stated that she had said that Pupil B was spoiled by her father and that in some Islamic households "*daddy's can dote on their daughters*". Ms Whiley had stated that she did not say this in front of children, and she did not intend to be racist. She had accepted that it was not appropriate to say it, even to adults. She made some reference to this being based on her experience working in London.

In her oral evidence Ms Whiley accepted making the remark she had formally admitted to making but reiterated that she had not used the word "*spoilt*", "*entitled*" "*Muslims*" or "*arrogant*". She stated that she had not made the remark she did in front of any pupil.

The panel found, on the basis of the consistent and credible evidence of Witness A and Witness D, which it preferred to the evidence of Ms Whiley which it found to be less consistent and credible, that Ms Whiley had made remarks to the effect of the wording of sub-parts 1c and 1d of allegation 1. It found that the remarks she made included the words about Pupil B that she was "*daddy's little princess*", included the word "*Muslims*" and said words to the effect of "*that's how Muslims are*", and said the words "*they are entitled*" and "*they think they know better than anyone else.*"

On this factual basis, on the balance of probabilities, the panel found sub-parts 1c and 1d of allegation 1 proven.

The panel then went on to consider if, in making the remarks it found she had in sub parts 1c and 1d of allegation 1, that Ms Whiley had engaged in inappropriate and unprofessional behaviour.

The panel found that it was incumbent upon Ms Whiley as a teacher in a school setting not to make any derogatory remarks about any individual pupil or parent, or group of pupils or parents, or, to stereotype such persons in a negative way on the basis of their culture or cultural or religious heritage or presentation.

The panel found the remarks in both sub-parts 1c and 1d of allegation 1 to be concerning in content and nature both to those about whom they were made and to the person to

whom they were said. In a school environment there was also the potential for remarks made near a classroom to be overheard by third parties, including pupils.

Teachers must ensure that they do not behave in a way that may lead to others to think that it was acceptable for teachers to hold views such as Ms Whiley had expressed or make remarks of the nature made by Ms Whiley. Ms Whiley had fallen short of this expectation in making the remarks at sub-parts 1c and 1d of allegation 1.

Taking these factors into account the panel found that that Ms Whiley had behaved in an inappropriate and unprofessional way in relation to parts 1c and 1d of allegation 1.

2. In behaving as may be found proven at allegation 1 above you demonstrated a lack of tolerance and/or respect for the rights and/or beliefs and/or race of others

The panel considered this allegation, and its specific wording, which it found to be quite complex in its formulation. It did not consider allegation 2 in relation to allegation 1b as this part of allegation 1 had been found not proven by the panel.

In relation to allegation 1a, the panel had found that although Ms Whiley's actions in showing the video were inappropriate, it had happened as the result of an error and was not intended by Ms Whiley. On this basis the panel found that it did not demonstrate a lack of tolerance and/or respect for the rights and/or beliefs and/or race of others. The panel therefore found allegation 2 not proven in relation to allegation 1a.

In respect of allegations 1c and 1d, whilst the panel acknowledged that Ms Whiley's remarks were disrespectful of cultural differences it did not find that it demonstrated a lack of tolerance and/or respect for the rights and/or beliefs and/or race of others.

The panel had no evidence before it relating to rights, race or beliefs that were concerned in this allegation. It was mindful that the Equality Act 2010 defines race as including colour, nationality and ethnic or national origins and that belief is defined to mean any religious or philosophical belief and includes a reference to a lack of belief. The panel also noted that those who adhere to Islam (Muslims) are considered, at least in guidance issued by the Law Society of England and Wales (the Law Society's "*guide to race and ethnicity terminology and language*" Jan 2025), to be a religious group and not an ethnicity. From its own understanding of rights, race and beliefs the panel did not consider that the remarks made related to any right or religious beliefs in the way detailed in the allegation.

The panel gave some consideration to whether it was appropriate for amendment of the wording of the allegation to be considered but was of the view that it would be wholly unfair to Ms Whiley for this to be done at this late stage in the case, after the panel had already started to make its findings.

