



Teaching
Regulation
Agency

Mrs Kathryn Sharp: Professional conduct panel outcome

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

June 2025

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

Teacher: Mrs Katheryn Sharp

TRA reference: 23652

Date of determination: 13 June 2025

Former employer: Broadlands Primary School, Hereford

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 11 to 13 June 2025 by way of a virtual hearing, to consider the case of Mrs Katheryn Sharp.

The panel members were Mrs Christine Cunniffe (teacher panellist – in the chair), Miss Wendy Shannon (lay panellist) and Mr Carl Lygo (lay panellist).

The legal adviser to the panel was Miss Rebecca Hughes of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Anna Chestnutt, counsel at Lincoln House Chambers, instructed by Brabners LLP solicitors.

Mrs Sharp was present and was not represented.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 5 March 2025.

It was alleged that Mrs Sharp was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a teacher at Broadlands Primary School ('the School'):

1. On [REDACTED], she engaged in inappropriate contact with a six-year-old pupil (Pupil A) by:
 - a) Slapping Pupil A on the face;
 - b) Shouting at Pupil A 'you mustn't do that' or words to that effect

Mrs Sharp factually admitted allegation 1(a) in that she had contact with a six-year old but denied that she had engaged in inappropriate contact with a six-year-old, and denied allegation 1(b).

She further denied that her conduct amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute, as set out in the response to the notice of hearing, signed by Mrs Sharp on 1 April 2025.

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

Preliminary applications

Applications to admit additional documents

Mrs Sharp's application

The panel considered a preliminary application from Mrs Sharp for the admission of documents. Mrs Sharp's documents were:

1. Correspondence between Individual A and Brabners regarding the first allegation.
2. Email from Information Governance.
3. Email from School Federation - confirming all evidence has been deleted.
4. Individual A's alleged timeline.
5. Individual A's meeting notes with parents.
6. School phone call to LADO at 4.15pm - LADO records.
7. Correspondence with Brabners regarding Individual B's Witness Statement.
8. An unredacted version of the Notice of Hearing.

The presenting officer did not object to this application, save for the admission of the unredacted Notice of Hearing dated 16 November 2025.

Mrs Sharp submitted that some of the above documents had been agreed to be admitted at the Case Management Hearing on 27 May 2025.

The panel heard representations from the presenting officer in respect of the application.

Some of the above documents, the subject of the application, had not been served in accordance with the requirements of paragraph 5.37 of the Procedures. Therefore, the panel was required to decide whether the documents should be admitted under paragraph 5.34 of the Procedures.

The panel considered whether admitting the documents outlined above was appropriate and whether doing so was in the interests of a fair hearing.

The panel considered that the first five documents were relevant to the allegations and issues to be determined, and that it was in the interests of a fair hearing for them to remain in the bundle.

Regarding the unredacted version of the Notice of Hearing, the panel was also directed to paragraph 5.40 of the Procedures, which states:

"If there is a dispute between the TRA and the teacher in relation to the relevance or admissibility of documents

- (i) a bundle of the disputed documents will be prepared by the party who seeks to rely on them and forwarded to the TRA three weeks prior to the professional conduct panel hearing*
- (ii) the TRA will send a copy of the bundle of disputed documents to the other parties and the legal adviser to the panel no later than five working days prior to the professional conduct panel hearing; and*
- (iii) at the start of the professional conduct panel hearing, or at a case management hearing, the party seeking to rely on the disputed documents must apply to the panel for a determination as to their relevance or admissibility."*

The panel considered the submissions from the presenting officer that the unredacted version of the Notice of Hearing should not be admitted, as it contained the decision maker of the TRA's conclusion on finding a case to answer and that this was a finding of fact in another setting and therefore should be inadmissible.

Mrs Sharp submitted that the unredacted Notice of Hearing should be admitted, as it was relevant and provided the reasoning behind the TRA's decision that there was a case to answer.

The panel acknowledged that findings of fact made in another setting are inadmissible, particularly where they reflect the conclusions of another decision-making body or a different stage of the same disciplinary process. The panel noted that it must make its own findings of fact independently.

The presenting officer was questioned on why the decision of the police in this case, not to pursue Mrs Sharp further, was included within the bundle of documents but not the unredacted Notice of Hearing, to which the presenting officers explained that the TRA would have received the same information as placed before the panel.

The panel considered that, while the unredacted Notice of Hearing dated 16 November 2025 was relevant, they had access to the same evidence as the original decision maker and were therefore able to reach their own conclusions. They also considered the issue of fairness to Mrs Sharp, noting that she could still present her case and make submissions regarding any inconsistencies in the evidence before the panel. The panel considered that Mrs Sharp could make any submissions that she considered to be relevant regarding the redaction of this document.

The panel decided that the unredacted Notice of Hearing should not be admitted to preserve the integrity of its independent decision-making process.

Accordingly, the documents were added to the bundle, with the exception of the unredacted Notice of Hearing dated 16 November 2025 which was not admitted or added to the bundle.

