



Teaching  
Regulation  
Agency

# **Ms Sarah Mitchell: Professional conduct panel outcome**

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

**December 2025**

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

**Teacher:** Ms Sarah Mitchell

**Teacher ref number:** 0160020

**Teacher date of birth:** 18 April 1981

**TRA reference:** 21784

**Date of determination:** 2 December 2025

**Former employer:** Bude Park Primary School, Hull

## **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 30 June to 17 July, 4 August, and 2 to 3 December virtually, and also by way of hybrid means where the parties convened both virtually and in person at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT to consider the case of Ms Sarah Mitchell [redacted].

The panel members were Mrs Melissa West (teacher panellist – in the chair), Ms Mona Sood (lay panellist) and Mr Duncan Tilley (lay panellist).

The legal adviser to the panel was Mrs Shanie Glen of Eversheds Sutherland (International) LLP Solicitors.

The presenting officer for the TRA was Ms Louisa Atkin of Capsticks LLP solicitors.

Ms Mitchell was present and was represented by Mr Nicholas Kennan of Cornwall Street Barristers, instructed by Thompsons Solicitors.

Pursuant to the parties’ agreement, on 4 September 2024, the case of Ms Sarah Mitchell was joined with that of [redacted].

[redacted] was present and was not represented.

The hearing took place in public and was recorded.

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 10 March 2025.

It was alleged that Ms Mitchell was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, while employed as teacher at Bude Park Primary School (“the School”):

1. In the period between around 19 April 2021 and 21 May 2021, she failed to take any or any adequate action upon becoming aware that Individual A was causing and/or allowing others to complete or amend the attendance records of one or more pupils inaccurately, in that she:
  - a. did not take any action despite being present when Individual A raised concerns on or around 22 April 2021;
  - b. did not take any action despite being present during one or more discussions between Individual A and Individual E when such matters were discussed;
  - c. told Individual D to “just mark [Pupil 31] in”, or words to that effect, when she queried an instruction to do so when Pupil 31 was absent on or around 7 May 2021;
  - d. did not take any action despite being present during a staff meeting when Individual A told staff that certain children who were absent were being marked present.
2. Her conduct as may be found proven at 1 above:
  - a. constituted a failure to adequately safeguard pupils; and/or
  - b. was dishonest, in that she failed to take any, or any adequate action despite knowing that one or more pupil attendance records had been completed or amended in a way which did not accurately reflect the attendance of the relevant pupil(s).

Ms Mitchell confirmed at the outset of the hearing that the allegations were denied in full. There was no admission by Ms Mitchell of unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

## Summary of evidence

### Documents

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

Section 1: Chronology, list of key people and anonymised pupil list – pages 15 to 18

Section 2: Notices of proceedings and responses – pages 19 to 35

Section 3: Teaching Regulation Agency witness statements – pages 36 to 100

Section 4: Teaching Regulation Agency documents – pages 101 to 1761

Section 5: Documents provided by [redacted] – pages 1762 to 1765

Section 6: Documents provided by Ms Mitchell – pages 1766 to 1771

In addition, the panel agreed to accept the following:

Bundle of Teacher Documents – Ms Mitchell – pages 2 to 32

Bundle of Teacher Documents – [redacted] – pages 2 to 18

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 also had regard to the Teacher misconduct: Disciplinary procedures for the teaching profession updated May 2020 (“the Procedures”).

### Witnesses

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

1. Person C – [redacted]
2. Witness A – [redacted]
3. Witness B – [redacted]
4. Witness D – [redacted]
5. Witness E – [redacted]
6. Witness - [redacted]
7. Witness G – [redacted]

8. Witness H – [redacted]

9. Witness I – [redacted]

10. Witness J – [redacted] The panel also heard oral evidence from Ms Mitchell and [redacted].

## Decision and reasons

The panel announced its decision and reasons as follows:

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

In 2002, Ms Mitchell commenced employment at the School as a Teacher.

In September 2016, Ms Mitchell was promoted to Assistant Vice Principal at the School. At the same time, commenced his role as Principal at the School.

On 15 April 2021, Witness I sent an email to [redacted] noting that the School's daily attendance was the lowest in the Trust.

On 20 May 2021, Individual D, was made aware of concerns that attendance records at the School had been falsified.

On 21 May 2021, [redacted] attended a pre-investigation meeting with Person D. [redacted] was asked to take garden leave whilst an investigation was commenced. An investigation was commenced on the same date.

On 27 May 2021, Ms Mitchell attended an investigatory interview, as a witness in respect of allegations regarding [redacted] conduct, at the School.

On 1 December 2021, [redacted] attended a disciplinary hearing. [redacted] was dismissed from his employment at the School.

On 17 March 2022, Ms Mitchell attended an interview at the School, in relation to allegations in respect of her own conduct during the summer term of 2021.

Ms Mitchell was subsequently 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. In the period between around 19 April 2021 and 21 May 2021, you failed to take any or any adequate action upon becoming aware that Person A was causing and/or allowing others to complete or amend the attendance records of one or more pupils inaccurately, in that you:**

**a. did not take any action despite being present when Person C raised concerns on or around 22 April 2021**

The panel heard oral evidence from Person C. The panel also had sight of Person C's witness statement to the TRA dated 4 April 2025, and the notes of Person C's investigatory interview at the School on 26 May 2021, which had been signed and dated by Person C on 13 June 2021.

During her oral testimony, the panel heard from Person C that, on or around 22 April 2021, she became aware from Witness A that [redacted] had instructed her to mark pupils who were absent as present on the attendance register. Person C advised that she was so concerned about this from a safeguarding perspective, that she messaged Witness F privately to seek her guidance.

The panel had sight of screenshots of a WhatsApp thread between Person C and Witness F on 21 April 2021. In particular, the panel had sight of the following messages:

- A message from Person C to Witness F at 20:43, which stated: "Sorry to bother you on an evening! But if a child/ family where [sic] off school awaiting covid test or test results and you are been [sic] told to mark them as present in school!!!! would this be breaking any rules or regulations? Asking for a friend"; and
- A response from Witness F to Person C at 20:56, which stated: "YES!!!! OMG. Seriously, if [redacted] is asking this of you then this is breaking every rule and you should tell him so. If it is for a friend, the same applies. Not only does it break health and safety rules – what if there is a fire and the fire brigade are looking for this child who is marked present but it's not accounted for on the playground. It also breaks the law on school attendance (I don't know exactly what law, but school registers are legal documents and falsely marking pupils is a gross breach of that. It sounds extreme but honestly, we have had some cases which have been through the criminal courts [redacted] and it was an honest mistake rather than a complete fraudulent mark but the point is that the register IS a legal document..."
- Later on in the thread, there is a message from Person C at 21:18 which stated: "I am going to speak with him again tomorrow!".
- A message from Witness F to Person C at 22:29 which states: "It's it [sic] just one child/family and if so, why just this one can I ask?"
- A message from Person C at 22:36 which states: "No all kids who are ill or isolating! But we have some big familys [sic] so when one goes down, they all do!"

- A message from Witness F at 22:41: “Are they doing it retrospectively or on the days they are absent? X”
- A message from Person C at 22:46, which states: “So we had about 6 kids who wasn’t [sic] in school but was [sic] marked in as present”.

Person C confirmed that these were the WhatsApp messages she had exchanged with Witness F at the time. The panel also heard evidence from Witness F, who separately confirmed that these were the messages she had exchanged with Person C at the time.

Person C confirmed that, on 22 April 2021, she went to raise her concerns directly with [redacted]. Person C advised that the meeting took place at [redacted] office, which he shared with Ms Mitchell, and that Ms Mitchell was present during this meeting. The panel had sight of a timeline which had been prepared by Person C, and which Person C confirmed was provided to Witness J during her interview with him on 26 May 2021. The panel noted that there was an entry within this timeline which referred to “Tuesday 28<sup>th</sup> May 2021” and therefore after Person C’s interview with Witness J. However, the panel was satisfied that this was likely a typographical error which in fact meant to refer to “Tuesday 18<sup>th</sup> May 2021”. The panel noted that the 18 May 2021 was in fact a Tuesday, whereas 28 May 2021 was a Friday. The panel also noted that the entry for 18 May 2021 matched an email that was in the bundle, and that was sent by Person C to [redacted] relating to attendance marks on this date.

