



Teaching
Regulation
Agency

Mr Gary Foster: Professional conduct panel outcome

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

August 2025

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

Teacher:	Mr Gary Foster
Teacher ref number:	2271084
Teacher date of birth:	11 December 1978
TRA reference:	21820
Date of determination:	7 August 2025
Former employer:	Crookhey Hall School, Cockerham (the “School”)

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 7 August 2025, by way of a virtual hearing, to consider the case of Mr Gary Foster.

The panel members were Ms Geraldine Baird (lay panellist – in the chair), Ms Jackie Hutchings (teacher panellist) and Mr Peter Whitelock (lay panellist).

The legal adviser to the panel was Ms Lara Small of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Alexander Barnfield of Capsticks LLP solicitors.

Mr Foster was not present and was not represented.

The hearing took place in public and was recorded.

Allegation

The panel considered the allegation set out in the notice of proceedings dated 19 May 2025.

It was alleged that Mr Foster was guilty of having been convicted of a relevant offence, in that:

1. On 31 August 2023 he was convicted at Lancashire Magistrates for the offence of battery contrary to the Criminal Justice Act 1988 s.39.

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 3 to 5

Section 2: Notice of proceedings and response – pages 6 to 28

Section 3: TRA witness statements – pages 29 to 33

Section 4: TRA documents – pages 34 to 205

Section 5: Teacher documents – pages 206 to 210

The panel also reviewed copies of email correspondence exchanged between Mr Foster and the presenting officer on 6 August 2025 for the purposes of the application to proceed in the absence of the teacher.

The panel members confirmed that they had read all of the documents within the bundle, 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 the following witnesses called by the presenting officer:

- Witness A – [REDACTED]

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 Foster commenced employment at the School on 1 September 2009.

On 5 December 2022, Mr Foster allegedly acted outside the remit of physical intervention techniques and was suspended on 6 December 2022. Following an investigation carried out the School, Mr Foster was subsequently dismissed.

On 10 December 2022 Mr Foster was arrested by the police, and the matter was referred to the TRA.

Mr Foster was convicted of battery at Lancashire Magistrates Court on 31 August 2023, and was sentenced to 10 weeks' imprisonment and to pay compensation of £200.

Findings of fact

The findings of fact are as follows:

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

- 1. On 31 August 2023 you were convicted at Lancashire Magistrates for the offence of battery contrary to the criminal justice act 1988 s.39.**

The panel noted page 8 of the Teacher misconduct: the prohibition of teachers ('the Advice') which states that where there has been a conviction at any time, of a criminal offence, the panel will accept the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction, unless exceptional circumstances apply. The panel did not find that any exceptional circumstances applied in this case.

The panel had been provided with a memorandum of entry of a conviction from the register of the Lancashire Magistrates' Court, which detailed that Mr Foster had been convicted of battery.

In respect of the offence, Mr Foster was sentenced on 31 August 2023 to 10 weeks in prison and to pay compensation of £200.

The panel noted that this was further evidenced by the PNC Record which listed Mr Foster's conviction of battery on 31 August 2023.

The panel noted that in his email to the TRA on 21 May 2025, Mr Foster did not dispute the fact that he had been convicted of battery on 31 August 2023.

The panel found allegation 1 proven.

Findings as to conviction of a relevant offence

Having found the allegation proved, the panel went on to consider whether the facts of the proved allegation amounted to conviction of a relevant offence.

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 Mr Foster, in relation to the facts found proved, involved breaches of the Teachers’ Standards.

The panel considered that, by reference to Part 2, Mr Foster 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 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 noted that Mr Foster’s actions were relevant to teaching, working with children and working in an education setting. The offence was committed in the School and involved a pupil (Pupil A) that Mr Foster was teaching.

The panel considered that the behaviour involved in committing the offence could have had an impact on the safety and/or security of pupils.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Foster’s behaviour in committing the offence could affect public

confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.

The panel noted that Mr Foster's behaviour ultimately led to a sentence of imprisonment, which was indicative of the seriousness of the offence committed.

The panel also considered the offences listed on pages 12 and 13 of the Advice.