The presenting officer's application

The panel also considered a preliminary application from the presenting officer for the late admission of a document. This was considered to be relevant to the hearing but had not been included in the bundle of documents.

The presenting officer's document was:

- A Statement of Fitness for Work for Individual B dated 4 June 2025.

The document was the subject of the application to admit hearsay evidence and had not been served in accordance with the requirements of paragraph 5.37 of the 2020 Procedures. Therefore, the panel was required to decide whether the document should be admitted under paragraph 5.34 of the Procedures.

The panel heard representations from the presenting officer and teacher in respect of the application.

The panel considered that the additional document was relevant to the hearsay application. Accordingly, the document was admitted.

Application to exclude one public observer, namely [REDACTED]

Mrs Sharp made an application for the named observer to be excluded from attending the Professional Conduct Panel hearing. She cited ongoing employment tribunal proceedings concerning [REDACTED] and referred to several ongoing investigations, including one involving Herefordshire Council and another concerning governance matters. Mrs Sharp also stated that the organisation [REDACTED] was also involved in the investigation of the ongoing School Federation process.

She submitted that the observer was [REDACTED] and that she felt intimidated by their presence due to past events at the School. As a result, she expressed that she would be uncomfortable sharing sensitive matters or giving evidence openly in front of this individual.

The panel heard submissions from the presenting officer, who did not oppose the application and supported the exclusion of the observer. The presenting officer submitted that the individual could not be considered a member of the public due to their vested interest in the matter.

The legal adviser referred the panel to paragraph 11 of the Teachers' Disciplinary (England) Regulations 2012 (the 'Regulations') and paragraph 5.85 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession (the 'Procedures') to exclude the public from all or part of the hearing. Under paragraph 11(3)(a) and 11(3)(b) of the Regulations state:

"Requirement for hearings to be held in public

11.— (3) A professional conduct panel may exclude the public from a hearing or any part of a hearing—

(a) where it appears to the panel to be in the interests of justice or the public interest to do so; or

(b) where the teacher who is the subject of the case requests that the hearing or part of the hearing should be in private and the panel does not consider it to be contrary to the public interest to do so."

The panel was directed to paragraph 5.85 of the Procedures, which provides that:

“A panel may exclude the public from a professional conduct panel hearing or part of a hearing if

- (i) it appears necessary in the interests of justice*
- (ii) the teacher makes a request for the hearing to take place in private and the panel does not consider it to be contrary to the public interests of justice for it to do so; or*
- (iii) it is necessary for the protection of the interests of children or vulnerable witnesses, and those interests outweigh any other competing interests.”*

The legal adviser advised the panel that there is a general power to exclude the general public, although there is no mention of individual powers in the Advice that allows for individual exclusions, including there being no express provision in the Procedures and, therefore, the panel would need to consider why it is necessary to derogate from the principle of open justice and then consider whether it would be proportionate to do so.

The panel considered paragraph 5.66 of the Procedures which states that *“The matters which may be subject of case management directions include, but are not limited to... (ix) provision for part or all of a professional conduct panel hearing to be held in private in accordance with paragraph 5.85, provision for the names and identities of schools or witnesses to remain anonymous in accordance with paragraph 5.88”*.

The panel considered the legal advice provided, that in considering this application, the panel should have regard to the fact that there is a presumption that the hearing will take place in public and that it is in the public interest that the proceedings should take place in public.

The panel considered the legal advice provided, including the case of *Paul William Miller v General Medical Council [2013] EWHC 1934 (Admin)* where the fitness to practise panel fell into error at the outset by not reminding itself sufficiently strongly or at all that the clear default position under Article 6 was that the hearing should be heard in public. The panel considered whether there was any need for a derogation from the rights for a public hearing and the need to derogate to the extent claimed.

The panel also considered the legal advice provided that the right to a public hearing is subject to a number of provisos and that is clear from the wording of Article 6 of the European Convention on Human Rights, which provides: *“... Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.”*

The panel also considered that the outcome must be announced in public, even if all or part of the hearing takes place in private as paragraph 5.87 of the Procedures states: *“If the panel holds a hearing in private, the panel will nevertheless announce in public its*

decision regarding whether the facts have been proved and, if so, whether those facts amount to unacceptable professional conduct, conduct that may bring the teaching profession into disrepute....”

The panel considered the rationale for hearings being held in public, including that it is necessary because the public nature of the proceedings deters inappropriate behaviour, it maintains the public's confidence in the administration of justice, and it enables the public to know that justice is being administered impartially.

The panel was mindful that there is a public interest in professional conduct panel hearings being heard in public and a presumption that such a hearing will be heard in public. The panel was also mindful that the decision would be announced publicly even if all or part of the hearing was heard in private.

The panel carefully deliberated on this application.

The panel considered whether it was necessary and proportionate to exclude an individual from the hearing, recognising that doing so would represent a departure from the principles of open justice and the rights enshrined in Article 6 of the European Convention on Human Rights.

The panel determined that excluding one member of the public, [REDACTED], was a more proportionate response than holding parts of the hearing in private, which would otherwise be required if Mrs Sharp felt unable to give her evidence openly.