The panel noted that within this timeline document, there was an entry dated 22 April 2021, which stated: “Discussion with both SA and SM about my concerns regarding the present marks. This was a heated conversation between myself and [redacted]. SM witnessed [redacted] [sic] behaviour and would not engage with me.” The panel was satisfied that [redacted] referred to [redacted], and ‘SM’ referred to Ms Mitchell.

Person C advised that, during this meeting, she had raised concerns that pupils were being marked as present when they were absent from school. In particular, Person C advised that she had referred to specific pupils such as Pupils 32, 33, 34 and 27. Person C explained that she asked why they were being marked as present as the “X” codes for Covid-related absences did not affect the attendance. Person C advised that [redacted] had told her that he had been instructed to do it by the Trust.

Person C also advised that she saw safeguarding as part of her role, and she also particularly referred to concerns in respect of Pupils 4 and 5 who [redacted] and were being marked as present when they were absent.

Person C also advised that she had relayed the example that had been raised by Witness F in her WhatsApp message, in respect of a secondary school pupil that had [redacted]. Person C advised that, in response to this, [redacted] mocked the story and said, [redacted]. Person C advised that the conversation did get quite heated as she felt that [redacted] was not taking her concerns seriously.

In her written witness statement, Person C stated that during this conversation, Ms Mitchell was sat “on the other side of [redacted] desk, in close proximity to [them], but she did not say anything”. Person C also stated that she believed Ms Mitchell had heard and understood her expressing her concerns to [redacted] and was “very aware of the full conversation”. In addition, Person C explained that Ms Mitchell “observed the raised voices” throughout the conversation. Person C also said that she was “looking at Ms Mitchell, to seek an acknowledgement of what was happening” and “in the hopes of forming a connection”, but “there was nothing” and Ms Mitchell “continued looking at [Person C] and [redacted] in turn.”

During her oral testimony, Person C confirmed that this was her recollection of events and that it was an “uncomfortable discussion”, which is why she was looking to Ms Mitchell for an acknowledgement of what was being said. Whilst Person C was unable to recall whether she had used the word “safeguarding” during this discussion, she stated that Ms Mitchell would have been aware of the content of the discussion.

During her oral evidence, Person C also described the layout of [redacted] and Ms Mitchell’s office. Person C stated that it was a “medium sized” office although it was big enough to accommodate both [redacted] and Ms Mitchell, with two desks for each of them, together with a round table and some comfortable chairs. Person C was asked whether it would be fair to say that Ms Mitchell was in fact concentrating on her own work, and so did not hear the conversation. In response, Person C stated that unless Ms Mitchell could not see or hear her, she would “fail to see how she did not know what the conversation was”. When asked whether Ms Mitchell was physically positioned with her back to Person C whilst she was working at her desk, Person C stated no.

The panel heard oral evidence from Ms Mitchell. The panel had sight of the notes of Ms Mitchell’s investigatory interview with the School on 27 May 2021, which she was asked to attend as a witness in respect of [redacted] conduct, and which she had signed and dated 30 June 2021. The panel also had sight of Ms Mitchell’s written witness statement dated 19 June 2025, which was provided to the panel on 27 June 2025 (and which the panel had agreed to admit as a late document).

The panel firstly heard from Ms Mitchell in respect of her various roles at the School. Ms Mitchell explained that she was the Designated Safeguarding Lead (“DSL”), and also the Special Educational Needs Coordinator (“SENCO”), and that it was not usual for one person to take on both of these roles. Ms Mitchell explained that both roles were “extremely challenging”, and that it took “a lot of time and commitment to fulfil these roles to the best of [her] ability”.

Ms Mitchell accepted that she had been present on one occasion where Person C came into the office to speak to [redacted]. Ms Mitchell explained that at the time, she was working on the computer and although she could not recall what she was working on, this would likely have been relating to her role as SENCO or safeguarding. Ms Mitchell stated

that Person C addressed [redacted], they carried on with their discussion, and she continued working. Ms Mitchell also stated that she “was not really listening to the content of the conversation” and that she just “carried on what [she] was doing at the time.”

Ms Mitchell advised that she did not overhear anything that had caught her attention, and that if safeguarding had been mentioned, it would have “pricked [her] ears”. Ms Mitchell also stated that no pupils were mentioned that were on her radar, and if so, she would have “listened in”. Ms Mitchell stated that Person C did not direct questions towards her or ask her to participate in the conversation.

During cross-examination, Ms Mitchell was referred to the notes of her investigatory interview with [redacted], who was also appointed as Investigating Officer, which took place on 27 May 2021. It was recorded in the notes that, during this interview, Ms Mitchell was asked to confirm that she was “not aware that marking absent pupils as present was happening and if a child was genuinely ill or at an appointment they were marked as absent”. In response to this, it was recorded that Ms Mitchell “replied she was not aware”. It was also recorded that Ms Mitchell was informed that “a witness had told [redacted] that [Ms Mitchell] was aware”. In response to this, the notes stated that “[Ms Mitchell] asked whether [redacted] was talking about the [Person C], Attendance Officer when she had been unsure about her data which had been different from [Witness A]. She was present when [redacted] had a conversation with [Person C] asking her to challenge parents more about the reason why the child was off school e.g. tummy ache.”

It was put to Ms Mitchell by the presenting officer that she immediately mentioned Person C during the interview, because she had overheard Person C raising her concerns to [redacted] about pupils who were absent being marked as present. Ms Mitchell denied this and stated that Person C was the “first person who came to mind”, and that the interview occurred at the end of the school day after she had worked a full day at the School. However, it was again put to Ms Mitchell that, if the extent of the conversation that Ms Mitchell had overheard between [redacted] and Person C was as she described during her interview, i.e., that Person C had been unsure about data and [redacted] had asked her to challenge parents more, there would have been no reason for Ms Mitchell to think that Person C was the person who had said that Ms Mitchell was aware of absent pupils being marked as present.

The panel also heard oral evidence from [redacted] in respect of his conversation with Person C on 22 April 2021, as part of the allegations against him. [redacted] agreed that he spoke to Person C on 22 April 2021 and that she relayed concerns to him. He also stated that Ms Mitchell “happened to be there”.

Throughout his testimony and in response to the allegations against him, it was [redacted] position that, other than Pupils 3, 4, 5 and 22, he had not instructed Witness A to mark pupils who were absent as being present on the statutory attendance records. It

was [redacted] case that both Person C and Witness A were confused about his instructions in respect of attendance data. In particular, [redacted] had explained to the panel that his instructions to Witness A were to add pupils (such as pupils who were off with Covid, or in Covid bubbles) back on to the Trust dataset, which he believed were his instructions from the Trust. It was [redacted] case that at the time of the alleged events, he had understood the Trust data report to be a “register”, and he had erroneously referred to this as a “register”. [redacted] advised that he did not realise that his instructions had meant that Witness A was amending the statutory attendance register, and he described there being a “leak” in the data from one report to the other.

Therefore, [redacted] advised that when Person C came to speak to him on 22 April 2021, he did not understand what her concerns were, as Person C “did not indicate which register” she was referring to. [redacted] advised that typically Person C had “no control over registers”. [redacted] advised her role “did not involve attendance” and she would just choose which parents to approach from the daily lists of absent pupils list. As a result, it was not clear which “register” she was referring to. [redacted] advised that, it was his understanding that his instructions to Witness A related solely to the Trust dataset, and so he did not understand why Person C was raising concerns in respect of individual pupils.

[redacted] did recall that Person C mentioned Pupils 4 and 5 but thought that she was aware of the reasons as to why those issues with attendance marks had occurred. In particular, the panel had also heard oral evidence from Witness A. Witness A explained that Pupils 4 and 5 [redacted] had left the School [redacted]. Witness A explained that she had understood that the pupils were to remain on the School roll until the School had received confirmation that they had started at their new school. Witness A explained that, whilst they were still on the roll, they were not present in the School. However, she stated that she was still instructed to “mark them as present” by [redacted]. It was [redacted] case that there had been some confusion in respect of Pupils 4 and 5, and that he did not know what to do with their attendance marks. [redacted] accepted that there were two days where the attendance marks were “messed up” for Pupils 4 and 5, which to the best of his knowledge was “caused by confusion with pupils being on site and not”.

[redacted] advised that at no point did it become clear during his conversation with Person C that the statutory register was being inaccurately amended for individual pupils.