This was a case concerning an offence involving violence, which the Advice states is likely to be considered a relevant offence.

The panel considered the offence to be very serious. The panel noted in particular the comments on the Memorandum of entry in the register of the Magistrates Court, which stated that the reason Mr Foster had been committed to prison for 10 weeks was because the *"offence (was) so serious (and the) custody threshold (was) crossed"* because Mr Foster *"man handled a child three times and caused physical harm and distress."* The panel considered the contents of the Police Report which described the CCTV footage showed Mr Foster *"grabbed (Pupil A) by the shoulder of his coat roughly and pushed him into the chair"*, then *"grabs him by the jacket and pushes him against the corner of the room near the door"* and *"(Pupil A) looks scared when he is grabbed"*. The Police Report then states *"it appears he is hitting him against the wall repeatedly."* The Police report further confirmed that Pupil A had *"not offered any violence"*, and that the *"CCTV clearly shows the defendant assaulting the victim (Pupil A) who is [REDACTED]"*

The panel took Mr Foster's emails of 21 May 2025 and 11 June 2025 into account in terms of mitigating circumstances which may have affected Mr Foster's conduct at the time the offence was committed. In particular, the panel noted that Mr Foster described experiencing [REDACTED], including [REDACTED], but did not consider this justified his behaviour.

The panel noted that Mr Foster accepted that he acted outside of the prescribed physical intervention protocols when removing Pupil A from the classroom.

The panel noted that the School is a specialist school for young people with [REDACTED] aged 10-17 [REDACTED]. The panel noted that in his police interview Mr Foster admitted that being told to *"fuck off"* by pupils was a regular occurrence.

The panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Mr Foster's ongoing suitability to teach. The panel considered that a finding that this conviction was for a relevant offence was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

The panel therefore found that there was a conviction of a relevant offence.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of a conviction of a relevant offence, 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 protection of other members of the public; the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mr Foster, which involved a conviction of an offence of serious violence against a pupil which led to a term of imprisonment, 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 Mr Foster 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 Foster 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 Foster in the profession. The panel had seen no evidence that Mr Foster demonstrated any exceptional contribution to the profession. The panel considered the adverse public interest considerations above outweighed any interest in retaining Mr Foster in the profession, including in that his behaviour fundamentally breached the standard of conduct expected of a teacher.

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. The panel considered Mr Foster's behaviour in assaulting a pupil to have been very serious for the reasons already explained above.

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 Foster.

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;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of the Police Act 1997 and criminal record disclosures;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving 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 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.

There was no evidence that Mr Foster's actions were not deliberate.

There was no evidence to suggest that Mr Foster was acting under extreme duress, e.g. a physical threat or significant intimidation.

The panel had seen no evidence that Mr Foster demonstrated exceptionally high standards in his personal and professional conduct nor that he had contributed significantly to the education sector.

The panel considered that there was limited remorse on the part of Mr Foster. The panel noted Mr Foster's statement in his email of 21 May 2025 that *"I truly regret this incident and I hope the pupil involved has gone on to prosper within the school."* However, the panel was concerned by the contents of Mr Foster's email of 11 June 2025 in which he appeared to be blaming Pupil A and/or attempting to excuse his own behaviour on 5 December 2022 as Pupil A is [REDACTED]. The panel was not convinced by this and considered that it in no way excused Mr Foster's actions.

The panel considered that there was no evidence or demonstration of insight on the part of Mr Foster.

The panel considered the written statement of Mr Foster who acknowledged that during the incident he acted outside of the physical intervention protocols when removing Pupil A from the classroom. He stated that the incident has left him [REDACTED]. Mr Foster submitted that he now [REDACTED]. The panel had seen no evidence of this beyond Mr Foster's written statement.

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, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Foster of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Foster. The serious nature of the offence, the lack of insight and future risk of repetition were significant factors in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are certain types of case where, if relevant, the public interest will have greater relevance and weigh in favour of not offering a review period.