In reaching its decision, the panel considered whether the exclusion was in the interests of justice or the public interest. The panel was concerned that Mrs Sharp felt unable to provide her evidence freely and openly in the presence of this individual, which could compromise her ability to have a fair hearing.

The panel concluded that it would not be appropriate for the entire hearing to be held in private. However, given the ongoing proceedings and the nature of the relationship between Mrs Sharp and the observer, it was appropriate to exclude this particular individual from the hearing.

The panel considered that ensuring a teacher is able to give evidence without intimidation or discomfort was more aligned with the interests of justice than allowing the observer to remain.

Accordingly, the panel directed that the named observer should not attend the hearing, except for the public reading of the decision.

Application to adjourn/postpone the professional conduct panel hearing

On the first day of the hearing, the panel was informed that Individual B, [REDACTED], was not attending to give evidence and was provided with the above-mentioned Statement of Fitness to Work.

The panel considered this Statement of Fitness for Work dated 4 June 2025, which had advised that she was not fit for work between 4 June 2025 and 14 June 2025.

The panel, therefore, considered whether it would be appropriate to postpone or adjourn the hearing to ensure Individual B's attendance.

The panel was provided with oral submissions from Mrs Sharp and the presenting officer, who both objected to a postponement/adjournment of the proceedings.

The legal adviser referred the panel to paragraph 5.49 of the Procedures, which states that the parties may: *“agree to reschedule a professional conduct panel hearing at any time before it commences, or to adjourn such a hearing after it has commenced”*.

The legal adviser referred the panel to paragraph 5.50 of the Procedures that states that *“If a party wishes to reschedule or adjourn a professional conduct panel hearing but cannot secure the agreement of the other parties (whether to reschedule or adjourn at all or to reschedule or adjourn to a specified date), the TRA or the panel (as applicable) will decide whether to reschedule or adjourn, and may schedule a case management hearing to determine when the professional conduct panel hearing will take place.”*

The legal adviser also referred the panel to paragraph 5.52 of the Procedures, which states that reasons for rescheduling or adjourning include, but are not limited to:

- *“the submission of further evidence by a party”*
- *“a party or a party’s representative being unable to attend the hearing for reasons beyond their control;”*
- *“a panel member or legal adviser being unable to attend; and”*
- *“it becoming apparent that the time estimate is inadequate and it is not in the interests of justice for the hearing to be fragmented.”*

The legal adviser referred the panel to paragraph 5.53 of the Procedures, which states that *“no hearing will be postponed or adjourned unless both parties have been given a reasonable opportunity to make representations on the matter to the TRA or panel.”*

In reaching its decision on these case management directions, the panel should consider what is fair, appropriate and in the interests of natural justice in the circumstances of this case. The panel considered the interests of both the general public and the interests of the teacher including: the public interest in the proper regulation of the profession and the protection of the public; the public interest in professional conduct hearings taking place

without undue delay, in particular so that a determination on whether a teacher will be subject to a prohibition order or not are made within a reasonable period of time; the extent of the disadvantage to Mrs Sharp; and whether further delays would have an impact on hearing the allegations fairly.

The panel considered that it was in the public interest for the hearing to take place. Accordingly, the panel concluded that the hearing should continue and that this was fair and appropriate.

Application for witness statement to be admitted as hearsay

The presenting officer made an application that the statement of Individual B, [REDACTED], be admitted as hearsay evidence in the absence of the witness. This application was opposed by Mrs Sharp.

The presenting officer submitted that Individual B had a good and cogent reason for her non-attendance, as evidenced by her Statement of Fitness to Work, which had been signed by a nurse at the medical surgery.

The presenting officer accepted that the evidence of Individual B could not be cross-examined, but relied upon the fact that Individual B's evidence was not the sole and decisive evidence, as she was not a direct witness to the events in question, having allegedly overheard the remarks from down the hall. She submitted that the panel could still place reliance on the live evidence provided by Witness A. Therefore, Individual B's evidence was not the sole and decisive evidence in this matter, though it remained relevant to the allegations and was, consequently, fair to admit.

The presenting officer further submitted that the admission of this evidence would be fair not only to the TRA but also to Mrs Sharp, as it included material relating to her self-reporting.

The panel was therefore invited to permit the admission of the witness statement as hearsay.

Mrs Sharp objected to the admission of the witness statement as hearsay evidence, expressing disappointment that the witness had declined to attend and be cross-examined. Mrs Sharp stated that the credibility of Individual B's claims had been questioned from the outset, and allowing her statement without cross-examination would be unfair.

Mrs Sharp raised concerns about the provenance and reliability of Individual B's first statement, first challenged in correspondence dated 2 July 2024. The witness alleged shouting and a visible mark on Pupil A's cheek, but these claims were described as implausible, given the setting, a busy corridor on a Sunday, and Mrs Sharp's claimed this

was later downplayed in Individual B's January 2025 witness statement produced for the professional conduct panel hearing.