[redacted] advised that he tried to explain to Person C that “this bit is just for the Trust” and that “all schools within our Trust were part of this dataset”. [redacted] stated that he did not know why she was so concerned that pupils working from home were on the Trust dataset, as this did not affect Person C’s task at all. [redacted] advised that he felt that Person C was complaining “just for the sake of it” and she did not understand what they were trying to achieve.

[redacted] explained that Person C did not take him through what she was trying to say, she had just referred to another principal being sacked for falsifying the register, but he did not have any contextualisation of what she was trying to get at. [redacted] advised that “she referred to the fact that data leaked on to other registers” but again, this was not clear. [redacted] accepted that he did make a sarcastic comment in response to Person C’s concerns [redacted]. However, [redacted] advised that he made this comment in order to make light of the situation as he thought it sounded preposterous.

[redacted] also agreed that the conversation was very heated. He advised that Person C was speaking in a raised tone, and that she was also raising multiple concerns, including some relating to her job role, so he did not properly understand what her specific points were. [redacted] accepted that the quality of the meeting was “poor” and it was not very productive.

The panel carefully considered the accounts of Person C, Ms Mitchell and [redacted]. The panel noted that there were some inconsistencies in the bundle in respect of the timing of this particular meeting and what was discussed. In particular, the panel noted that in Person C’s witness statement to the TRA dated 4 April 2024, Person C refers to raising concerns in respect of [redacted] in a later meeting on 18 May 2021. It was also noted by Ms Mitchell’s representative during cross-examination, that Person C did not mention Ms Mitchell being present at this later meeting on 18 May 2021. However, the panel noted that in Person C’s investigatory interview on 26 May 2021, Person C described this conversation as all taking place on 22 April 2021 and she also confirmed that Ms Mitchell was present during this meeting. The panel found that the contemporaneous documents and notes of the investigatory interview were more reliable than Person C’s recent testimony, as these were taken from nearer the time.

The panel had also heard from Person C that, whilst her recollection of dates may not have been that clear, her recollection of what was said during this meeting is accurate. The panel was satisfied that, whilst there had been some inconsistencies in respect of the specific dates, the content of the complaints raised and her recollection of Ms Mitchell’s presence at the meeting on 22 April 2021 remained consistent throughout the entirety of her evidence. The panel also noted that both Ms Mitchell and [redacted] had agreed that Ms Mitchell was present in the room.

The panel found Person C’s account of the meeting on 22 April 2021 to be inherently probable. The panel noted that the WhatsApp messages to Witness F on 21 April 2021 were particularly compelling and demonstrated that Person C had pressing concerns that pupil marks were being changed on the attendance register. The panel felt that Person C’s concerns in these messages were clear, and the panel accepted that these would have been the same as those raised directly with [redacted], with Ms Mitchell present, on 22 April 2021.

Overall, the panel had no reason to doubt Person C's credibility, and accepted Person C's account of the meeting on 22 April 2021. The panel found it more likely than not that Person C's concerns were clear during this conversation, and that she had raised concerns about individual pupils who were absent being marked as present on the statutory attendance register.

The panel went on to consider Ms Mitchell's account, i.e., that she did not overhear the concerns that were being raised by Person C. The panel did not accept this account and did not find it probable for several reasons. Firstly, the panel noted that Ms Mitchell had accepted that she was present during this meeting on 22 April 2021. Secondly, the panel noted that both Person C and [redacted] had accepted that the discussion was heated and that Person C was raising her voice. Thirdly, the panel had accepted Person C's account that she did raise clear concerns during this meeting that absent pupils were being marked as present.

The panel accepted that Ms Mitchell had very busy roles at the School that would have required her attention. However, the panel found that even if Ms Mitchell had been working on other matters at her desk during this conversation, given (i) the heated nature of the conversation and (ii) the serious safeguarding concerns that were raised by Person C (even if the word "safeguarding" was not used), it was highly probable that Ms Mitchell would have overheard the conversation and having continued to listen in, would have understood the concerns that were being raised by Person C. In particular, the panel had also noted that Ms Mitchell was responsible for liaising with Pupils 4 and 5's new school, which Ms Mitchell had also accepted. Therefore, the panel noted that these pupils would have been "on her radar" and it was more likely than not that Person C would have caught Ms Mitchell's attention when mentioning these pupils. The panel also found that, upon hearing [redacted] responses to Person C's concerns, it would have become clear to Ms Mitchell that [redacted] was causing and/or allowing members of staff to complete or amend the attendance records of pupils inaccurately, by marking pupils who were absent as present.

The panel also went on to find that, given her long experience as a teacher, upon hearing the serious concerns that were raised by Person C and [redacted] responses to these concerns, Ms Mitchell should have taken action and investigated those concerns further. However, the panel noted that Ms Mitchell took no action despite being present. The panel found this was exacerbated by the fact that Ms Mitchell was also the Assistant Vice Principal and DSL at the School.

For the reasons set out above, the panel found it was more likely than not that, (i) Ms Mitchell did become aware that Person A was causing and/or allowing others to complete or amend the attendance records of one or more pupils inaccurately when Person C raised her concerns to [redacted] in Ms Mitchell's presence on 22 April 2021, and (ii) Ms Mitchell failed to take any action upon doing so.

The panel found this allegation proven.

**1. In the period between around 19 April 2021 and 21 May 2021, you failed to take any or any adequate action upon becoming aware that Person A was causing and/or allowing others to complete or amend the attendance records of one or more pupils inaccurately, in that you:**

**c. told Person D to “just mark [Pupil 31] in”, or words to that effect, when she queried an instruction to do so when Pupil 31 was absent on or around 7 May 2021;**

The panel heard oral evidence from Witness E. The panel had sight of the notes of Witness E's investigatory interview at the School on 10 June 2021, which she signed and dated 22 June 2021. The panel also had sight of the notes of Witness E's investigatory interview at the School, relating to her own conduct, on 17 March 2022, which she signed and dated 4 April 2022.

The panel noted that Witness E did not provide a witness statement to the TRA, and when questioned by Ms Mitchell's representative on the reason for this, Witness E did not recall being asked to provide a witness statement.

In her oral testimony, Witness E explained that either she or Witness G would take the class register for Ms Mitchell's class in the morning and sometimes in the afternoon, when Ms Mitchell was busy dealing with her SENCO duties or seeing parents. Witness E estimated that between herself and Witness G, they would take about 90% of the registrations during the period of April to May 2021, depending on how occupied Ms Mitchell was.

In her first investigatory interview on 10 June 2021, Witness E stated that she and Witness G knew that Pupil 31 [redacted], hence they were aware that Pupil 31 was absent that morning. Witness E then stated that she received an email from Witness A which “asked [them] to mark [Pupil 31] present in the afternoon”.

The panel had sight of an email from Witness A to Witness E and Witness G on 7 May 2021 at 10:44, which stated: “Just to make you aware, I have been asked to mark Pupil 31 as present. [They were] going to [redacted], however, [redacted] [they] will be off all day. Are you able to please mark her as present this afternoon – requested by [redacted]. During her oral testimony, Witness E confirmed that this was the email she was referring to in her investigatory interview on 10 June 2021.

During her interview on 10 June 2021, Witness E stated that she mentioned this to Ms Mitchell, and that Ms Mitchell stated, “just mark [Pupil 31] in”. Witness E also said that Ms Mitchell had explained that the child could be marked as present “because we know full well why – it's an authorised absence”. Witness E also stated that after she took her to concern to Ms Mitchell, she marked the child as present.

During her second interview on 17 March 2022, Witness E stated that she “had received an email from the office stating that [[redacted]] had asked for these children to be marked Present either this AM or PM”. Witness E also stated that when she received this email, she was confused, and she went to ask [redacted] and Ms Mitchell why they were being marked as present and not absent. Witness E explained that, both [redacted] and Ms Mitchell were in the room and in response to her question, they said it’s “absolutely fine, we know why they are absent.” When asked which one of them gave the answer, Witness E responded that it was Ms Mitchell that “gave the answer” and [redacted] “nodded to agree.”

During her oral testimony, Witness E confirmed that these accounts were still correct to the best of her knowledge. Witness E also clarified that when she went to see Ms Mitchell and [redacted] to discuss the email from Witness A, it was in the office they both shared.