Whilst none of the listed characteristics were engaged by the panel's findings, the panel understood that this is not an exhaustive list. The panel considered that Mr Foster's conviction of assaulting a [REDACTED] pupil in a classroom, in a manner which was serious enough to justify a custodial sentence, was comparable to the characteristics listed in the Advice as weighing in favour of not offering a review period.

The Advice also indicates that there are certain other types of cases where it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate.

The panel noted that this includes violence. As Mr Foster's conviction was of common assault (battery) of a pupil, the panel considered that violence was relevant in this case.

As described above, in the panel's view Mr Foster has demonstrated little remorse and no insight into his actions, and bearing in mind Mr Foster was an experienced teacher in that setting who undertook regular training, the panel considered the risk of repetition of such behaviour by Mr Foster to be high.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provisions for a review period.

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 both sanction and review period.

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 a relevant conviction.

The panel has made a recommendation to the Secretary of State that Mr Gary Foster should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Foster 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 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 findings of misconduct are particularly serious as they include a teacher receiving a conviction for battery which involved the physical assault of a pupil and resulted in a sentence of imprisonment.

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 a relevant conviction, 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 Foster, 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 the light of the panel’s findings against Mr Foster, which involved a conviction of an offence of serious violence against a pupil which led to a term of imprisonment, 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 considered that there was limited remorse on the part of Mr Foster. The panel noted Mr Foster’s statement in his email of 21 May 2025 that *“I truly regret this incident and I hope the pupil involved has gone on to prosper within the school.”* However, the panel was concerned by the contents of Mr Foster’s email of 11 June 2025 in which he appeared to be blaming Pupil A and/or attempting to excuse his own behaviour on 5 December 2022 as Pupil A is [REDACTED] The panel was not convinced by this and considered that it in no way excused Mr Foster’s actions.

The panel considered that there was no evidence or demonstration of insight on the part of Mr Foster.”

In my judgement, the lack of evidence that Mr Foster has developed full insight into and remorse for his actions means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. 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 makes this observation:

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

I am particularly mindful of the finding of a teacher receiving a conviction for behaviour that involved the serious physical assault of a child in this case and the negative impact that such a finding is likely to 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 a relevant conviction, 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 Foster himself. The panel notes that it “... had seen no evidence that Mr Foster demonstrated exceptionally high standards in his personal and professional conduct nor that he had contributed significantly to the education sector.”

A prohibition order would prevent Mr Foster 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 lack of evidence of insight or remorse and the consequent risk of repetition. I have also placed considerable weight on the very serious nature of the misconduct found, which resulted in a conviction and a sentence of imprisonment.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Foster has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by full remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended that no provision should be made for a review period.

I have considered the panel's concluding comments:

"Whilst none of the listed characteristics were engaged by the panel's findings, the panel understood that this is not an exhaustive list. The panel considered that Mr Foster's conviction of assaulting a [REDACTED] pupil in a classroom, in a manner which was serious enough to justify a custodial sentence, was comparable to the characteristics listed in the Advice as weighing in favour of not offering a review period.

The Advice also indicates that there are certain other types of cases where it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate.

The panel noted that this includes violence. As Mr Foster's conviction was of common assault (battery) of a pupil, the panel considered that violence was relevant in this case.

As described above, in the panel's view Mr Foster has demonstrated little remorse and no insight into his actions, and bearing in mind Mr Foster was an experienced teacher in that setting who undertook regular training, the panel considered the risk of repetition of such behaviour by Mr Foster to be high.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provisions for a review period."

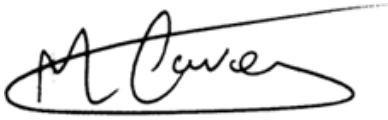
I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the misconduct found by the panel as well as the lack of evidence of insight and remorse and the unacceptable risk of repetition and harm to pupils in the future.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

This means that Mr Gary Foster is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegation found proved against him, I have decided that Mr Foster shall not be entitled to apply for restoration of his eligibility to teach.

This order takes effect from the date on which it is served on the teacher.

Mr Foster has a right of appeal to the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'M Cavey', enclosed within a large, horizontal oval loop.

Decision maker: Marc Cavey

Date: 14 August 2025

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