



Teaching
Regulation
Agency

Mr Benjamin Guilfoyle: Professional conduct panel outcome

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

November 2025

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

Teacher: Mr Benjamin Guilfoyle

Teacher ref number: 1743131

Teacher date of birth: 25 March 1986

TRA reference: 21630

Date of determination: 7 November 2025

Former employer: The Loyne School, Lancaster

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 3 to 7 November 2025 by way of a virtual hearing, to consider the case of Mr Benjamin Guilfoyle.

The panel members were Mrs Jane Gotschel (teacher panellist – in the chair), Mr Terry Hyde (former teacher panellist) and Mrs Zabin Chauhan (lay panellist).

The legal adviser to the panel was Ms Kimberley Clayton of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Jessica Bass of Capsticks LLP solicitors.

Mr Guilfoyle was present and was represented by Mr Gurmair Singh.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 31 July 2025.

It was alleged that Mr Guilfoyle was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, while employed as a teacher at The Loyne School ('the School'):

1. On or around 13 July 2022 he inappropriately physically restrained Pupil A, in that he:
 - a) Placed his hands over Pupil A's and/or held their hands, causing Pupil A physical injury;
 - b) Held Pupil A's hands despite trying to pull away.
2. His actions at paragraph 1 above were in contravention of Pupil A's positive behaviour support plan and/or the School's behaviour policy.

Mr Guilfoyle denied allegations 1(a), 1(b) and 2 as set out in the response to notice of proceedings dated 31 August 2025.

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 4 to 5

Section 2: Notice of proceedings and response – pages 6 to 45

Section 3: TRA witness statements – pages 46 to 66

Section 4: TRA documents – pages 67 to 286

Section 5: Teacher documents – pages 287 to 344

In addition, the panel agreed to accept the following:

- Further statement for the TRA by Benjamin Guilfoyle dated 13 October 2025 – to be numbered pages 345 to 348;
- Letter of support from Individual A (undated) – to be numbered pages 349 to 350; and

- Screenshot of a character reference from Individual B, dated 13 October 2025 – to be numbered page 351.

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.

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]

Witness B – [REDACTED]

Witness C – [REDACTED]

Witness D – [REDACTED]

The panel also heard oral evidence from the teacher, Mr Benjamin Guilfoyle.

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 Guilfoyle commenced employment at The Loyne School on 19 April 2022.

On 13 July 2022, towards the end of the School day, Mr Guilfoyle placed his hands over/held Pupil A’s hands whilst ‘row row row the boat’ was playing on the interactive whiteboard. Following the incident, it became apparent that Pupil A had a red mark on his right hand, between his thumb and index finger.

It is alleged that Mr Guilfoyle by his above actions acted in contravention of Pupil A’s positive behaviour support plan and/or the School’s behaviour policy.

The matter was referred to the TRA on 15 February 2023.

Findings of fact

The findings of fact are as follows:

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

1. On or around 13 July 2022 you inappropriately physically restrained Pupil A, in that you:

- a) Placed your hands over Pupil A's and/or held their hands, causing Pupil A physical injury;**
- b) Held Pupil A's hands despite trying to pull away**

The panel considered the oral evidence and written statement of Witness D, [REDACTED]. Witness D stated that on 13 July 2022 she was informed that Mr Guilfoyle had used force to restrain Pupil A by placing his hands over Pupil A's hands in an attempt to control his behaviour, which resulted in Pupil A suffering a red friction burn.

In her oral evidence, Witness D confirmed that she did not witness the incident. She confirmed that Mr Guilfoyle attended day one of PROACT-SCIPr training and missed day two due to staff illness. Witness D explained that day one covered ethos, values, proactive and active strategies, and communication techniques, and day two would have focused on assessments and restrictive interventions such as touch support. Witness D said day two would not have prevented the incident but suggested it could have added depth to Mr Guilfoyle's understanding.

Witness D said that physical restraint is rare and only used as a last resort, with emphasis on deflection and proactive techniques. Witness D confirmed that Pupil A had a behaviour plan, which noted grabbing and other behaviours, and Mr Guilfoyle would have had access to this plan.