Mrs Sharp submitted that there was no corroborating evidence of injury and gave the following examples:

- No mark was observed by Individual A or recorded on the body map.
- No mention of injury was made in LADO meetings, police reports, or CPS documentation.
- Parents did not report any injury during interviews.
- The police case summary confirmed no injury or visible mark.

Mrs Sharp submitted that the witness statement contradicted accounts from colleagues, Witness A and Individual A. She stated that it was inconsistently written, switching between the first and third person, and only particularised the allegations after the May 2024 referral.

Mrs Sharp submitted that two versions of the statement were allegedly sent, with ambiguity over their content and timing. The first version, sent minutes before the LADO meeting, made no reference to a mark. The second version, embedded in a zip file, included new allegations. The School Federation refused to disclose whether the versions were identical.

Mrs Sharp further submitted that the witness' claim of hearing a "*very raised voice*" was later softened to simply a "*raised voice*."

The panel carefully considered the oral submissions which had been made.

The legal adviser drew the panel's attention to paragraphs 5.33 to 5.34 of the Procedures, in which a panel may admit evidence where it is fair to do so, which may reasonably be considered relevant to the case.

The legal adviser drew the panel's attention to the Civil Evidence Act 1995 ('CEA') and its rules. Section 1(1) of the CEA 1995 states that "*evidence shall not be excluded on the ground that it is hearsay*."

The panel received advice on the case of *Thorneycroft v Nursing and Midwifery Council [2014] EWHC 1565 (Admin)*, which set out the relevant principles that emerged from previous authorities. The High Court's judgement in *EI Karout v Nursing and Midwifery Council [2019] EWHC 28 (Admin)* followed the judgement in Thorneycroft, which held that admissibility and weight are distinct and separate issues. It upheld the appellant's appeal on the basis that certain hearsay evidence should not have been admitted.

Finally, on the matter of admissibility, the panel received advice on the case of *Shagang Shipping Co Ltd (in liquidation) v HNA Group Co Ltd [2020] UKSC 34* in which the Supreme Court allowed an appeal against the Court of Appeal's finding that the first instance judge's decision was unsustainable, primarily because of the judge's approach to the admissibility and weight of evidence.

After receiving submissions from Mrs Sharp and the presenting office and receiving legal advice, the panel made the following decision.

The panel carefully considered the submissions made in determining whether it would be fair to admit the statement as hearsay evidence.

The panel considered that although a Fit Note had been provided in support of the application, the panel noted that the witness' evidence was the sole and decisive evidence in relation to the allegation concerning the blushing of the cheek following the alleged slap.

The panel acknowledged that there were inconsistencies in the timelines and dates provided by Individual B. These inconsistencies were validly raised and highlighted by Mrs Sharp. Mrs Sharp challenged the substance of the evidence and expressed a desire to have questioned the witness directly. She stated that she felt prejudiced in having to determine the issue without the opportunity to cross-examine.

The panel considered that Individual B had raised numerous points, but inconsistencies were evident throughout her account. These inconsistencies were illustrated in multiple areas of the evidence. While the panel did not question the integrity of the witness as a person, it had to assess both the credibility of the witness statement and the substantive content, specifically, the alleged shouting, the slap, and whether the behaviour described was inappropriate.

It was noted that, although one might argue the evidence was not entirely sole and decisive, it remained limited. Importantly for the panel, Individual B's evidence was the only evidence referring to the blush on the pupil's cheek.

The panel also had not been provided with steps taken to ensure the witness' attendance, despite the seriousness of the charge and the potential impact of any adverse findings on Mrs Sharp's career.

The panel considered that Individual B's account was not demonstrably reliable, and it was not now possible to test the accounts.

The panel was mindful that the absence of the witness can be reflected in the weight to be attached to their evidence but also that in order to admit the hearsay evidence it must

be fair to do so. The panel considered that there would be prejudice caused to Mrs Sharp in permitting the hearsay evidence and subsequently did not agree to admit it.

Furthermore, the evidence was such that the panel felt it would be unable to test its reliability in the absence of the witness. The panel concluded that on the balance of fairness was against admitting the statement as hearsay evidence.

Accordingly, the panel directed that Individual B's witness statement would not be admitted as evidence and would not be considered in the panel's deliberations.

Summary of evidence

Documents

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

Section 1: Anonymised pupil list – page 7

Section 2: Notice of proceedings and response – pages 8 to 22

Section 3: TRA witness statements – pages 23 to 39

Section 4: TRA documents – pages 40 to 196

Section 5: Teacher documents – pages 197 to 230

Section 6: Teacher documents – continued – pages 231 to 440

In addition, the panel agreed to accept the following:

- Correspondence between Individual A and Brabners regarding the first allegation – pages 441 to 444
- Email from Information Governance – pages 444 to 446
- Email from School Federation - confirming all evidence has been deleted – pages 447 to 448

Individual A alleged timeline - pages 449 to 450

- Individual A meeting notes with parents – pages 451 to 452
- School phone call to LADO at 4.15pm - LADO records – pages 453 to 456
- Correspondence with Brabners regarding Individual B Witness Statement - pages 457 to 459

- Statement of Fitness for Work – Individual B – page 460

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

Witnesses

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

- Witness A – [REDACTED]

The panel also heard oral evidence from Mrs Sharp.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mrs Sharp was an experienced supply teacher, whose relationship with the School began from May 2023.

