



Teaching
Regulation
Agency

Miss Claire Herbert: Professional conduct panel meeting outcome

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

May 2025

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

Teacher:	Miss Claire Herbert
TRA reference:	21890
Date of determination:	21 May 2025
Former employer:	Red Rose Primary School, Chester-Le-Street

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 21 May 2025 by way of a virtual meeting, to consider the case of Miss Claire Herbert.

The panel members were Ms Megan Gomm (lay panellist – in the chair), Ms Victoria Jackson (teacher panellist) and Mr Adrian Meadows (teacher panellist).

The legal adviser to the panel was Ms Josie Beal of Birketts LLP Solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Ms Herbert that the allegations be considered without a hearing. The panel considered the case at a meeting without the attendance of the presenting officer Jonathan Topham of Capsticks LLP, Miss Herbert or any representative for Miss Herbert.

The meeting took place in private by way of a virtual meeting.

Allegations

The panel considered the allegations set out in the notice of meeting dated 26 February 2025.

It was alleged that Miss Herbert was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, while employed as a teacher at Red Rose Primary School, York Terrace, Chester le Street, County Durham, DH3 ('the School'):

1. On or around 18 June 2022, she:
 - a) Bit Child A; and/or
 - b) Slapped Child A; and/or
 - c) Scratched Child A.
2. Her conduct at allegation 1 caused injury to Child A.
3. On or around 19 December 2022, she accepted a police caution in relation to the conduct set out at Allegation 1, above.

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 6 to 9

Section 2: Notice of referral, response and notice of meeting – pages 10 to 26

Section 3: Statement of agreed facts and presenting officer representations – pages 27 to 34

Section 4: TRA documents – pages 35 to 333

Section 5: Correspondence between the teacher and Capsticks – pages 334 to 365

Section 6: Teacher documents – pages 366 to 403

The panel was also provided with an email from the presenting officer setting out representations regarding the statement of agreed facts (referred to below) and some illegible documents in the bundle. The presenting officer confirmed that Miss Herbert had

been given the opportunity to provide legible copies of the documents but had not done so, and that she had seen and reviewed the final bundle.

The panel members confirmed that they had read all of the documents within the bundle, and the additional email, 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 May 2020 (the “Procedures”).

Statement of agreed facts, response to allegations and proceeding with the professional conduct panel meeting

The panel was provided with a copy of Miss Herbert’s signed notice of referral form, dated 18 September 2024.

The panel noted that Miss Herbert had answered “Yes” to the following questions: *“Do you admit the allegations set out in the enclosed letter. Please indicate which particulars you do admit in section 8”* and *“If you answered yes to q1, do you admit that those facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.”*

However, the panel also noted that Miss Herbert had not indicated she admitted to all of the particulars of the allegations in section 8 of the notice of referral form. Miss Herbert had indicated an admission in respect of allegation 3 but left allegations 1(a), 1(b), 1(c) and 2 blank.

The panel was provided with an email from Miss Herbert to the presenting officer dated 22 October 2024 in which she stated: *“I have read and considered the attached paperwork and I will admit to all allegations listed although it is a blur... I would like, if possible, to not have a hearing and instead go to a panel meeting...”*

The panel considered a statement of agreed facts which was signed by Miss Herbert on 2 December 2024 and signed by the presenting officer on 23 December 2024. The statement of agreed facts confirmed that Miss Herbert admitted to the allegations and, further, admitted that the allegations amounted to unacceptable professional misconduct and conduct that may bring the profession into disrepute.

However, the particulars of allegation 1 as set out in the statement of agreed facts were different to the particulars of allegation 1 as set out in the notice of meeting dated 26 February 2025 in that:

- Allegation 1 in the statement of agreed facts read: *“On or around 18 June 2022, you assaulted Child A.”*

- Allegation 1 in the notice of meeting read: *“On or around 18 June 2022, you: (a) Bit Child A; and/or (b) Slapped Child A; and/or (c) Scratched Child A”*.

The panel was aware that it was required to determine the allegations as set out in the notice of meeting and noted that it was not clear from the statement of agreed facts whether Miss Herbert admitted to allegations 1(a), 1(b) and 1(c) as set out in the notice of meeting.