It was put to Witness E by Ms Mitchell’s representative during cross-examination that she had also received similar emails from Witness A, asking her to mark Pupil 38 as present despite that pupil being absent. The panel had sight of an email from Witness A to Witness E, Witness G and Witness H on 13 May 2021 which stated: [redacted] asked that Pupil 15 [redacted] and Pupil 38 are marked as present today” and “Pupil 38 is due back Monday as [they are] [redacted] asked if you could possibly check in on [them] please, check [they have] enough work etc.” The panel also had sight of Witness E’s response to this email on the same date, which stated: “No worries will do x”.

It was put to Witness E that she did not seek any clarification from Ms Mitchell, or discuss Pupil 38 with her, despite Ms Mitchell being Pupil 38’s class teacher. In response to this, Witness E stated that she had assumed that the “correct [redacted] mark or code would have been applied later down the line”. Witness E also stated that the email in respect of Pupil 38 came after the email on 7 May 2021 and after she had already questioned Ms Mitchell, in respect of Pupil 31.

It was then put to Witness E that she was mistaken in her recollection, and that if she had mentioned the email from Witness A in respect of Pupil 31 to Ms Mitchell, Ms Mitchell would not have told her to mark an absent pupil as present. However, Witness E did not accept this and stated that she could “remember vividly walking from one building to the office to go and ask why [they] were marking [them] as present even though [Pupil 31] was absent.” Witness E also stated that she could remember the response, which was “it’s fine, we know where [Pupil 31] is, it’s not a problem”, and she could also recall “walking back to the classroom, and saying this to Witness G, and marking the register as she was told to.” Witness E stated that it was “one thing she could vividly remember to this day.”

The panel noted that Witness E was adamant in her recollection. However, the panel took into account the principle from *Dutta v GMC* that reliance on a witness’s confident demeanour was a discredited method of judicial decision-making. Instead, the panel went

on to consider whether Witness E's testimony was consistent with other evidence. The panel noted that Witness E's oral testimony was consistent with the contemporaneous account she gave during her first interview on 10 June 2021, and was again consistent with the account that she gave during her interview on 17 March 2022 (albeit in this interview, Witness E did not specifically refer to Pupil 31 or any given pupil, when discussing her conversation with Ms Mitchell).

The panel also heard oral evidence from Witness G. The panel had sight of the notes of Witness G's investigatory interview at the School on 15 June 2021, which were signed and dated 20 June 2021.

During her oral testimony, Witness G advised that Witness E's estimation that they would take about 90% of the registrations for Ms Mitchell's class during the period of April to May 2021 did "seem correct".

Witness G also recalled the email from Witness A on 7 May 2021, requesting that Pupil 31 be marked as present when they were absent. Witness G explained that when the email came through to Witness G, although also sent simultaneously to Witness E, both she and Witness E read it together on screen where Witness G was logged in and discussed it. Witness G also explained that, upon reading the email, she had said that she was not prepared to follow this instruction, as she "did not think it was the right thing to do". Witness G also stated that Witness E said she "would go across and check" and left the classroom. Witness G explained that Witness E came back to the classroom and told her about the conversation she had with Ms Mitchell, and that is when she changed the register. In particular, Witness E said she had been in to see Ms Mitchell and that [redacted] was present, and that Witness E was "told to follow what was in the email" by Ms Mitchell, and [redacted] had nodded. Witness G advised that she was logged on to the computer at the time, and so it would have looked as though she had changed the mark.

Witness G confirmed that she was not present during the conversation between Witness E and Ms Mitchell. Witness G also confirmed that she did not have any direct knowledge of whether Ms Mitchell was aware of pupils who were absent being marked as present, and she never spoke to Ms Mitchell about it. The panel acknowledged that Witness G's account of what she had believed to be Witness E's conversation with Ms Mitchell was hearsay evidence. The panel found that the evidence was relevant as it directly related to this allegation. The panel also found that it was fair to admit this evidence on the basis that Witness E had also provided oral evidence at the hearing, and so the panel did have an opportunity to test her account of her discussion with Ms Mitchell. However, the panel treated this evidence with caution and applied less weight to it than that applied to the oral testimonies of Witness E and Ms Mitchell. The panel did note that Witness G's account of what Witness E had relayed to her regarding her conversation with Ms Mitchell was consistent with the account given by Witness E during her investigatory interview on 10 June 2021, and to the panel.

The panel noted that in her investigatory interview on 15 June 2021, Witness G did not refer to Witness E discussing Pupil 31's attendance mark with Ms Mitchell, after receiving the email from Witness A on 7 May 2021. However, the panel also noted that Witness G was not specifically asked any questions about this during the interview.

The panel also had sight of Witness G's response to Witness A's email on 7 May 2021, which stated: "Yes of course x". Witness G was referred to this email. In response, Witness G advised that she could not recall if she did change the mark, or if perhaps Witness E had changed the mark and then Witness G emailed Witness A to confirm it was done.

The panel had sight of Pupil 31's attendance records. The panel noted that, on 7 May 2021, Pupil 31 was marked as present for both the morning and the afternoon. The panel had sight of a code change report in the hearing bundle which had been exhibited by Witness J to his witness statement, which he had generated from Scholar Pack (the software that was used by the School to record pupil attendance) as part of his investigation. The code change report set out a list of pupils whose attendance mark had been changed, together with the original mark provided for that pupil, the date and time that the mark was changed, what the mark was changed to, and who it was changed by.

In the code change report, the panel noted that Pupil 31's morning attendance mark had been changed by Witness A from an 'unexplained absence' mark, to a 'medical' mark and then to a 'present' mark on 7 May 2021. Further, the panel noted that Pupil 31 was marked as 'present' in the afternoon on 7 May 2021, and there was no change to this mark. The panel found that this was likely due to Witness A's email to Witness E and Witness G, asking them to mark Pupil 31 as present in the afternoon, and so there would be no need for a change of code.

The panel also had sight of a document referred to as a "falsification report" in the bundle, which had been prepared by Witness J as part of his investigation into the concerns raised. The panel heard evidence from Witness J, who advised that he reviewed the attendance records relating to each pupil, Witness A's handwritten notes of pupils who were absent from the School, the School's Covid-19 testing book, and Witness A's emails to named teaching staff. Witness J described how he was able to triangulate the information from all of these documents to identify which pupils had their attendance codes altered or incorrectly recorded. Witness J explained that he then highlighted those pupils in green on the report, where he was satisfied that their attendance mark was correct on certain dates. Witness J also explained that he highlighted other pupils in red on the report where they had been marked as present, and where he was satisfied that it was a falsification. For those marks that had been identified as a falsification, Witness J also entered the correct attendance code which should have been used.

The panel noted that, in the falsification report, Pupil 31's attendance mark for 7 May 2021 was highlighted as a 'falsification' with the correct code being "Other absence code applicable when a pupil is not present in school."

The panel heard oral evidence from Ms Mitchell. In her testimony, Ms Mitchell stated that, whilst she would not say it was 90%, Witness E and Witness G did "quite a large percentage" of the register at that time, and that they would take afternoon registers as she was "out of class in afternoons doing leadership responsibilities."

Ms Mitchell denied Witness E's account in its entirety. Ms Mitchell stated that Witness E did not go and speak to her about Pupil 31, and that the discussion described by Witness E "did not happen". It was put to Ms Mitchell by the presenting officer that she had a good relationship with her teaching assistants, and that there was no reason for them to lie about Witness E speaking to her. In response to this, Ms Mitchell advised that she could not answer for Witness E or Witness G, but that Witness E "did not come and speak to [her] about that child".

The panel heard from Witness G that she had a "good working relationship" with Ms Mitchell at the School, and they "got on very well". Witness G also stated that they had a "good rapport with each other" and there were "never any issues". The panel did not hear or have sight of any evidence which would suggest that Witness E or Witness G may have falsified their accounts against Ms Mitchell.

It was also put to Ms Mitchell that Witness E stated that she could vividly remember walking from one building to another, to go to Ms Mitchell's office. However, Ms Mitchell stated that Witness E "could not have possibly walked from one building to another as the classroom at the time was in the same building as the School's office". The panel noted that it had insufficient evidence to determine the exact layout of the School. In any event, the panel found that this was not a significant issue and accepted that this may have been an issue with memory, given the passage of time that had passed since the alleged event occurred.

The panel also heard oral evidence from [redacted]. During his testimony, when asked if the conversation took place between Witness E and Ms Mitchell about Pupil 31, he responded "absolutely not". [redacted] also stated that the conversation did not happen and that he "strongly [refuted] that meeting took place in [his] presence".