On [REDACTED], Pupil A was misbehaving and was placed on the ‘reflection spot’ where Mrs Sharp came over to her. Mrs Sharp allegedly ‘slapped’ Pupil A on the cheek and shouted at Pupil A ‘*you do not do that*’, but it is disputed that Mrs Sharp shouted at Pupil A at that time.

On 2 May 2024, the matter was referred to the TRA.

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 [REDACTED], you engaged in inappropriate contact with a six-year-old pupil (Pupil A) by:

- a) Slapping Pupil A on the face;**

The panel considered that Mrs Sharp admitted to slapping Pupil A on the face, that Pupil A was six years old, but denied that she had engaged in inappropriate contact as this had been a reflex response and as such this conduct had not been inappropriate.

The panel considered the oral evidence and written statement of Witness A, who stated that, on [REDACTED] at around 1:30pm, Pupil A, a child with [REDACTED], was misbehaving and drawing on classroom walls. She stated that Mrs Sharp, told Pupil A to sit in the reflection spot outside the classroom. Witness A submitted that the reflection spot is a cushioned spot outside of the classroom. She stated that after Mrs Sharp spoke to her, Pupil A left and sat in the reflection spot.

Witness A stated that Mrs Sharp went out to speak with Pupil A. She stated that she heard some shouting and, as she knew Pupil A could become aggressive, she wanted to make sure that Mrs Sharp was okay, so she followed her to the doorway of the classroom. She stated that she was stood in the doorway of the classroom and Pupil A and Mrs Sharp were by the reflection spot around a metre away from her. Witness A submitted that she was stood with her body facing into the classroom, but had her head turned to the right, looking at Mrs Sharp and Pupil A.

Witness A explained that, whilst at the reflection spot, Mrs Sharp was raising her voice and shouting at Pupil A. She stated that Mrs Sharp was telling Pupil A that she shouldn't have drawn on the walls. Witness A submitted that Mrs Sharp was knelt down and was face to face with Pupil A, and that she was very close to Pupil A. Witness A stated that Pupil A seemed annoyed at this and in response spat in Mrs Sharp's face, to which Mrs Sharp responded by slapping Pupil A on the right side of her face and shouted '*you mustn't do that [Pupil A]*'.

Witness A stated that she saw the slap, and that her perception of the slap was that it was both partially angry and instinctive. She stated that it all happened very quickly, and that Pupil A did not react to being slapped. Witness A submitted that after about 5 seconds Mrs Sharp came up to her and said she had something to tell her, and told her that she had slapped Pupil A.

The panel considered the oral evidence and written statement of Mrs Sharp, who stated that after Pupil A had been taken to the 'reflection spot' she began ripping posters down from the wall and throwing things. She stated that Pupil A was standing, so she instinctively crouched down to eye level. Mrs Sharp explained that as she was preparing to move into a more stable position to show Pupil A some emotional support cards, she was still ripping down posters from the wall, so she calmly asked her to stop and that her behaviour was '*not on/not okay*'. She stated that her stance was still unbalanced and awkward, with only her left hand steady her crouched position on the floor, and her head looking down as she prepared to move to kneel. Mrs Sharp stated that Pupil A cried 'no' in response to her asking her to stop, and as she quickly looked up, she sensed Pupil A's head hurtling towards her face, using the thrust of her entire body. She stated that as an automatic protection to the feeling of danger and fear, her body immediately reacted to defend the incoming threat, and as a consequence, her right hand, which was already close to Pupil A's face as her right elbow was resting on her thigh, was involuntarily deployed and the fingers of her right hand made a brief contact (a light slap)

with Pupil A's cheek as her head propelled towards her face. Mrs Sharp stated that it was only then she realised Pupil A had fully spat in her face. She stated that Pupil A did not react in any way to the contact.

The panel noted minor inconsistencies between the terminology used by Mrs Sharp in the different versions of her account, in particular it noted that in her statement made on 13 September 2023, Mrs Sharp stated that she:

- *"immediately looked up and [Pupil A] spat fully in [her] face. [Mrs Sharp's] reflexes kicked-in and as a reaction to the spit, [she] slapped [Pupil A] on her cheek with the fingers on [her] right hand. Before the contact,"*

Whereas in her witness statement dated 13 May 2025, she stated that:

- *"Pupil A cried "No" in answer to [Mrs Sharp] asking her "to stop" and as [she] quickly looked-up, [she] spontaneously sensed Pupil A's head hurtling towards [her] face, using the thrust of her entire body. As an automatic protection to the feeling of danger and fear, [her] body immediately reacted to defend the incoming threat. As a consequence, [Mrs Sharp's] right hand – which was already close to Pupil A's face as [her] right elbow was resting on [her] thigh – was involuntarily deployed and the fingers of [her] right hand made a brief contact (a light slap) with Pupil A's cheek as her head propelled directly towards [Mrs Sharp's] face."*

Mrs Sharp in her oral evidence stated that the spit landing on her face "violated" her.