The panel was provided with an email containing representations from the presenting officer on this point. The presenting officer stated that allegation 1 was amended in the statement of agreed facts because Miss Herbert could no longer recall the particulars of the assault on Child A. However, the presenting officer considered that the particulars of allegations 1(a), 1(b) and 1(c) as set out in the notice of meeting were accepted by the teacher in that: (a) Miss Herbert accepted these particulars when she accepted a conditional caution; and (b) there was reference elsewhere in the bundle to Miss Herbert accepting all of the allegations.

The panel understood that, in advance of the meeting the TRA agreed to a request from Miss Herbert for the allegations to be considered without a hearing. The panel was advised that, in accordance with paragraph 5.129 of the Procedures, a case may be considered without a hearing where the teacher admits the alleged facts and that they amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel was aware that it had the ability to:

- Reschedule or adjourn the meeting at any stage, in accordance with paragraph 5.140 of the Procedures.
- Decide, at any stage during the meeting, that the case be considered at a professional conduct panel hearing if required in the interests of justice or in the public interest, in accordance with paragraph 5.142 of the Procedures.

The panel did not determine that such directions were necessary or appropriate in this case. The panel was satisfied of Miss Herbert's admissions of allegation 1, notwithstanding the differences between the notice of meeting and statement of agreed facts.

Decision and reasons

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

Miss Herbert was employed as deputy headteacher, SENCO and deputy safeguarding lead at Red Rose Primary School, County Durham ('the School') from 1 April 2019 to 29 June 2023.

On 18 June 2022, [REDACTED], Miss Herbert and Child A engaged in an argument that became physical, during which Miss Herbert allegedly slapped, bit and scratched Child A, causing reddening and bruising to various parts of her body.

On 21 June 2022 Individual A, [REDACTED], and a police officer visited Child A. Child A disclosed that she had been assaulted by Miss Herbert on 18 June 2022, stating that she had been bitten, slapped and scratched. Individual A reported that there was visible bruising to Child A's legs, face, head and hand, which Child A confirmed were injuries caused by Miss Herbert.

On 19 December 2022, Miss Herbert accepted a conditional caution for the offence of common assault on Child A, following the incident on 18 June 2022.

The School referred the matter to the TRA on 28 April 2023.

Findings of fact

The findings of fact are as follows:

The panel found the following particulars of the allegations against you proved, for these reasons:

1. On or around 18 June 2022, you:

- a) Bit Child A; and/or**
- b) Slapped Child A; and/or**
- c) Scratched Child A.**

As outlined above, the panel concluded, on balance, that Miss Herbert admitted allegations 1(a) to 1(c). Notwithstanding this, the panel made a determination based on the facts available to it.

The panel considered an out of court disposal acceptance form which confirmed that Miss Herbert accepted a conditional caution for the offence of common assault against Child A, which was administered on 19 December 2022. The form referred to Child A disclosing that she was slapped, bitten and scratched by Miss Herbert on 18 June 2022.

The panel was provided with a handwritten statement which Miss Herbert made to the police on 11 July 2022 as part of a voluntary police interview. The statement confirmed that she accepted an incident took place on 18 June 2022 where she used force against Child A, for which she had no lawful authority to do so. She further accepted she had committed a criminal offence for which she would be prepared to accept a caution.

The panel was provided with an unsigned and undated police witness statement from Individual A, [REDACTED]. Individual A stated that on 21 June 2022, she visited Child A with a police officer, and Child A disclosed that she had been assaulted by Miss Herbert after [REDACTED]. She stated that Child A said Miss Herbert [REDACTED] caused two bite marks, one on the hand and one on her head. Individual A stated that Child A said she had also been slapped and scratched by Miss Herbert's false nails, and that she was called fat.

The bundle of documents before the panel contained photographs of the injuries sustained by Child A and the panel noted that she had sustained various red marks, scratches and bruising to various parts of her body, including her face, neck, leg and hand.

The panel considered a written statement from Miss Herbert dated July 2024 within which she described the incident as a "*blur*" but accepted that she had a verbal argument with Child A which became physical on both sides.