The panel considered the oral evidence and written statement of Witness A, who stated that on 13 July 2022, an incident occurred involving Mr Guilfoyle and Pupil A. She stated that during the final 20 minutes of the school day Mr Guilfoyle put on an interactive YouTube video for the pupils who were sat on chairs in a semi-circle around the whiteboard.

Witness A stated that the song '*row row row your boat*' came on and when she looked over at the pupils she noticed that Mr Guilfoyle was sat facing Pupil A, and then heard him shout at Pupil A saying "*sit, sit, keep sitting*". She stated that Pupil A was attempting to move back out of the semi-circle and Mr Guilfoyle kept trying to bring him back initially by taking him by the hand and using the sitting symbol on his lanyard, telling Pupil A "*sit, sit, keep sitting*".

Witness A said that Mr Guilfoyle was getting more cross than usual and that he was shouting more than usual. She stated that Mr Guilfoyle attempted to do the actions for '*row row row your boat*' with Pupil A by holding Pupil A's hands and moving their torsos in

a forwards and backwards motion. Witness A stated that they were sat on chairs very close, touching knees, which was normal practice, and it looked like Mr Guilfoyle was holding Pupil A's hands but Pupil A was resisting and trying to pull his hands away.

Witness A stated that she was going to ask Witness B to step in but, before she had a chance, Pupil A had stood up and gone to the corner of the room. She stated that Pupil A appeared distressed from his body language and the noises he was making. Witness A stated that Mr Guilfoyle immediately followed Pupil A to the corner and said out loud to the teaching assistants in the room *"has anyone seen what Pupil A has done to his hand"* and called her over to look. She stated that Pupil A slowly gave her his hand and she saw a red and purple mark around 2cm long under the skin between Pupil A's thumb and fingers on the back of his hand. Witness A stated that they are often in close proximity to the pupils, and believed that someone would have noticed if he had a mark on his hand earlier in the day.

Witness A stated that to her the mark looked like friction from where Mr Guilfoyle held his hands.

In her oral evidence, Witness A outlined that Pupil A [REDACTED] and displayed challenging behaviours, including grabbing staff and other pupils. She said that strategies to manage his behaviour included distraction and giving space, and strategies were sometimes trialled before being formally added to his plan. Witness A had noted that new staff, including Mr Guilfoyle, could unintentionally aggravate Pupil A due to not being sufficiently familiar with his behaviours and how he should be dealt with. Witness A explained that she was present in the classroom during the incident and was one to two metres away, observing intermittently. She said Mr Guilfoyle had attempted to hold Pupil A's hands to engage him in the song and that Pupil A was trying to pull away and appeared distressed as he made crying noises.

Witness A said Mr Guilfoyle alerted staff to the mark on Pupil A's hand immediately after the incident and confirmed that it is standard safeguarding practice to report any marks on a child. Witness A confirmed that physical restraint was only to be used as a last resort and only if included in a pupil's plan and confirmed Pupil A's plan did not include physical restraint.

The panel considered the oral evidence and written statement of Witness B, who stated that on 13 July 2022, towards the end of the day she changed Pupil A and when they returned to the classroom, he was *"happy and content"* and she said to Pupil A *"[Pupil A] sitting"* and indicated for Pupil A to join the other pupils sitting in a semi-circle; he did so.

Witness B stated that *'row, row, row your boat'* came on the interactive whiteboard and Mr Guilfoyle went over to Pupil A and got very close to him and attempted to do the actions to the song with him. Witness B stated that Mr Guilfoyle was sat on a therapy stool in front of Pupil A and was holding his hands whilst doing the 'row the boat' actions,

moving their arms forwards and backwards. She stated that Pupil A did not appear happy with this as he started making noises which was something he would do if he didn't like someone or something.

Witness B stated that Mr Guilfoyle continued attempting to do 'row the boat' with Pupil A using more force and gripping his hands harder. She stated that she was concerned that the level of force he was using was unreasonable noting Pupil A was not being disruptive or endangering any pupils.

Witness B stated that Witness A brought Pupil A over to her and showed her Pupil A's hand which had a red bruise type mark on it. She stated that the mark was a long thumb like shape on the front of his hand, and she could hear Pupil A's distress as they left the classroom together.