The panel took into account the fact that there would likely be inconsistencies in some of the evidence given by Mrs Sharp as the alleged misconduct took place some time ago.

The panel noted minor inconsistencies between the terminology used by Witness A, but it concluded that these discrepancies were not particularly significant and were likely due to the ways in which the different statements had been taken and the passage of time as memories fade.

The panel considered the Cambridge Dictionary definition of engaged, namely "*to become involved, or have contact, with someone or something*". The panel also considered the following definition of engaged according to the Oxford Learner's Dictionaries, meaning "*to become involved with something*".

The panel debated what it considered the definition of engaged to mean, and found that it meant that someone had done something and that there was no requirement for the action to be deliberate.

The panel concluded that Mrs Sharp's action did not need to be deliberate in order to be considered as engaged and, therefore, found Mrs Sharp had engaged in contact with Pupil A.

The panel deliberated whether Mrs Sharp's conduct has been "*inappropriate*".

The panel considered Witness A's oral evidence that Mrs Sharp's response appeared to reflect a genuine reaction and that she did not believe the act was deliberate or malicious. The panel found Witness A to be a reliable witness. In her oral evidence, she described the slap as a reflex, something that happened quickly and instinctively, and was not premeditated. She noted the speed of the incident, saying it happened so fast it felt instinctive.

The panel considered that Mrs Sharp is an experienced teacher, with 13 years of experience teaching and having worked in a Pupil Referral Unit (PRU), accustomed to working with students who display more challenging behaviour than those in mainstream schools. She was familiar with this particular child's aggressive and demanding behaviour. The panel found this behaviour displayed by Pupil A wasn't unexpected.

Mrs Sharp stated that Pupil A "*thrust forward*," but the panel noted that Witness A said she didn't see the child's head move but had seen "*some spittle*" leaving Pupil A and heading in Mrs Sharp's direction.

The panel also considered that Mrs Sharp understood the seriousness of the incident immediately, as evidenced by her decision to leave the classroom and report it straight away.

The panel found that, regardless of how the slap occurred, any physical slap or contact with a vulnerable child's face, which is a particularly personal area, is inappropriate, even if this is a reflex. The panel noted that Mrs Sharp had positioned herself so that she was not in full control of her reactions.

The panel found the following particulars of the allegations against you not proved, for these reasons:

1. On [REDACTED], you engaged in inappropriate contact with a six-year-old pupil (Pupil A) by:

b) Shouting at Pupil A 'you mustn't do that' or words to that effect

The panel considered the oral evidence and written statement of Witness A .

The panel considered the written statement where Witness A explained that, whilst at the reflection spot, Mrs Sharp was raising her voice and shouting at Pupil A. She stated that Mrs Sharp was telling Pupil A that "*she shouldn't have drawn on the walls*". Witness A wrote that Mrs Sharp was knelt down and was face to face with Pupil A, and that she was very close to Pupil A. Witness A stated that Pupil A seemed annoyed at this and in response spat in Mrs Sharp's face, to which Mrs Sharp responded by slapping Pupil A on the right side of her face and shouted '*you mustn't do that [Pupil A]*'.

The panel considered the oral evidence of Witness A, who demonstrated the noise she heard.

The panel considered Witness A's oral evidence that the shouting was as loud as a teacher may raise their voice in a classroom.

The panel considered the oral evidence and written statement of Mrs Sharp. The panel noted that Mrs Sharp denied shouting and explained that she was unable to speak due to the shock of what had transpired.

The panel noted that all parties agreed that the teacher was in close proximity to Pupil A, within the child's personal space, kneeling down and speaking face-to-face. In such a setting, even a moderately raised voice could feel significantly louder than it would in a typical classroom environment with up to thirty children.

Witness A in her oral evidence, appeared to believe that the words were shouted. However, the panel found no clear evidence to confirm that shouting occurred. While it is accepted that Mrs Sharp had raised her voice, this does not necessarily equate to shouting. The panel considered that what Pupil A, a six-year-old child, perceives as shouting may be an appropriate raised voice.

The panel also had no evidence that this shouting was inappropriate.

The panel considered that no emotional response was observed or recorded by Pupil A, as one might expect if a teacher had shouted at them.

The panel considered paragraph 5.32 of the Procedures, which confirms that the burden of proof is on the presenting officer to prove the case.

The panel considered whether the voice was demonstrably loud, or whether this was an appropriate raising of Mrs Sharp's voice.

The panel applied the balance of probabilities test to the evidence before it to determine whether it was satisfied that the incident giving rise to the allegation was more likely than not to have occurred. The panel was unable to determine on the balance of probabilities that the alleged incident was more likely than not to have taken place.

The panel found allegation 1 (b) not proven.

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

Having found allegation 1 (a) proved, the panel went on to consider whether the facts of this 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 Mrs Sharp, in relation to the facts found proved, involved breaches of the Teachers’ Standards. However, in order to do this the panel needed to consider whether Mrs Sharp’s actions had been deliberate.