The panel was satisfied that the evidence contained in the bundle was consistent with Miss Herbert's admissions.

On examination of the documents before the panel, and the admissions in the signed statement of agreed facts (and elsewhere in the documents before the panel), the panel was satisfied that allegations 1(a), 1(b) and 1(c) were proven.

2. Your conduct at allegation 1 caused injury to Child A.

The panel noted that Miss Herbert admitted allegation 2, as set out in the statement of agreed facts signed by Miss Herbert on 2 December 2024. Notwithstanding this, the panel made a determination based on the facts available to it.

The panel considered the photographs of Child A's injuries, and noted that she had sustained various red marks, scratches and bruising to various parts of her body, including her face, neck, leg and hand.

The panel considered an out of court disposal acceptance form which confirmed that Miss Herbert accepted a conditional caution for the offence of common assault against Child A, which was administered on 19 December 2022. The form referred to the photographic evidence of Child A's injuries (as referred to above) and that Child A had sustained bruising and reddening to the skin.

The panel considered the witness statement of Individual A who stated that when she saw Child A on 21 June 2022, Child A had visible bruising to her legs, head, face and hand, which Child A confirmed were caused by Miss Herbert.

The panel was satisfied that the evidence contained in the bundle was consistent with Miss Herbert's admissions.

On examination of the documents before the panel, and the admissions in the signed statement of agreed facts, the panel was satisfied that allegation 2 was proven.

3. On or around 19 December 2022, you accepted a police caution in relation to the conduct set out at Allegation 1, above.

The panel noted that Miss Herbert admitted allegation 3, as set out in the statement of agreed facts signed by Miss Herbert on 2 December 2024. Notwithstanding this, the panel made a determination based on the facts available to it.

The panel considered the certificate of conditional caution dated 19 December 2022 and noted that Miss Herbert had signed and accepted this caution. The panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as 'the Advice'. In particular, the panel noted paragraph 15 of the Advice which states that acceptance of a caution establishes a clear admission of guilt in respect of the offence for which the caution has been given.

The panel noted that within the acceptance form, the details of the offence section set out that Child A disclosed that she was slapped, bitten and scratched by Miss Herbert causing reddening and bruising on 18 June 2022. The panel was satisfied this was consistent with the conduct found proven at allegation 1.

The panel was satisfied that the evidence contained in the bundle was consistent with Miss Herbert's admissions.

On examination of the documents before the panel, and the admissions in the signed statement of agreed facts, the panel was satisfied that allegation 3 was proven.

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 proved 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 Advice.

The panel first considered whether Miss Herbert's conduct, in relation to the facts found proved, involved breaches of the Teachers' Standards.

The panel considered that, by reference to Part 2, Miss Herbert 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
 - showing tolerance of and respect for the rights of others
- 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 Miss Herbert'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 the offence of violence was relevant.

The panel noted that the allegations took place outside the education setting, but was satisfied that they were relevant to Miss Herbert's position as a teacher, in that she had assaulted and injured a child.

For these reasons, the panel was satisfied that Miss Herbert's conduct amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

Accordingly, the panel was satisfied that Miss Herbert was guilty of unacceptable professional conduct.

In relation to whether Miss Herbert'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 Miss Herbert'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 Miss Herbert was guilty of unacceptable professional conduct, the Panel found that the offence of violence was relevant.

The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on Miss Herbert's status as a teacher.

The panel considered that Miss Herbert's conduct could potentially damage the public's perception of a teacher.

For these reasons, the panel found that Miss Herbert's 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.

The panel was aware that 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 following to be relevant in this case: the safeguarding and wellbeing of pupils and the protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In light of the panel's findings against Miss Herbert, which involved causing injury to a child and accepting a caution, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Miss Herbert was 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 Miss Herbert was outside that which could reasonably be tolerated.

However, the panel agreed that there was also a public interest consideration in retaining Miss Herbert in the profession since, prior to the incident on 18 June 2022 (and subsequently), no doubt had been cast upon her abilities as an educator, and indeed it

was apparent that she had made and may be able to continue to make a valuable contribution to the profession.