For these reasons the panel, using its own experience, knowledge and judgement found allegation 2 not proven on the basis of the proven conduct in allegations 1a, 1c and 1d.

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

Having found sub-allegation 1a of the allegations proved in respect of it being inappropriate behaviour and sub-allegations 1c and 1d proven in respect of it being inappropriate and unprofessional behaviour, the panel went on to consider whether the facts of that proven allegation 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 first considered whether the conduct of Ms Whiley, in relation to the facts found proved, involved breaches of the Teachers’ Standards.

The panel considered that, by reference to Part 2, Ms Whiley was in breach of the following standards:

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...

The panel was not satisfied that the conduct of Ms Whiley, in relation to the facts found proved, involved breaches of Keeping Children Safe In Education (“KCSIE”).

The panel was not satisfied that the conduct of Ms Whiley, in relation to the facts found proved, involved breaches of Working Together to Safeguard Children.

The panel also considered whether Ms Whiley’s conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 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 found that none of the offences was relevant.

The panel found that Ms Whiley’s conduct in 1a, although inappropriate and serious, were not so serious as to amount to unacceptable professional conduct, occurring as it had due to an error rather than intentional actions.

The panel was of the view that Ms Whiley’s remarks at 1c and d were derogatory and disrespectful in nature about a pupil and towards those who adhere to a particular religion and culture. It was particularly incongruent in a setting as diverse as the School.

This represented a failure to adhere, and have regard, to the standards required of her in accordance with the School's Staff Code of Conduct. It also represented a failure to adhere, and have regard, to the wider ethos and vision of the School which was described to the panel as celebrating other cultures and religions, a big part of the community served by it, and as *"being kind to ourselves, each other and the world"*.

For these reasons, the panel was satisfied that the conduct of Ms Whiley as proven at allegation 1c and 1d amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

In relation to whether Ms Whiley's 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.

In considering the issue of disrepute, the panel also considered whether Ms Whiley's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

As set out above in the panel's findings as to whether Ms Whiley was guilty of unacceptable professional conduct, the panel found that none of the offences was relevant.

For the reasons set out in the panel's findings as to whether Ms Whiley was guilty of unacceptable professional conduct, the panel found Ms Whiley's inappropriate behaviour in allegation 1a did not bring the profession into disrepute.

In relation to allegations 1c and 1d, the panel found the findings of misconduct to be serious, and that the conduct displayed would be likely to have a negative impact on the individual's status as a teacher.

For these reasons, the panel found that Ms Whiley's actions, at allegations 1c and 1d, 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 the maintenance of public confidence in the profession and upholding proper standards of conduct to be relevant.

In the light of the panel's findings against Ms Whiley, which involved making inappropriate and derogatory remarks about a pupil and a parent and involved stereotyping people in a negative way on the basis of their culture or cultural or religious heritage or presentation, there was a strong public interest consideration in that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Whiley were not treated with the utmost seriousness when regulating the conduct of the profession. The panel was also 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 Ms Whiley 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 Ms Whiley in the profession. The panel decided that there was a public interest consideration in retaining Ms Whiley in the profession, since she had been a teacher for 23 years and had practiced without any substantive issues being raised about her abilities as an educator. She was considered by those with whom she worked at the School to be a dedicated professional who was seeking to do her best for her pupils.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times.

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 Ms Whiley.

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, the one that was relevant in this case was:

- serious departure from the personal and professional conduct elements of the Teachers' Standards.

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.

In the light of the panel's findings, it accepted that Ms Whiley, in making the derogatory remarks, was speaking under the impact of unconscious bias rather than consciously intending to be hurtful or offensive.

There was no evidence that Ms Whiley was acting under duress, rather she was acting under the negative influence of her own unconscious bias.

Ms Whiley had a previous good history, no concerns having previously been raised about her personal and professional conduct. The panel accepted that the incident occurred on a single occasion and appeared to be out of character.