The panel considered the oral evidence and written statement of Mrs Sharp, where she set out that she did not intentionally ‘slap’ Pupil A but that it was a ‘*non-insane automatism*’ response to Pupil A’s threatening action.

The panel considered the demonstrations by Mrs Sharp as to how the slap occurred.

The panel found Mrs Sharp to be a credible witness and concluded that the slap was not premeditated.

The panel noted that Witness A, in her oral evidence and written statement, had described the events as very quick.

The panel noted that there was disagreement over the sequence of events and how the child came to be in that position. Mrs Sharp had strongly denied that the incident had been deliberate or occurred as described by the TRA, and the panel noted inconsistencies in the timelines and narratives provided. The panel questioned whether a slap could reasonably be considered a defensive response to a perceived threat, especially given the lack of prior incidents involving spitting or aggression from the pupil towards Mrs Sharp.

The panel considered the credibility of Mrs Sharp’s account, particularly regarding the physical nature of the alleged slap. The panel found it difficult to reconcile the described slap with what would typically be a reactive blocking movement to guard oneself against an incoming threat.

The panel agreed that physical contact with a child’s face is particularly serious, given the personal and sensitive nature of that area. While contact on the arm or shoulder might be more acceptable in certain contexts, a slap to the face crosses a clear boundary. The panel considered whether the action was deliberate, reactive, or instinctive. They concluded that while it may not have been premeditated or malicious, it was an inappropriate and uncontrolled response.

The panel considered that Mrs Sharp had placed herself in a position where a physical reaction became more likely, and this failure to maintain appropriate boundaries contributed to the incident. Although there was no evidence of injury, the act of slapping a six-year-old child was deemed unacceptable to the panel.

The panel considered that, by reference to Part 2, Mrs Sharp 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 was satisfied that the conduct of Mrs Sharp, in relation to the facts found proved, involved breaches of Keeping Children Safe In Education ("KCSIE").

The panel considered that Mrs Sharp was in breach of the following provisions:

- Ensuring that adults working in or on behalf of the school or college are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the institution (under low-level concern in KCSIE).
- Staff have a responsibility to provide a safe environment in which children can learn.

The panel also considered whether Mrs Sharp'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 considered the offence of violence listed within the Advice. The panel discussed the definition of violence, concluding that Mrs Sharp's action did not cause physical harm or was not forceful enough to meet the legal threshold for violence. Therefore, the panel found that none of these offences were relevant.

The panel considered that, although Mrs Sharp's actions were not deliberate and may not have caused physical harm or been forceful enough to meet the legal threshold for violence, it still constituted a breach of professional standards and was misconduct.

The panel considered whether Mrs Sharp's actions amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel concluded that Mrs Sharp's actions fell significantly short of the standards expected. While not deliberate, the slap was a culpable failure to maintain control. Mrs Sharp's conduct, particularly in a mainstream primary school setting, was inappropriate and amounted to misconduct. The imbalance of power between an adult and a vulnerable six-year-old child made the incident especially serious.

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

Accordingly, the panel was satisfied that Mrs Sharp was guilty of unacceptable professional conduct.

In relation to whether Mrs Sharp'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 Mrs Sharp'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 Mrs Sharp was guilty of unacceptable professional conduct, the Panel found that none of these offences were relevant.

The panel considered that Mrs Sharp should have maintained an appropriate distance and de-escalated the situation by stepping back. Instead, she made physical contact with the pupil's face, an area far more personal and sensitive than, for example, the arm or shoulder. The action, described as a swipe, reflected a breakdown in physical boundaries and professional judgment.

The panel found that regardless of the circumstances or provocation, the public perception of a teacher slapping a six-year-old child is likely to be one of shock and disapproval. Even in a specialist setting, with training and experience, such an act would be seen as crossing a clear line of acceptable behaviour.

Mrs Sharp was responsible not only for the class but also for supporting staff. She was aware that the pupil had a history of physical behaviour, including biting and spitting, yet still allowed herself to get too close. Her explanation, that it was a defensive, instinctive reaction aimed at calming the situation, does not mitigate the fact that she lost control and lightly slapped a child.

The panel found that such a loss of control, particularly involving a young and vulnerable pupil, could undermine public trust in the teaching profession.

The panel concluded that even though no injury was caused, the perception of a teacher resorting to physical contact in this way risks damaging the reputation of the profession and eroding confidence in the safeguarding standards expected in schools.

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

For these reasons, the panel found that Mrs Sharp'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. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

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

In light of the panel's findings against Mrs Sharp, which involved an inappropriate and uncontrolled reaction, which culminated in her slapping Pupil A, there was a strong public interest consideration in the safeguarding and wellbeing of pupils.

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

In addition to the public interest considerations outlined above, the panel further examined whether it was in the public interest for Mrs Sharp to remain in the teaching

profession. The panel concluded that there was a significant public interest in safeguarding pupils, including those who are particularly vulnerable, from the risk of physical harm, such as being slapped, even in instances where such actions may not have been premeditated or driven by malice.