In her oral evidence, Witness B explained that she had taken Pupil A to the bathroom for personal care shortly before the incident and saw no marks on his hand at that time. She said she observed Mr Guilfoyle sitting on a therapy stool in front of Pupil A, who was on a small chair, and Mr Guilfoyle was trying to engage Pupil A in the 'row, row, row your boat' song by holding his hands. Witness B explained that she saw Pupil A resisting and making distressed noises, and described Mr Guilfoyle's grip as having his thumbs on top of Pupil A's hands and believed the force used was excessive.

Witness B confirmed that Pupil A had a behaviour plan, which was written collaboratively by staff. She explained that the plan described worst-case scenarios but that Pupil A's behaviour on the day of the incident was not at the level of a worst case scenario. She indicated that Pupil A's behaviour on that day was calm.

The panel considered the oral evidence and written statement of Witness C, who stated that on 13 July 2022, she became aware of an incident involving Mr Guilfoyle and Pupil A. She stated that Mr Guilfoyle came to the front of the School towards the end of the day and told her that Pupil A had a mark on his hand and said "*I think I have done it*".

Witness C stated that Witness B explained what had happened, and the other teaching assistants indicated what they saw happen. She stated that following the conversation she went to Mr Guilfoyle's class to see Pupil A's mark before he went home; she saw a deep red mark under the skin on the web space between the thumb and index finger of his right hand.

Witness C stated that she had a conversation with Mr Guilfoyle, and he stated that Pupil A had been hitting and kicking so he put Pupil A's hands on his own knees lightly and noticed the mark after this.

The panel considered the written and oral evidence of Mr Benjamin Guilfoyle. In his oral evidence, Mr Guilfoyle described the classroom as busy and complex, with 12 children

with varying needs. He said he relied heavily on the teaching assistants, particularly Witness A and Witness B, and viewed teaching as a team effort.

Mr Guilfoyle acknowledged that Pupil A was challenging and that he was still building a relationship with him, and denied being disappointed or frustrated with Pupil A.

Mr Guilfoyle described the '*row, row, row your boat*' activity and said he gently held Pupil A's hands to engage him. He said Pupil A was boisterous and disruptive, and that he used strategies like '*kind hands*' and '*hands on knees*' to calm him. Mr Guilfoyle explained that Pupil A pulled away and delivered a flurry of hits, which he tried to block using his arm. Mr Guilfoyle said the red mark on Pupil A's hand may have resulted from the interaction but denied using excessive force. He said he immediately alerted Witness A and then senior staff, Individual C and Witness C upon noticing the mark.

Mr Guilfoyle denied that his actions amounted to inappropriate physical restraint and asserted that he used strategies discussed in morning meetings and did not act out of frustration. He stated that he did not intend to cause harm and that his actions were aimed at calming and protecting Pupil A and other children in the class. Mr Guilfoyle said he regretted not calling for help from the teaching assistants during the incident. He disputed the accounts of Witness A and Witness B and stated that they may not have had full visibility of the incident.

The panel considered the body map of Pupil A and noted that a red mark was shown to be on the back of his right hand.

The panel considered whether Mr Guilfoyle's actions amounted to physical restraint. They noted that he admitted placing his hands over Pupil A's hands, and the contemporaneous notes of Witness A and her written and oral evidence suggest Mr Guilfoyle prevented Pupil A from pulling away. The panel considered Witness A to be a credible witness, and that her evidence was clear and consistent.

The panel acknowledged that Mr Guilfoyle's own contemporaneous notes and oral evidence supported the position that he was restraining Pupil A out of concern that Pupil A was lashing out at him. The panel noted that evidence of other witnesses was that Pupil A had been content on the day and they had no evidence that other witnesses had seen any "*lashing out*" by Pupil A in the manner described by Mr Guilfoyle.

The panel found it possible that there were two separate incidents of hand-holding, one during the '*row, row, row your boat*' song, and the other when Mr Guilfoyle placed Pupil A's hands on his knees. The panel noted that Witness A's written and oral evidence supports the song-related hand-holding and does not refer to Mr Guilfoyle's hands being on Pupil A's knees, while the statement from Individual C supports the second incident having occurred.