The panel carefully considered the different accounts, together with the contemporaneous evidence in the bundle. Overall, the panel found Witness E to be a credible witness and her evidence to the panel to be consistent with the contemporaneous evidence in the bundle. In particular, the panel noted that (i) Witness E and Witness G did receive an email from Witness A on 7 May 2021 asking them to mark Pupil 31 as present, on the instructions of [redacted], despite Pupil 31 being absent, (ii) the attendance records, code change report and falsification report for Pupil 31 did

demonstrate that Pupil 31 was marked as present in the afternoon despite being absent from the School, and (iii) Witness E had stated in her investigatory interview not long after the alleged event occurred on 10 June 2021 that she had gone to see Ms Mitchell to query the instruction that she had received on 7 May 2021, and that Ms Mitchell had told her to mark Pupil 31 as present. Further, the panel noted that Witness E's account was supported by Witness G, who stated that she did recall Witness E going to see Ms Mitchell to discuss Pupil 31's attendance mark (albeit she was not present for the conversation that did take place), and that when she returned to the classroom, she marked Pupil 31 as present.

The panel found Witness E's account to be inherently probable. The panel found it more likely than not that Witness E did go to see Ms Mitchell on 7 May 2021, to query the instruction she had received from [redacted] (via the email from Witness A) in respect of Pupil 31, and that Ms Mitchell did tell Witness E to "just mark [Pupil 31] in" or words to that effect, when Pupil 31 was absent.

The panel noted that, upon Witness E informing Ms Mitchell of the instruction that she had received from [redacted] (via the email from Witness A on 7 May 2021), Ms Mitchell should have taken appropriate action. In particular, Ms Mitchell should have raised this with [redacted] to understand if he did give this instruction and if so, the reason for doing so. Ms Mitchell should also have advised Witness E not to mark pupils who were absent as present. However, the panel noted that no adequate action was taken and instead, Ms Mitchell directed Witness E to follow this instruction and to "just mark [Pupil 31] in".

The panel found it was more likely than not that, (i) Ms Mitchell did become aware that Person A was causing and/or allowing others to complete or amend the attendance records of one or more pupils in accurately when Witness E came to see her on 7 May 2021, (ii) Ms Mitchell did tell Witness E to follow [redacted]'s instruction and mark Pupil 31 as present when they were absent, and (iii) Ms Mitchell did not take adequate action.

The panel found this allegation proven.

## **2. Your conduct as may be found proven at 1 above:**

### **a. constituted a failure to adequately safeguard pupils**

The panel considered that the attendance register is an important part of any school's safeguarding process. In particular, the panel noted that the school attendance system is set up to respond to pupils who do not attend school as expected, and to allow schools to take action where there is no reason for a pupil's absence, in order to safeguard those pupils and ensure that they are safely accounted for.

The panel also considered that, when pupils are marked as being present at school, they fall under the direct responsibility of the school. The school is then accountable and responsible for that child during that time. The panel noted that this was the case for the

pupils in this instance that had been marked as present, and they fell under the responsibility of the School. However, the panel noted that as those pupils were in fact not in school, the School was unable to ensure that their safeguarding duties for those pupils were met. The panel noted that this posed a risk to the Trust, which was responsible for pupils who were recorded as being under its care on the legal register. The panel noted that there were certain pupils who were known to [redacted] and required additional [redacted]. However, the School could not ensure that these measures were adequately in place when their attendance data was not accurate and their whereabouts not fully known.

The panel noted that in her role as DSL, Ms Mitchell had a direct responsibility for the safeguarding of pupils at the School. In respect of allegation 1(a), the panel found that Person C had raised significant concerns during her conversation with [redacted] on 22 April 2021, during which Ms Mitchell was present. The panel also noted that Person C had raised a very specific example, in respect of a secondary school pupil [redacted] (which [redacted] accepted had been referred to during his own oral testimony), in order to highlight the seriousness of her concerns. The panel noted that, whilst the word "safeguarding" may not have been explicitly used, the link between the concerns raised by Person C and the safeguarding of pupils was undeniable. The panel found that it was not a conversation that Ms Mitchell could have opted out of, and she could not have missed what was being discussed, particularly when it became clear that pupils may have been at risk as a result of their whereabouts being unaccounted for. The panel found that, by not taking any action in respect of these concerns being raised on 22 April 2021, the practice of absent pupils being incorrectly marked as present did continue, putting pupils at further risk. The panel found that this amounted to a failure to adequately safeguard those pupils.

In respect of allegation 1(c), again, the panel noted Ms Mitchell's role as DSL. The panel found that instructing Witness E to follow [redacted]'s instructions (which came via Witness A) and mark Pupil 31 as present despite knowing that Pupil 31 was absent from the School, and failing to take further action in respect of those instructions, was in breach of her professional responsibility to safeguard pupils.

The panel noted from Witness A's email on 7 May 2021 that Pupil 31 was attending a medical appointment, [redacted]. Whilst it would appear that Pupil 31 was accounted for, and Ms Mitchell appeared to know why Pupil 31 was absent, Ms Mitchell could not actually guarantee Pupil 31's whereabouts and safety for the entirety of the day. As a result, Ms Mitchell directly placed Pupil 31 at risk by instructing Witness E to follow [redacted]'s instructions (which came via Witness A) and mark them as present at school, when they were absent. However, the panel did also note that there had been no evidence to suggest that Pupil 31, or any other pupil came to any harm as a result of being marked present when they were absent.

The panel found this allegation proven.

## **2. Your conduct as may be found proven at 1 above:**

- b. was dishonest, in that you failed to take any, or any adequate action despite knowing that one or more pupil attendance records had been completed or amended in a way which did not accurately reflect the attendance of the relevant pupil(s).**

The panel considered the test as set out in the case of *Ivey v Genting Casinos (UK) Ltd*. Firstly, the panel was required to ascertain the actual subjective state of Ms Mitchell's mind as to her knowledge or belief as to the facts.

The panel found that Ms Mitchell was aware that pupil attendance records were being completed or amended in a way which did not accurately reflect the attendance of pupils. In respect of allegation 1(c), the panel found that Ms Mitchell had told Witness E to follow the instructions that had been given to her by [redacted], which came via the email from Witness A on 7 May 2021, to mark Pupil 31 as present when they were absent. The panel considered that Ms Mitchell knew that Pupil 31 was not present on the School site and was not attending school at all that day. In particular, the panel had found that Ms Mitchell did say to Witness E "we know why they are absent", which indicated that she endorsed the action as being justified. The panel found this to directly speak to Ms Mitchell's state of mind at the time.

The panel found that Ms Mitchell was an experienced teacher, and she clearly knew what was right and wrong in respect of attendance registers and pupil marks. The panel also noted that Ms Mitchell had the ultimate safeguarding responsibility as school DSL. The panel concluded that she must have understood the importance of ensuring that pupil attendance records were accurate. However, the panel found that Ms Mitchell did not take any adequate action on becoming aware that absent pupils were being marked as present. On the contrary, she actively directed that Pupil 31 should be incorrectly marked in that way, in the full knowledge of the implications of inaccurately completing the legal register.

The panel then went on to consider whether Ms Mitchell's state of mind was dishonest, applying the objective standards of the ordinary honest person. The panel considered that Ms Mitchell's conduct was dishonest and that an ordinary honest person would think that not taking any adequate action on becoming aware that absent pupils were being marked as present, and instead directing a member of staff to "just mark [Pupil 31] in" when they were absent, was dishonest.

The panel found this allegation proven.

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

**1. In the period between around 19 April 2021 and 21 May 2021, you failed to take any or any adequate action upon becoming aware that Person A was causing and/or allowing others to complete or amend the attendance records of one or more pupils inaccurately, in that you:**

- b. did not take any action despite being present during one or more discussions between Person A and Person E when such matters were discussed;**

The panel heard oral evidence from Witness A. The panel also had sight of [redacted] witness statement to the TRA dated 26 August 2024, and the notes of Witness A's investigatory interview at the School on 26 May 2021 which Witness A had signed and dated 10 June 2021. Further, the panel had sight of the notes of Witness A's separate interview at the School dated 24 March 2022, which Witness A had signed and dated 4 April 2022.

Witness A explained that her role at the School involved reviewing the attendance register once it had been closed and submitted by the classroom teacher in the morning and identifying those pupils who had been marked as absent. Witness A advised that she would then contact the parents or carers of those pupils to find out why they were absent. Witness A advised that, once she had spoken to the parents or carers and ascertained the reason for a particular pupil's absence, she would then ensure that this was accurately recorded in the attendance register on Scholar Pack (the software that was used by the School to record pupil attendance), using the corresponding absence code.