The panel decided that there was some public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon her abilities as an educator.

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 Mrs Sharp.

The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- 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).

The panel found that the teacher-pupil relationship is fundamentally based on safety and trust. Any form of physical contact, particularly slapping a pupil, constitutes a serious breach of that trust and the duty of care towards a child.

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.

The panel found that Mrs Sharp's actions were not deliberate. As outlined above, the panel concluded that while it may not have been premeditated or malicious, it was an inappropriate and uncontrolled response.

The panel found no evidence to suggest that Mrs Sharp was acting under extreme duress at the time of the incident. The panel found that while the circumstances were

challenging, she remained the responsible adult in the classroom and, as a qualified teacher, had a duty to maintain control and uphold professional standards. The panel concluded that Mrs Sharp had been reactive.

The panel considered that Mrs Sharp had no previously disciplinary matters and had been a qualified teacher for thirteen years, including in challenging schools, including PRU's and had, therefore, contributed to the education sector. The panel accepted that the incident was out of character for Mrs Sharp.

While she had no prior disciplinary history and had been a qualified teacher for a considerable period, the panel was not provided with any character references or other evidence to support a finding of exemplary conduct. No evidence was submitted to attest to Mrs Sharp's history or ability as a teacher.

The panel acknowledged that Mrs Sharp chose not to return to teaching following the incident, acting on police advice. This was considered a mitigating factor.

Additionally, the panel noted that she had promptly reported herself as a safeguarding concern, which was also viewed as a mitigating factor.

Furthermore, the panel recognised that Mrs Sharp had fully engaged with the proceedings, despite not being legally represented.

The panel acknowledged mitigating factors, including a challenging school environment, a newly formed class, and a lack of continuity in staffing, as she was a supply teacher working with a newly appointed teaching assistant.

The panel then went on to consider whether Mrs Sharp had demonstrated insight and remorse into her actions.

The panel considered the oral evidence and written statement of Mrs Sharp, who stated that she wholeheartedly regrets what happened, and fully accepts that she should have never put herself in that position.

The panel found that Mrs Sharp had demonstrated remorse for her actions, including requesting that the police apologise to the family of Pupil A. She also outlined steps she would take to respond differently in the future, which indicated insight.

However, the panel did note that Mrs Sharp had not taken full responsibility for her actions, as her responses often deflected blame onto others rather than acknowledging her own role in the incident and, therefore, considered this limited the insight she demonstrated.

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 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. The panel considered these, but found none of the listed characteristics were engaged by the panel's findings.

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 considered the list and found that none of the listed characteristics were engaged by the panel's findings.

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, including allegation 1(b). I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mrs Sharp 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 Mrs Sharp 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 panel was satisfied that the conduct of Mrs Sharp, involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE). The panel considered that Mrs Sharp was in breach of the following provisions:

- Ensuring that adults working in or on behalf of the school or college are clear about professional boundaries and act within these boundaries, and in accordance

with the ethos and values of the institution (under low-level concern in KCSIE).

- Staff have a responsibility to provide a safe environment in which children can learn.

The panel finds that the conduct of Mrs Sharp fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include a finding which involved an inappropriate and uncontrolled reaction, which culminated in slapping Pupil A.

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 or 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 Mrs Sharp, 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/safeguard pupils. The panel has observed, “The panel concluded that even though no injury was caused, the perception of a teacher resorting to physical contact in this way risks damaging the reputation of the profession and eroding confidence in the safeguarding standards expected in schools.” 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 the panel sets out as follows, “The panel found that Mrs Sharp had demonstrated remorse for her actions, including requesting that the police apologise to the family of Pupil A. She also outlined steps she would take to respond differently in the future, which indicated insight.” The panel has also commented “Mrs Sharp had not taken full responsibility for her actions, as her responses often deflected blame onto others rather than acknowledging her own role in the incident and, therefore, considered this limited the insight she demonstrated.” In my judgement, the lack of full insight 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 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 observe, “the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found

against Mrs Sharp was not treated with the utmost seriousness when regulating the conduct 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 or 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 Mrs Sharp herself and the panel comment “The panel considered that Mrs Sharp had no previously disciplinary matters and had been a qualified teacher for thirteen years, including in challenging schools, including PRU’s and had, therefore, contributed to the education sector. The panel accepted that the incident was out of character for Mrs Sharp.”

A prohibition order would prevent Mrs Sharp 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 mitigating factors, “The panel acknowledged that Mrs Sharp chose not to return to teaching following the incident, acting on police advice. This was considered a mitigating factor.” The panel noted that Mrs Sharp “had promptly reported herself as a safeguarding concern, which was also viewed as a mitigating factor.”

I have also placed considerable weight on the finding of that “The panel acknowledged mitigating factors, including a challenging school environment, a newly formed class, and a lack of continuity in staffing, as she was a supply teacher working with a newly appointed teaching assistant.”

I have given weight in my consideration of sanction therefore to the following “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.”

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 "Sarah Buxcey".

Decision maker: Sarah Buxcey

Date: 17 June 2025

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