Witness A further stated that during the 'row, row, row your boat' song, Pupil A was resisting and trying to pull away from Mr Guilfoyle during the interaction. The statement from Individual D outlines that she observed Mr Guilfoyle sitting next to Pupil A trying to 'row' with him and that he seemed to restrain Pupil A in his chair by holding him down. The panel concluded that the location of Pupil A's injury was consistent with the position of Mr Guilfoyle's hand on Pupil A's hand during the 'row, row, row your boat' rather than the placing of Mr Guilfoyle's hands on Pupil A's knees.

The panel went on to consider whether Mr Guilfoyle's actions were appropriate given the circumstances. The panel noted that school training and ethos emphasised proactive and active strategies and minimal physical contact. They considered that Mr Guilfoyle's description of an '*out of control*' situation was not corroborated by Witness A and Witness B, who described Pupil A as calm and only becoming agitated when he was being made to join in the song.

This was also corroborated by Individual D's statement which described Pupil A hitting out at Mr Guilfoyle. The panel also noted that Mr Guilfoyle described Pupil A's behaviour as escalating behaviour. None of the other witnesses present described this in their evidence. The panel noted that both Witness A and Witness B said they would have intervened had they felt it was necessary and also that there were no doors between where they were located in the classroom so they would have heard it had Pupil A's behaviour been as was alleged by Mr Guilfoyle.

The panel considered the *Education and Inspections Act 2006* and the guidance in the *Use of Reasonable Force in Schools* document. The panel noted that whilst physical intervention can be justified in certain circumstances, the evidence on the balance of probabilities was that these circumstances did not prevail on this occasion.

The panel concluded that the evidence had been clear that Mr Guilfoyle received training, albeit he had only attended the first day of the PROACT-SCIPr programme. The panel noted that both Witness D and Witness C confirmed that the content delivered on day one was considered sufficient for a class teacher to manage the types of behaviours typically encountered at the school. Day two dealt with strategies pertinent to a small number of pupils who might require physical intervention.

The panel further noted that both witnesses who were very familiar with Pupil A's patterns of behaviour, identified Pupil A's behaviour as falling within expected parameters and not requiring exceptional measures. In her oral evidence, Witness C stated that she held regular meetings with Mr Guilfoyle, during which they discussed lesson planning, the use of teaching assistants, and behaviour strategies. Discussions also included managing Pupil A's behaviour.

The panel noted that in his contemporaneous note made shortly after the incident, Mr Guilfoyle stated that he may have caused the injury. Mr Guilfoyle also reported his concerns to Individual C, Witness C and Witness A.

The panel concluded that it had been proven on the balance of probabilities that Mr Guilfoyle had, on or around 13 July 2022, inappropriately physically restrained Pupil A including by placing his hand over Pupil A's and/or holding his hands causing the physical injury to Pupil A and that he had held Pupil A's hands despite Pupil A trying to pull away.

Having carefully considered all of the evidence before it, the panel found allegations 1 (a) and 1 (b) proven on the balance of probabilities.

2. Your actions at paragraph 1 above were in contravention of Pupil A's positive behaviour support plan and/or the School's behaviour policy.

The panel considered the positive behaviour support plan for Pupil A, and paid particular attention to the 'active strategies' section. The panel noted that to respond to Pupil A's behaviour staff should:

- *Move Pupil A away from other children*
- *Staff to place themselves between Pupil A and other Children.*
- *Cue Pupil A with his name which causes him to refocus his attention towards yourself*
- *Distract Pupil A to engage in another activity*
- *Close supervision – this may include holding onto his hand during the activity*
- *Use of 'kind hands' and 'kind feet' and 'we are kind to our friends'*
- *Pupil A responds to an assertive adult with very clear behaviour expectations*
- *Pupil A responds to an assertive adult with very clear expectations*
- *Adult to use stop command – assertive stop, supported by symbol*
- *Move Pupil A away from other children*
- *Sit for a timer up to 1 minute*
- *Reiterate 'kind hands' and 'kind feet'*

The panel also considered the School's behaviour policy, dated April 2022. The panel noted that page 6 of the policy referred to positive behaviour support and set out that the School aimed to minimise the use of physical interventions and emphasised support strategies based on an individual's needs, characteristics and preferences. The policy referred to the use of behaviour support plans and the PROACT-SCIPr-UK strategies to create a proactive and preventative approach within the School.