Witness A also explained that she would have daily attendance meetings with [redacted] to discuss pupil absences. Witness A stated that, in or around April 2021, [redacted] had first instructed her to mark absent pupils as present. Witness A also stated that, from that point on, during their daily discussions around pupil absences, [redacted] would instruct her to mark as present pupils who were absent (for various reasons, such as Covid or illness) or late.

In her witness statement to the TRA, Witness A stated that, as [redacted] shared an office with Ms Mitchell, there were often times when she would go to discuss attendance with [redacted], and Ms Mitchell would be present. Witness A also stated that Ms Mitchell would hear when [redacted] said words to the effect of "why are these pupils off? Change the mark". Witness A explained that Ms Mitchell would "not have any input in the conversation and would sit in silence".

In her witness statement, Witness A also explained that there were "three or four occasions" where [redacted] visited Witness A and Witness B in the admin office, whilst Ms Mitchell was already there, and on those occasions "he asked Ms Mitchell to calculate the percentage for attendance that day, which Ms Mitchell would calculate using her phone". Witness A also stated that she knew Ms Mitchell would be listening to these

discussions as there were “several times” when [redacted] told her to “mark them as present” whilst Ms Mitchell was present in the office. Witness A stated that “Ms Mitchell would typically be sat facing her computer with her back to me” and “on the odd occasion, Ms Mitchell would turn and smile at me to acknowledge me, which made me aware that she was listening”.

During her oral testimony, Witness A confirmed that this was her recollection and that Ms Mitchell would be present when she discussed attendance with [redacted] both in the admin office, and in the office that was shared by Ms Mitchell and [redacted]. Witness A also stated that during these conversations when she was instructed to mark absent pupils as present Ms Mitchell would turn around and smile, and she knew what Ms Mitchell had heard, as the “parts she would smile would be in relation to the conversation”. Witness A also confirmed that [redacted] did ask Ms Mitchell to calculate attendance, and the reason he asked for this was “to see if the percentage was above 95% or not”.

The panel heard oral evidence from Ms Mitchell. Ms Mitchell stated that she could recall being present during one or more discussions between [redacted] and Witness A. Ms Mitchell stated that she did overhear parts of those discussions, and would hear “enough to know that they were discussing attendance”, but she “did not know exactly what the conversations were about”. In particular, Ms Mitchell advised that it was her understanding that [redacted] was instructing Witness A to add Covid-related absences back on to the Trust data.

Ms Mitchell did accept that there was one occasion in which she was an active participant during a conversation between [redacted] and Witness A. In particular, Ms Mitchell explained that she walked into the admin office, and she had heard [redacted] and Witness A discussing “percentages of attendance”, “how many pupils were in today” and reasons for absence. Ms Mitchell advised that, “being a bit nosy, [she] just checked what the overall percentage was and if there were any children in [her] class that were absent that day and left”. Ms Mitchell stated that she did not ever hear [redacted] instructing Witness A to mark pupils who were absent as present on the statutory attendance register.

The panel found that, whilst it accepted that Ms Mitchell was present on at least one occasion where [redacted] had instructed Witness A to mark absent pupils as present, there was insufficient evidence to demonstrate that Ms Mitchell had heard and/or understood the full extent of these conversations. In particular, the panel noted that on the one occasion where Ms Mitchell was an active participant, and had checked the attendance data for her class, she would not have been looking over Witness A’s shoulder to see what exactly she was working on.

The panel distinguished the meetings between [redacted] and Witness A, from the meeting between [redacted] and Person C on 22 April 2021 when Ms Mitchell was also

present. In particular, the panel noted that the meeting with Person C on 22 April 2021 involved a heated discussion which related specifically to concerns regarding absent pupils being marked as present, which the panel found Ms Mitchell could not have ignored. However, the panel noted that [redacted] and Witness A had regular meetings to discuss attendance in general, and it was probable that Ms Mitchell would not have been actively listening to or participating in the discussions for which she was present. The panel was unable to correlate Ms Mitchell's presence during some of these discussions with her having definitely heard that [redacted] was instructing Witness A to mark absent pupils as present on the legal register.

The panel found this allegation not proven.

**1. In the period between around 19 April 2021 and 21 May 2021, you failed to take any or any adequate action upon becoming aware that Person A was causing and/or allowing others to complete or amend the attendance records of one or more pupils inaccurately, in that you:**

**d. did not take any action despite being present during a staff meeting when Person A told staff that certain children who were absent were being marked as present.**

The panel heard evidence from Witness D. The panel also had sight of Witness D' witness statement to the TRA dated 12 February 2024, together with the notes of Witness D' investigatory interview on 27 May 2021 which she had signed and dated 21 June 2021.

During her testimony, Witness D explained that there was an end of week meeting in the hall after school between March and June of 2021. During this meeting, Witness D stated that [redacted] was standing in the middle of the hall, and he told members of staff that full class absences were being marked as present so that it would not impact the attendance rates. Witness D stated that [redacted] said that he was "doing something he shouldn't be", or words to that effect. Witness D also stated that, during the meeting, [redacted] implied that he was falsifying the attendance data as he said that the School's attendance data is "not as good as it looks", but stated "as long as something looks good on the surface" or words to that effect. Witness D advised that she did speak to other members of teaching staff about this but did not report it at the time.

In her witness statement to the TRA, Witness D referred to this meeting and stated that there "were members of staff teaching Key Stage 1 and Key Stage 2 present at the meeting including ... Ms Mitchell". During her oral testimony, Witness D stated that it was possible that Ms Mitchell was not present at that meeting, but that she did think she was there based on what she had said in her witness statement.

The panel noted that Witness D's testimony was consistent with the witness statement she provided for the TRA. However, it had been put to Witness D during her evidence that there were some inconsistencies between her more recent evidence and the contemporaneous notes of her investigatory interview at the School. Firstly, it was put to Witness D that during her investigatory interview when she was asked about whether she had attended a particular meeting that made her feel uncomfortable, she did not describe the meeting held by [redacted] to discuss attendance and instead referred to what appeared to be a different meeting. However, the panel noted that Witness D did refer to the staff meeting to discuss attendance in her investigatory interview. Witness D also confirmed in her oral evidence that whilst she did not refer to this particular meeting as having made her feel uncomfortable, this did not mean that the meeting did not happen. Witness D confirmed that the meeting did take place as she had described.

Secondly, it was also put to Witness D that, during the investigatory interview, she did not refer to Ms Mitchell or other members of staff being present at this meeting. However, Witness D stated that she was not asked who was in attendance at the meeting during her interview, and that she would have provided the names of staff who were present had she been asked.

The panel heard oral evidence from Ms Mitchell. Ms Mitchell confirmed that an end of week meeting did take place in the School hall on a Friday after the school day had ended. However, Ms Mitchell rejected Witness D's account of what was said during the meeting. Ms Mitchell confirmed that [redacted] was standing in the middle of the hall, and that she had placed herself next to a display board that had been recently put up and which introduced a new reward system. Ms Mitchell stated that at the meeting, "attendance was spoken about in general terms" and that [redacted] told staff that attendance was low and it needed to be improved. Ms Mitchell also stated that [redacted] "spoke about how teachers could be more challenging towards parents and having teacher-parent conversations to establish why children were absent" and whether they needed further support. When asked if at any time during that meeting, she understood [redacted] to say that he was doing something "naughty" or changing attendance marks, or anything to that effect, Ms Mitchell responded "absolutely not". Ms Mitchell also stated that she would have hoped "that [she], or the three other senior leaders in the room" would have "raised a concern or questioned it", if [redacted] had said that.

The panel also heard oral evidence from [redacted], in relation to the allegations that were against him. [redacted] also rejected Witness D's account of what was discussed at the meeting, in that he denied that he had stated or implied to staff that he was falsifying attendance data. [redacted] advised that he had called the meeting to discuss his concerns about attendance and that at the meeting, he stated there had been "issues with registration marks and codes in terms of inaccuracies". [redacted] advised that he told the teaching staff to make sure that the registers are accurate, and he also asked them to make a real effort to support office staff in ensuring that children come into

school on time and regularly. [redacted] also stated that the key message was for staff to “take greater responsibility in the first instance of a child being absent”, to take “more accountability” in respect of pupil absences, and “to check on pupils where appropriate”. [redacted] advised that there was also a reward scheme introduced in order to “drive at attendance levels”. [redacted] confirmed that Ms Mitchell was present at this meeting, and that she was near a display. [redacted] also stated that during the meeting, Ms Mitchell introduced a display that “aimed to act as a reminder to everybody” and that there were “rewards” and “statistical facts” on there to reference during assemblies.