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 Miss Herbert. The panel was mindful of the need to strike the right balance between the rights of the teacher and the public interest.

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 Miss Herbert. 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. The panel found one of those behaviours to be relevant in this case:

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

Whilst the panel acknowledged that Miss Herbert's misconduct was serious, it considered that, due to the mitigating circumstances and wider context, it sat at the lower end of the scale of severity. It noted, in particular, that this was an isolated incident and that there were mitigating circumstances (as explained below). It also noted that Miss Herbert otherwise appeared to have an unblemished record and appeared to have worked successfully in senior and trusted roles as a deputy headteacher, designated safeguarding lead and SENCO.

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 considering mitigating factors, the panel took account of the evidence before it regarding the circumstances of the incident and wider circumstances in Miss Herbert's life at the time.

The panel was aware that the incident took place following a [REDACTED], where it appeared alcohol was involved. The incident appeared to be a one-off incident which escalated from a verbal disagreement to a physical altercation on both sides. Miss Herbert explained that both she and Child A sustained injuries.

[REDACTED]

[REDACTED]

The panel accepted that these factors could have affected Miss Herbert's conduct on 18 June 2022 and it also accepted that the incident appeared to be out of character. However, there was not sufficient evidence before the panel to satisfy it that Miss Herbert's actions were not deliberate or that she was under extreme duress.

The panel did, however, consider that Miss Herbert had shown genuine and significant regret, remorse and insight into her conduct. The panel noted that she had always been honest about the events of 18 June 2022 and accepted the blame as the adult in the situation. [REDACTED].

The panel was provided with a number of character references from:

- Individual B, [REDACTED] and former colleague
- Individual C, [REDACTED] and former colleague
- Individual D, [REDACTED]
- Individual E, friend
- Individual F, [REDACTED]
- Individual G, former colleague
- Individual H, parent/guardian of child tutored by Miss Herbert
- Individual I, parent of child tutored by Miss Herbert
- Individual J, parent of child tutored by Miss Herbert
- Individual K, child tutored by Miss Herbert
- Individual L, parent of child tutored by Miss Herbert
- Individual M, parent of child tutored by Miss Herbert
- Individual N, parent of child tutored by Miss Herbert
- Individual O, parent of child tutored by Miss Herbert
- Individual P, parent of child tutored by Miss Herbert

The panel noted that many of these references commented positively on Miss Herbert's abilities as a teacher. The panel concluded that Miss Herbert demonstrated high standards of personal and professional conduct and provided a valuable contribution to the education sector.

The panel noted the following comments in particular:

- *“I originally met Claire through work. Claire was employed on a secondment as the SENCO at a primary school where I was the [REDACTED]. From the initial interview it was evidence that Claire had a real talent as a teacher. She was one of those teachers that you very rarely have the pleasure of observing, let alone working alongside. She was able to engage and motivate all children, allowing children to excel, making excellent progress without realising they were learning. Claire had an ability to make quick connections with all children but particularly those hard to reach children, who she had a way of quickly making feel safe and heard, often going above and beyond to ensure they felt included in the classroom.”*

Individual B, [REDACTED], former colleague and friend

- *“In all the years I’ve known Claire, she has always been patient and composed, despite relentless pressure she has been put under at times. Since that time, through her distraught and anguish, Claire has been relentlessly working towards doing whatever it takes to get things back on track, both in her personal and professional life.”*

Individual C, [REDACTED] and former colleague

- *“Claire was very professional in her job, she encouraged the children to give their best and this was evident in the results they achieved. In my opinion, Claire was ‘born to teach’. She takes her role extremely seriously whether in an environment with young children, older children, colleagues, parents or outside agencies.”*

Individual G, former colleague

- *“Claire is very personable and clearly cares about [REDACTED] and his education and has his best interests at heart.”*

Individual H, parent/guardian of child tutored by Miss Herbert

- *“Claire came across as really kind, and attentive and a great teacher. She is incredibly professional and we were really happy with the teaching.”*