The panel considered the oral evidence and written statement of Witness A, who stated that the School followed a programme called PROACT-SCIPr which details behaviour management strategies and promotes approaches which use as minimal restraint as possible. She stated that Pupil A was clearly distressed but Mr Guilfoyle continued to hold his hands.

The panel considered the oral evidence and written statement of Witness B, who stated that Pupil A had a positive behaviour support plan which listed the challenging behaviours presented by that pupil and what strategies to use to deal with them. She stated that Pupil A's positive behaviour support plan detailed proactive strategies that in time would help Pupil A regulate his emotions more effectively, reducing the negative behaviour he displayed.

Witness B stated her view that Mr Guilfoyle unnecessarily entered Pupil A's personal space when it was not appropriate to do so and tried to force him to get involved. She stated that he should have offered out his hands and if Pupil A did not want to get involved, he should have let him be. Witness B explained what Mr Guilfoyle could have done if Pupil A did start showing disruptive behaviour, including saying "*feet on floor, hands on knees*" which was a phrase they would use with Pupil A to explain behaviour expectations.

The panel noted that, in their oral evidence, both Witness A and Witness B referred to techniques that Mr Guilfoyle should have employed but did not.

The panel considered that his decision not to employ these techniques was contrary to both Pupil A's behaviour support plan and the School's behaviour policy.

The panel considered the oral evidence and written statement of Witness C who stated that she had a conversation with Mr Guilfoyle following the incident and asked him if he used any other strategies such as moving away from Pupil A or asking for help, to which he said no.

Witness C stated that she told Mr Guilfoyle that they do not at any point restrict movement and hold a child's hands down and that the strategies to use were detailed in the PROACT-SCIPr-UK training that he attended the week prior. She stated that there were a variety of strategies that Mr Guilfoyle could have used as set out in Pupil A's positive behaviour support plan and he would have been aware of this.

The panel again noted that in her oral evidence, Witness C had outlined the content of the PROACT-SCIPr training. She said day one focused on proactive and active strategies, understanding behaviour, setting events, triggers, and non-restrictive interventions and day two covered physical interventions for specific pupils, the law and crisis management. Witness C explained that Mr Guilfoyle attended day one but not day two, which is required for using physical restraint. Witness C said physical restraint is a last resort and should only be used when a child is at risk of serious harm.

Witness C explained that she believed Mr Guilfoyle had multiple opportunities to use these strategies but he had not and that his actions were not aligned with the School's ethos or training.

Furthermore, Witness C referenced that Mr Guilfoyle had the additional support through the presence of other experienced trained staff. Witness C explained that she had regular meetings with Mr Guilfoyle and discussed planning, use of teaching assistants, and behaviour strategies. She said she did not recall any concerns about Mr Guilfoyle's conduct prior to the incident and confirmed that Mr Guilfoyle had [REDACTED].

The panel considered the oral evidence and written statement of Witness D who stated that she held an investigation meeting with Mr Guilfoyle on 15 September 2022 and it was clear that he had not utilised his experience, followed the approach outlined in the positive behaviour support plan nor taken into account any other strategies he could have utilised to respond to Pupil A's behaviour.

Witness D stated that Mr Guilfoyle used physical force to restrain Pupil A and that this was contrary to the School's ethics and policies and there were a number of other strategies he could have implemented.

The panel considered the oral evidence and written statement of Mr Guilfoyle, who stated that the policy set out where there is *"immediate threat of harm to the learner and/or other learners/staff"* intervention is permitted. He stated that his intentions were to prevent Pupil A hurting himself, his peers or Mr Guilfoyle and that he felt it was reasonable and proportionate, for the shortest time possible and was deemed by Mr Guilfoyle as absolutely necessary as per the policy.

Mr Guilfoyle indicated he had read and understood the behaviour support plan and that physical intervention is the last resort.

Mr Guilfoyle stated that 'holding hands' is an active strategy in relation to Pupil A's recurrent violent behaviours and that an adult may need to *"stop his hand or foot reaching others"*. He stated that he tried other strategies by placing himself between Pupil A and the other children and offering commands such as *"hands on knees"*. He stated that the behaviour policy states that the trigger to these physical behaviours *"is not always known and during these times the child requires 1:1 supervision to ensure the*

safety of the other children”, and that at the time he was alone on the carpet with 11 other children.