The panel also took into account the following mitigation:

- Ms Whiley's engagement with the TRA regulatory process, including by attendance at her hearing, and the various admissions she made during that process;
- Ms Whiley's reflection on and subsequent recognition of the inappropriateness of her conduct and how unconscious bias had influenced her conduct;
- The significant steps taken by Ms Whiley, by broad reading and reflection, to increase her understanding of the impact of unconscious bias and her assurance that she will put it at the forefront of her thinking in the classroom and in her everyday life;
- The explanation and practical examples Ms Whiley provided to the panel to demonstrate how she would recognise, and take steps to address, unconscious bias in her future teaching practice;
- Ms Whiley's assurance that she would be vigilant regarding her inclusivity in and outside of the classroom in future.
- The positive description of her teaching contained in the report of an external observation of her class, in late January 2024, which referred to her as being "calm, kind and clear", her having "helped [children] really kindly" and "showed a great deal of empathy" with children, and showing she was "really listening" to the children.
- Ms Whiley's remorse for her actions;

- Ms Whiley's attendance at two equality and diversity courses since leaving the School;
- The four personal character references provided, which, whilst not addressing her abilities as a teacher, attested to her being a "kind generous and thoughtful person of the utmost integrity", "demonstrating kindness and fairness" and "always [being] compassionate, kind and generous with her time and in her support of others."

The steps Ms Whiley had taken, and the depth of her insight and remorse, satisfied the panel that she had comprehensively addressed any risk of repetition. It considered any future risk to have been minimised.

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 some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

In this case, the panel has found some of the allegations not proven and found that some allegations do not amount to unacceptable professional conduct or conduct likely to bring the profession into disrepute. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Ms Grace Whiley should not be the subject of a prohibition order. The panel has recommended that the

findings of unacceptable professional conduct and 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 Ms Whiley is in breach of the following standards:

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...

The panel finds that the conduct of Ms Whiley fell significantly short of the standards expected of the profession.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering 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 likely to 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 Ms Whiley, 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 has observed that “Ms Whiley’s remarks at 1c and d were derogatory and disrespectful in nature about a pupil and towards those who adhere to a particular religion and culture. It was particularly incongruent in a setting as diverse as the School.” 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. The panel has noted the steps that Ms Whiley had taken to reflect on the inappropriateness of her conduct, and to recognise and address unconscious bias in her future teaching practice. The panel has concluded that “The steps Ms Whiley had taken, and the depth of her insight and remorse, satisfied the panel that she had comprehensively addressed any risk of repetition. It considered any future risk to have been minimised.” I have therefore 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 has observed, “In the light of the panel’s findings against Ms Whiley, which involved making inappropriate and derogatory remarks about a pupil and a parent and involved stereotyping people in a negative way on the basis of their culture or cultural or religious heritage or presentation, there was a strong public interest consideration in that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Whiley were not treated with the utmost

seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of inappropriate and unprofessional behaviour in this case and the impact that such a finding has 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 Ms Whiley. The panel has commented:

“The panel decided that there was a public interest consideration in retaining Ms Whiley in the profession, since she had been a teacher for 23 years and had practiced without any substantive issues being raised about her abilities as an educator. She was considered by those with whom she worked at the School to be a dedicated professional who was seeking to do her best for her pupils.”

The panel also noted:

“The four personal character references provided, which, whilst not addressing her abilities as a teacher, attested to her being a “kind generous and thoughtful person of the utmost integrity”, “demonstrating kindness and fairness” and “always [being] compassionate, kind and generous with her time and in her support of others.””

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

In this case, I have placed considerable weight on the panel’s findings concerning the depth of insight or remorse shown by Ms Whiley and the low risk that she would repeat the behaviour. I have also taken account of the panel’s comments that “the incident occurred on a single occasion and appeared to be out of character” and that “the nature and severity of the behaviour were at the less serious end of the possible spectrum”.

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 'David Oatley', with a large, sweeping loop at the end.

Decision maker: David Oatley

Date: 24 March 2025

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