Individual I, parent of child tutored by Miss Herbert

- *“[redacted] passed her English Literature exams with a grade 5. For a child who had been through so much in the previous 3yrs and missed most of year 10 and all of year 11 this was an outstanding achievement, none of which would have been possible without the support of Claire.*

Individual L, parent of child tutored by Miss Herbert

- *“She always goes above and beyond for us and him, with flexibility, always asks how his day/week/holiday etc has been, takes an interest in day to day life and her love and passion for teaching is obvious! I have heard her a few times when the sessions have commenced and the way in which she interacts with the students and sets up the lesson is wonderful, she has always been nothing but kind, sensitive and inspiring.”*

Individual M, parent of child tutored by Miss Herbert

- *“Before Claire's first session with we spoke about our wish to build his confidence whilst supporting him with areas that he found difficult at school. She has focussed very much on what we discussed. Over the course of the 2 years his confidence has grown hugely, which has also been recognised by his school teachers. He has become a much more self confident and a happier boy. He is achieving well at school.”*

Individual N, parent of child tutored by Miss Herbert

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. The panel was mindful that this was an isolated incident which it considered, taking into account the mitigating circumstances and wider context, sat at the less serious end of the possible spectrum of severity. The panel took account of the mitigating factors that were present (as outlined above) and the contribution Miss Herbert had made, and could continue to make, to the education sector.

Noting the case of *Wallace v Secretary of State for Education [2017] EWHC 109 (Admin)*, the panel considered that the risk of repetition of misconduct by Miss Herbert was very low and the panel did not consider that prohibiting Miss Herbert for a period of at least two years would “*produce any material change or serve any useful purpose*”.

The panel therefore 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 Miss Herbert 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
 - showing tolerance of and respect for the rights of others
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel finds that the conduct of Miss Herbert fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include a teacher accepting a police caution for violent behaviour towards a child.

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 Miss Herbert, 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 makes the following observation:

“In light of the panel’s findings against Miss Herbert, which involved causing injury to a child and accepting a caution, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public.”

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 did, however, consider that Miss Herbert had shown genuine and significant regret, remorse and insight into her conduct. The panel noted that she had always been honest about the events of 18 June 2022 and accepted the blame as the adult in the situation. [REDACTED].”

In my judgement, the extent of the insight and remorse demonstrated by Miss Herbert, when considered alongside the isolated nature of the misconduct found and the mitigating circumstances that were present, means that there is only a very limited risk of the repetition of this behaviour. 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 observes that:

“The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on Miss Herbert’s status as a teacher.

The panel considered that Miss Herbert’s conduct could potentially damage the public’s perception of a teacher.”

I am particularly mindful of the finding of a teacher acting violently towards a child in this case and the negative impact that such a finding may 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 Miss Herbert herself. The panel records having seen a number of pieces of character evidence testifying to her ability and commitment as an educator and makes the following comment:

“The panel concluded that Miss Herbert demonstrated high standards of personal and professional conduct and provided a valuable contribution to the education sector.”

That evidence considered by the panel also suggests that Miss Herbert’s behaviour was both out of character and represented an isolated incident.

A prohibition order would prevent Miss Herbert 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 comments concerning the insight and remorse demonstrated by Miss Herbert, the contribution she has made as a teacher and the isolated nature of the misconduct found.

I have also considered the panel’s concluding comments:

“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. The panel was mindful that this was an isolated incident which it considered, taking into account the mitigating circumstances and wider context, sat at the less serious end of the possible spectrum of severity. The panel took account of the mitigating factors that were present (as outlined above) and the contribution Miss Herbert had made, and could continue to make, to the education sector.

Noting the case of *Wallace v Secretary of State for Education* [2017] EWHC 109 (Admin), the panel considered that the risk of repetition of misconduct by Miss Herbert was very low and the panel did not consider that prohibiting Miss Herbert for a period of at least two years would “*produce any material change or serve any useful purpose*”.

The panel therefore 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."

I agree with the panel's remarks and therefore have concluded that, while the misconduct found was undoubtedly serious, 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 'M. Cavey', enclosed within a large, loopy oval stroke.

Decision maker: Marc Cavey

Date: 28 May 2025

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