Mr Guilfoyle explained that the teaching assistants in the room did not at any point offer to take Pupil A aside and that there would have been a risk that the incident could have escalated.

In his oral evidence, Mr Guilfoyle stated that he attended day one of PROACT-SCIPr training but did not receive day two due to staff illness. He acknowledged that he had read the behaviour policy.

Mr Guilfoyle stated that he acted transparently and responsibly after the incident and reported the mark on Pupil A promptly.

The panel reviewed Pupil A’s positive behaviour support plan and the School’s behaviour policy. It was noted that physical intervention was identified as a last resort, with preferred strategies including the use of prompts such as *‘kind hands’* and a *‘change of face’*.

The panel concluded that the TRA had demonstrated that Mr Guilfoyle did not follow the expected steps, such as seeking support from the teaching assistants present in the classroom or implementing distraction and did not use the calming techniques set out in the School’s behaviour policy. The panel was clear that the policies provide that these were the steps which should properly have been taken before any physical restraint and that Mr Guilfoyle would have been aware of this.

The panel concluded that, on the balance of probabilities, Mr Guilfoyle’s actions at paragraph 1 were in contravention of Pupil A’s positive behaviour support plan and/or the School’s behaviour policy.

Having considered all of the evidence before it, the panel found allegation 2 proven.

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

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

In doing so, the panel had regard to the document Teacher misconduct: The prohibition of teachers, which is referred to as “the Advice”.

The panel first considered whether the conduct of Mr Guilfoyle, in relation to the facts found proved, involved breaches of the Teachers’ Standards.

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

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

The panel also considered whether Mr Guilfoyle's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel found that none of these offences was relevant.

The panel noted that it had found that Mr Guilfoyle had acted in contravention of the guidance provided by the School and did not make use of the support available in the classroom and that his actions were very clearly inappropriate and unacceptable and resulted in an injury to a child. Furthermore, the responsibilities and duties of a teacher in relation to the safeguarding and welfare of pupils require them to have regard to statutory guidance outlined in Keeping Children Safe in Education. Mr Guilfoyle confirmed that he had not read this document at the School. In addition, he had also not read the School's own safeguarding and child protection policy.

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

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

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

The panel considered that Mr Guilfoyle's conduct had the potential to damage public confidence in the teaching profession. They were mindful that he was working in a school setting with early years children with special educational needs, which made them particularly vulnerable and would require a high level of care. The panel noted that teachers hold influential positions and are expected to act as role models and the public would not expect a teacher to physically restrain a child in this manner in anything but the most serious of circumstances nor cause injury to a child through their conduct.

The panel therefore considered that Mr Guilfoyle's conduct would damage the public's perception of the teaching profession.

The panel considered whether there were any mitigating circumstances, and noted that they had been made aware of Mr Guilfoyle's [REDACTED], and the evidence presented during the hearing. The panel noted that, in her oral evidence, Witness D stated she was aware of Mr Guilfoyle's [REDACTED].

The panel was [REDACTED] did not believe that this should have contributed to his behaviour on the day. The panel considered that Mr Guilfoyle's evidence demonstrated a significant lack of awareness of, or disregard for, his safeguarding responsibilities and duties.

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

The panel found that Mr Guilfoyle's conduct fell significantly short of the professional standards expected of a teacher. The panel concluded that his actions had the potential to bring the profession into disrepute.

For these reasons, the panel found that Mr Guilfoyle'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 protection of other members of the public, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Guilfoyle, which involved inappropriately physically restraining a pupil and acting in contravention of Pupil A's positive behaviour support plan and the School's behaviour policy, 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 Guilfoyle 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 Guilfoyle 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 Guilfoyle in the profession.

The panel placed significant weight on the need to uphold public confidence in the teaching profession and to ensure the safeguarding of pupils.

The panel noted with concern that Mr Guilfoyle indicated that he had read neither Keeping Children Safe in Education (KCSIE) nor the School's safeguarding and child protection policy as directed whilst working at the School and had also disregarded the headteacher's instruction not to return to the classroom following the incident. These

omissions were viewed as indicative of a wider issue with Mr Guilfoyle's prioritising of safeguarding and following other directions.

The panel reviewed evidence of Mr Guilfoyle's contribution to education, including testimonials from pupils, parents and colleagues. The panel noted that while these accounts described him as imaginative and engaging, they did not go so far as to demonstrate a sustained or measurable impact on pupil outcomes.