The panel found that there was inconsistent evidence in respect of this meeting, including what was stated during the meeting. In particular, the panel had heard evidence from Witness H, and during testimony Witness H stated that she thought the meeting had taken place in a classroom and not the School hall, but she could not recall the exact venue of the meeting. Witness H also stated that the meeting was not exclusively about attendance, and that attendance was mentioned at the end of the meeting. The panel had sight of the notes of Witness H’s investigatory interview at the School on 27 May 2021, which she had signed and dated 21 June 2021. During this interview, Witness H recalled “an end of staff meeting on Monday/Tuesday” where [redacted] stated that “attendance was low and that it needed to be improved”, and “a new display had been put in the hall.” It was noted that there was no indication in these notes of the register being falsified or students being marked present when they were not, or marks having been changed. The panel noted that in her investigatory interview, in response to a specific question, Witness H had said that [redacted] had not verbally asked her to change the register. She confirmed that this was correct during her oral evidence.

Overall, the panel found that there was insufficient evidence to support Witness D’s account of the staff meeting, or that [redacted] had told staff that certain children who were absent were being marked present. As a result, the panel found that it could not go on to consider the remainder of the allegation.

The panel found this allegation not proven.

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

Having found a number 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 Ms Mitchell, in relation to the facts found proved, involved breaches of the Teachers’ Standards.

The panel considered that, by reference to Part 2, Ms Mitchell 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
  - 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 ...
- 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 Ms Mitchell, in relation to the facts found proved, involved breaches of Keeping Children Safe In Education ("KCSIE"). In particular, the panel noted that KCSIE required there to be policies and procedures in place in order for appropriate action to be taken in a timely manner to safeguard and promote children's welfare. The panel considered that this would include taking appropriate action in respect of pupil attendance. The panel also noted that KCSIE required schools to have "appropriate safeguarding arrangements in place to respond to children who are absent from education". However, the panel noted that the School could not do this where its attendance data was inaccurate.

The panel also considered whether Ms Mitchell's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice. The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct. The panel found that the offence of ... serious dishonesty was relevant.

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

In relation to whether Ms Mitchell's actions amounted to conduct that may bring the profession into disrepute, the panel took into account the way the teaching profession is viewed by others. It considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

In considering the issue of disrepute, the panel also considered whether Ms Mitchell's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. As set out above in the panel's findings as to whether Ms

Mitchell was guilty of unacceptable professional conduct, the panel found that the offence of ... serious dishonesty was relevant.

The panel considered that Ms Mitchell's conduct could potentially damage the public's perception of a teacher. In particular, the panel considered that the public would be concerned that Ms Mitchell was dishonest and had failed to adequately safeguard pupils, by failing to take adequate action upon learning that absent pupils were being marked as present.

For these reasons, the panel found that Ms Mitchell's actions constituted conduct that may bring the profession into disrepute.

Having found the particulars of allegations 1(a) and (c), and 2(a) and (b) proved, the panel found that Ms Mitchell's conduct amounted to both unacceptable professional conduct and 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 the light of the panel's findings against Ms Mitchell, which involved serious findings of a failure to safeguard pupils, there was a strong public interest consideration in respect of 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 Ms Mitchell were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel was also of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was present as the conduct found against

Ms Mitchell was outside that which could reasonably be tolerated, given that it had made serious findings of dishonesty.

In addition to the public interest considerations set out above, the panel went on to consider whether there was a public interest in retaining Ms Mitchell in the profession. The panel decided that there was a public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon her abilities as an educator and she is able to make a valuable contribution to the profession. However, in light of the serious findings made, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Ms Mitchell in the profession since her behaviour fundamentally breached the standard of conduct expected of a teacher and involved such clear breaches of KCSIE.

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. Whilst the panel did not find Ms Mitchell to be the main perpetrator of actions that were initiated by [redacted], it did find that she had facilitated those actions and directly contributed to them. The panel noted that in her positions as Assistant Vice Principal and DSL, Ms Mitchell had an obligation to challenge behaviour that she knew was wrong and to take further action, but she failed to do so. Ms Mitchell's failure to take any action, together with her own dishonesty, caused other members of staff to break the rules despite their vocal objections to doing so. The panel noted that a teacher's behaviour that seeks to exploit their position of trust should be viewed very seriously and be seen as a possible threat to the public interest.

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Ms Mitchell.

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 ...;
- abuse of position or trust ...;
- 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);

- dishonesty or a lack of integrity, including the deliberate concealment of their actions ... especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests;
- collusion or concealment including:
  - failure to challenge inappropriate actions, defending inappropriate actions or concealing inappropriate actions;
  - encouraging others to break rules;
  - lying to prevent the identification of wrongdoing.

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.

Ms Mitchell's actions were found to be deliberate. There was no evidence to suggest that Ms Mitchell was acting under extreme duress, e.g. a physical threat or significant intimidation.

The panel did not have sight of any independent evidence to show that Ms Mitchell had demonstrated exceptionally high standards in both her personal and professional conduct, or that she had contributed significantly to the education sector. However, the panel noted that Ms Mitchell did previously have a good history, in that she had a strong 23-year career with no previous issues in maintaining high standards.

The panel acknowledged that Ms Mitchell's conduct occurred during a unique confluence of circumstances, which resulted in ongoing challenges. In particular, the panel heard that the School was attended by pupils from the top 10% of the most deprived communities in the country, and pupils had started to return to school post-Covid. Further, the panel noted that there were staffing challenges, with Ms Mitchell being expected to uphold the role of Assistant Vice Principal, DSL, SENCO, LAC co-ordinator, as well as class teacher. The panel noted that these were all demanding roles and would have required a significant amount of responsibility from Ms Mitchell. The panel was also aware of significant stresses in her personal life at the time.

The panel noted that it was [redacted] who was the direct instigator of the conduct found proven and that, for the most part there was a failure of omission on the part of Ms Mitchell and not commission. However, the panel also noted that there was an element of active involvement in that it found Ms Mitchell to be deliberately dishonest. Further, the panel noted that Ms Mitchell was in a senior position at the School and that it was her role to challenge [redacted] where necessary rather than be a passive bystander. Further, the panel considered that Ms Mitchell's roles as DSL and LAC co-ordinator

meant that she should have been particularly aware of the importance to safeguard pupils and keep accurate records (particularly regarding vulnerable pupils).

The panel noted that Ms Mitchell was not previously subject to disciplinary proceedings.

The panel had sight of character statements provided by Ms Mitchell. In particular, there is a character statement from a Teacher and former colleague of Ms Mitchell who is aware of the allegations against her, dated 20 May 2025. Within this statement, the former colleague states that Ms Mitchell “consistently goes above and beyond to ensure that students are not only academically supported but also encouraged to grow as individuals.” It also states that Ms Mitchell was admired for her “trustworthiness” and that “whether working on team initiatives, managing confidential information, or supporting students through sensitive situations, she always acts with discretion and integrity.”

The panel also had sight of a character statement from a Teaching Assistant and former colleague of Ms Mitchell at the School, which states that they are aware of the allegations against Ms Mitchell. It also states that Ms Mitchell’s “enthusiasm for education, coupled with her ability to foster a positive and supportive learning environment, has made a lasting impact on the school community” and that Ms Mitchell is “of good character, trustworthy, compassionate, and consistently willing to go above and beyond to support those around them.”

The panel also noted that, during the time since the events occurred and the start of this hearing, Ms Mitchell had continued to work at the School as an Assistant Vice Principal. It became known to the panel during the hearing that Ms Mitchell had resigned from the School prior to its commencement in June 2025. The panel noted that there was also a reference in the hearing bundle from the new Executive Headteacher at the School, who became Ms Mitchell’s line manager following [redacted] dismissal, and therefore had knowledge of the School’s investigation. Within this reference of September 2023, the Executive Headteacher speaks highly of Ms Mitchell and states that she is “an effective teacher, who is consistently good or better in her practice”.