Whilst there was some evidence that Mr Guilfoyle had ability as an educator, the panel considered that the adverse public interest considerations above outweighed any interest in retaining Mr Guilfoyle in the profession, as 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.

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 Guilfoyle.

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; and
- 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).

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 whilst Mr Guilfoyle did intend to restrain Pupil A, there was no evidence of an intention to cause him harm.

There was no evidence to suggest that Mr Guilfoyle was acting under extreme duress. The panel considered whether Mr Guilfoyle's conduct might have been influenced by personal pressures. It was agreed that while he may have been experiencing

[REDACTED] and the demands of working in a special educational needs (SEN) setting, these factors did not amount to duress.

The panel considered Mr Guilfoyle's comments about Pupil A, including his description of the child as 'vicious'. These remarks, made several years after the incident, were regarded as inappropriate and indicative of a lack of professional judgment. The panel found that such characterisations reflected a limited level of insight and an attitude towards the pupil that was inconsistent with the standards expected of a teacher.

Mr Guilfoyle provided the panel with character references from the following individuals:

- Individual E
- Individual F
- Individual G
- Individual H
- Individual I
- Individual A
- Individual B

The panel considered these carefully and noted the following comments in particular:

- *"Ben was always very popular with the children and parents alike and also a great member of our staff team. I struggle to imagine that Ben would ever be caught up in any safeguarding issues as it just wasn't in his nature at all. Ben had a very caring and nurturing approach, as well as fun and extremely creative."*
- Individual E
- *"Ben employed positive behaviour reinforcement in a calm manner in and around the school demonstrating his firm, but fair, attitude to the children. The children throughout the school were extremely fond of Ben and showed great respect for him. When Ben's temporary contract, for maternity leave cover, came to an end, many parents contacted school to convey how much they would miss him. Ben was highly reliable, honest and punctual. He was kind and respectful towards, and supportive of, colleagues"*

Individual F

- *"I know he went over and above the normal expectations as a teacher utilising his personal time to make the following days lessons highly engaging and interesting"*

for the children. [REDACTED] I am fully aware of the many challenges teachers face on a day-to-day basis and Ben dealt with all of the challenges he faced with a positive attitude, solutions focused and determined to exceed expectations of parents, fellow teachers and pupils at every opportunity.”

Individual G

The panel noted that Mr Guilfoyle had a previously good history and the character references provided evidence of positive feedback from [REDACTED] however it was not clear that they were aware of the allegations against Mr Guilfoyle. The testimonials outlined that the children responded well to him and enjoyed being in his class. The panel considered that, with the exception of the comments made by [REDACTED], they had limited evidence as to Mr Guilfoyle’s contribution to education generally.

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 be made. 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 Guilfoyle of prohibition.

The panel was of the view that, given the seriousness of the actions which they had found proven, prohibition was both proportionate and appropriate. The panel decided that the public interest considerations including the need to maintain public confidence and uphold professional standards outweighed the interests of Mr Guilfoyle.

The panel concluded that whilst the injury to Pupil A was at the lower end of the spectrum, and they had no evidence of a lasting impact on the child, Mr Guilfoyle’s continued characterisations of the pupil demonstrated a lack of sufficient insight.

The panel found that Mr Guilfoyle had expressed remorse, particularly in relation to the impact on the child and the child’s family. However, his insight into the seriousness of the incident and its potential implications for pupil welfare was considered insufficient.

The panel found that Mr Guilfoyle’s attitude generally including his lack of insight presented a risk of repetition. The panel noted his failure to engage meaningfully with safeguarding guidance and direction from the School’s leadership.

Although Mr Guilfoyle engaged with the TRA throughout the process and was transparent in his disclosures, the panel concluded that he had failed to adhere to professional expectations and safeguarding protocols.

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 two 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.

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.

None of the listed characteristics were engaged by the panel's findings.

The panel determined that a review period would be appropriate and concluded that this would allow Mr Guilfoyle an opportunity to reflect on the seriousness of the incident and for example, undertake safeguarding training and demonstrate a commitment to following statutory and school-level guidance. Although it would be up to any future panel to make a determination as to whether Mr Guilfoyle can demonstrate to them that the concerns outlined above have been satisfactorily addressed.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period of two years.

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 unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Mr Benjamin Guilfoyle should be the subject of a prohibition order, with a review period of 2 years.

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

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

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

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

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself whether a less intrusive measure, such as the published finding of unacceptable professional conduct 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 Mr Guilfoyle, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed:

“In light of the panel's findings against Mr Guilfoyle, which involved inappropriately physically restraining a pupil and acting in contravention of Pupil A's positive

behaviour support plan and the School's behaviour policy, 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 the panel has set out as follows:

"The panel concluded that whilst the injury to Pupil A was at the lower end of the spectrum, and they had no evidence of a lasting impact on the child, Mr Guilfoyle's continued characterisations of the pupil demonstrated a lack of sufficient insight.

The panel found that Mr Guilfoyle had expressed remorse, particularly in relation to the impact on the child and the child's family. However, his insight into the seriousness of the incident and its potential implications for pupil welfare was considered insufficient.

The panel found that Mr Guilfoyle's attitude generally including his lack of insight presented a risk of repetition. The panel noted his failure to engage meaningfully with safeguarding guidance and direction from the School's leadership."

In my judgement, the lack of 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 considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel has observed:

"The panel considered that Mr Guilfoyle's conduct had the potential to damage public confidence in the teaching profession. They were mindful that he was working in a school setting with early years children with special educational needs, which made them particularly vulnerable and would require a high level of care. The panel noted that teachers hold influential positions and are expected to act as role models and the public would not expect a teacher to physically restrain a child in this manner in anything but the most serious of circumstances nor cause injury to a child through their conduct."

I am particularly mindful of the finding of inappropriately physically restraining a pupil in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to

consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

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

I have also considered the impact of a prohibition order on Mr Guilfoyle himself. The panel has commented:

“The panel noted that Mr Guilfoyle had a previously good history and the character references provided evidence of positive feedback from pupils and parents however it was not clear that they were aware of the allegations against Mr Guilfoyle. The testimonials outlined that the children responded well to him and enjoyed being in his class. The panel considered that, with the exception of the comments made by [REDACTED], they had limited evidence as to Mr Guilfoyle’s contribution to education generally.”

A prohibition order would prevent Mr Guilfoyle 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 on the importance of ensuring the safeguarding of pupils. The panel has said:

“The panel noted with concern that Mr Guilfoyle indicated that he had read neither Keeping Children Safe in Education (KCSIE) nor the School’s safeguarding and child protection policy as directed whilst working at the School and had also disregarded the headteacher’s instruction not to return to the classroom following the incident. These omissions were viewed as indicative of a wider issue with Mr Guilfoyle’s prioritising of safeguarding and following other directions.”

I have also placed considerable weight on the panel’s comments concerning the lack of insight. The panel has said:

“The panel considered Mr Guilfoyle’s comments about Pupil A, including his description of the child as ‘vicious’. These remarks, made several years after the incident, were regarded as inappropriate and indicative of a lack of professional judgment. The panel found that such characterisations reflected a limited level of insight and an attitude towards the pupil that was inconsistent with the standards expected of a teacher.”

I have given less weight in my consideration of sanction therefore to the contribution that Mr Guilfoyle 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 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 a 2-year review period.

I have considered the panel's comments:

"The panel determined that a review period would be appropriate and concluded that this would allow Mr Guilfoyle an opportunity to reflect on the seriousness of the incident and for example, undertake safeguarding training and demonstrate a commitment to following statutory and school-level guidance. Although it would be up to any future panel to make a determination as to whether Mr Guilfoyle can demonstrate to them that the concerns outlined above have been satisfactorily addressed."

I have considered whether a 2-year 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 I agree with the panel that allowing a 2-year review period is sufficient to achieve the aim of maintaining public confidence in the profession. These elements are serious nature of the misconduct in inappropriately physically restraining a pupil, the lack of insight and the risk of repetition.

I consider therefore that a 2-year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Benjamin Guilfoyle is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 2027, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Guilfoyle remains prohibited from teaching indefinitely.

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

Mr Benjamin Guilfoyle 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 'D Oatley', with a large, sweeping loop at the end.

Decision maker: David Oatley

Date: 14 November 2025

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