The panel considered Ms Mitchell’s level of remorse and insight. The panel had sight of a written statement provided by Ms Mitchell dated 19 June 2025, in which she advised that she had fully understood “the concerns that have been raised” and “the seriousness of the risk to pupils and the potential damage to the public perception of the profession”. Further, Ms Mitchell stated that she fully understands how “this could have had a significant impact on pupils, and they could have been put at risk of harm.”

However, the panel found that there was limited evidence to demonstrate that Ms Mitchell had understood the impact of her specific actions and inactions, and conduct as found proven, on the School, the pupils or the community. The panel found that Ms Mitchell had an opportunity during the time she remained in her role to demonstrate that

she had learned from her actions, and how she would do things differently in the future, but no such evidence had been provided to the panel.

The panel noted that Ms Mitchell had strenuously denied all of the allegations against her throughout the School's investigation and these proceedings. The panel accepted that Ms Mitchell had positively engaged with both the School's investigation and the TRA proceedings. Notwithstanding this, the panel found there was insufficient evidence to demonstrate that Ms Mitchell had understood the gravity of the findings against her or that she was genuinely remorseful.

Overall, the panel found that there was insufficient evidence of insight.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Ms Mitchell of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Ms Mitchell. Ms Mitchell's lack of insight in light of the serious findings of dishonesty and a failure to safeguard pupils was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

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

One of these includes serious dishonesty.

The panel noted that it made a finding against Ms Mitchell of dishonesty in these proceedings. Whilst the panel noted that such behaviours weigh in favour of a longer review period, it noted that it should consider each case on its individual merits taking into account all the circumstances involved. In this instance, the panel found that the circumstances were so unique that they warranted a departure from the Advice. In particular:

Ms Mitchell's dishonesty occurred over a limited time period during a 23-year unblemished career. Ms Mitchell had taken on the responsibility of multiple roles at the School, as sole Assistant Vice Principal, DSL and SENCO during an unprecedented time following the Covid-19 pandemic which placed considerable pressure on both her individually, and the School as a whole.

The panel noted that over 4.5 years had passed between these events and the conclusion of this case. The panel took into account the principle from the case of Dr Bright Selvadurai Selverajan v GMC [2008] EWHC 182 and noted that in light of this delay, any longer review period above two years could be seen as overly punitive.

The panel had no evidence that would cause it to doubt Ms Mitchell's ability as an educator and felt it would be a shame to deprive the community of a teacher of her ability for any longer than absolutely necessary. The panel also noted that Ms Mitchell had continued working within her role at the School up until the start of this hearing.

The panel noted whilst the findings involved a failure to safeguard pupils, there was no evidence that Ms Mitchell had caused any actual harm to pupils or that she was a direct risk to children.

Overall, the panel noted that Ms Mitchell demonstrated a deliberate disregard to policies, procedures and statutory guidance, which was a problematic feature of her conduct. The panel also noted that whilst Ms Mitchell did not initiate the conduct found proven, she failed in her role as senior leader, DSL and LAC co-ordinator to challenge [redacted] on this and instead she contributed to his behaviour. The panel also noted that Ms Mitchell lacked a sufficient level of insight or remorse. As a result, the panel could not be certain that there was no short-term risk of repetition. The panel noted that Ms Mitchell had continued as Assistant Vice Principal, phase leader and class teacher at the School up until the start of this hearing and prior to the panel's determination, although it did not have sight of any current evidence with regard to Ms Mitchell's conduct or performance beyond September 2023.

In any event, it was Ms Mitchell's clear lack of insight that concerned the panel the most. As a result, the panel could not be certain that, if placed in similar circumstances, there would be no risk of repetition in the future.

However, the panel considered that, for the reasons set out above, 2 years was a sufficient time for Ms Mitchell to develop the level of insight and remorse required to return to teaching. In particular, the panel noted that Ms Mitchell could reasonably be expected to take some time to reflect on the decision, and to understand the impact and severity of her actions. The panel considered that Ms Mitchell had the ability to make a significant contribution to the education sector in the future, and that she should be given an opportunity to demonstrate this to a panel in the near future, if she wished to do so.

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. The panel recommended a review period of 2 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 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 allegations 1b and 1d), and I have therefore put those matters entirely from my mind.

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

In particular, the panel has found that Ms Mitchell 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
  - 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 ...
- 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 Ms Mitchell 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 Ms Mitchell fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include findings of failing to adequately safeguard pupils and dishonest conduct.

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 Ms Mitchell, 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 the light of the panel’s findings against Ms Mitchell, which involved serious findings of a failure to safeguard pupils, there was a there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils.”

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:

“However, the panel found that there was limited evidence to demonstrate that Ms Mitchell had understood the impact of her specific actions and inactions, and conduct as found proven, on the School, the pupils or the community. The panel found that Ms Mitchell had an opportunity during the time she remained in her role to demonstrate that she had learned from her actions, and how she would do things differently in the future, but no such evidence had been provided to the panel.

The panel noted that Ms Mitchell had strenuously denied all of the allegations against her throughout the School’s investigation and these proceedings. The panel accepted that Ms Mitchell had positively engaged with both the School’s

investigation and the TRA proceedings. Notwithstanding this, the panel found there was insufficient evidence to demonstrate that Ms Mitchell had understood the gravity of the findings against her or that she was genuinely remorseful.

Overall, the panel found that there was insufficient evidence of insight.”

In my judgement, the lack of evidence of full insight and remorse 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 Ms Mitchell’s conduct could potentially damage the public’s perception of a teacher. In particular, the panel considered that the public would be concerned that Ms Mitchell was dishonest and had failed to adequately safeguard pupils, by failing to take adequate action upon learning that absent pupils were being marked as present.”

I am particularly mindful of the finding of dishonesty 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 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 Ms Mitchell herself. The panel has commented:

“The panel did not have sight of any independent evidence to show that Ms Mitchell had demonstrated exceptionally high standards in both her personal and professional conduct, or that she had contributed significantly to the education sector. However, the panel noted that Ms Mitchell did previously have a good history, in that she had a strong 23-year career with no previous issues in maintaining high standards.”

“The panel had sight of character statements provided by Ms Mitchell. In particular, there is a character statement from a Teacher and former colleague of

Ms Mitchell who is aware of the allegations against her, dated 20 May 2025. Within this statement, the former colleague states that Ms Mitchell “consistently goes above and beyond to ensure that students are not only academically supported but also encouraged to grow as individuals.” It also states that Ms Mitchell was admired for her “trustworthiness” and that “whether working on team initiatives, managing confidential information, or supporting students through sensitive situations, she always acts with discretion and integrity.””

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

In this case, I have placed considerable weight on the panel’s findings that the serious misconduct found proven included a failure to safeguard pupils and that Ms Mitchell’s insight and remorse was limited. The panel has said:

“The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Ms Mitchell. Ms Mitchell’s lack of insight in light of the serious findings of dishonesty and a failure to safeguard pupils was a significant factor in forming that opinion.”

I have given less weight in my consideration of sanction therefore to the contribution that Ms Mitchell 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 evidence of full insight and remorse, 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 noted the panel’s comment that, although the Advice indicates that in cases involving serious dishonesty the public interest will weigh in favour of a longer review period, in this case “circumstances were so unique that they warranted a departure from the Advice.”

I have also considered the panel’s comment:

“Overall, the panel noted that Ms Mitchell demonstrated a deliberate disregard to policies, procedures and statutory guidance, which was a problematic feature of her conduct. The panel also noted that whilst Ms Mitchell did not initiate the

conduct found proven, she failed in her role as senior leader, DSL and LAC co-ordinator to challenge [redacted] on this and instead she contributed to his behaviour. The panel also noted that Ms Mitchell lacked a sufficient level of insight or remorse. As a result, the panel could not be certain that there was no short-term risk of repetition. The panel noted that Ms Mitchell had continued as Assistant Vice Principal, phase leader and class teacher at the School up until the start of this hearing and prior to the panel's determination, although it did not have sight of any current evidence with regard to Ms Mitchell's conduct or performance beyond September 2023."

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 found, the lack of evidence of full insight and remorse, and the risk this creates 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 Ms Sarah Mitchell is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England.** She may apply for the prohibition order to be set aside, but not until 16 December 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 she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Ms Mitchell remains prohibited from teaching indefinitely.

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

Ms Mitchell has a right of appeal to the High Court within 28 days from the date she is given notice of this order.



**Decision maker: David Oatley**

**Date: 12 December 2025**

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

