



Teaching  
Regulation  
Agency

# **Mr Gary Brown: Professional conduct panel outcome**

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

**March 2026**

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

**Teacher:** Mr Gary Brown

**TRA reference:** 23021

**Date of determination:** 30 March 2026

**Former employer:** Castle Wood Academy, Gainsborough

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 23 March 2026 to 27 March at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr Brown. The hearing took place virtually on 30 March 2026.

The panel members were Ms Amanda Godfrey (teacher panellist – in the chair), Mr Tony Coyne (lay panellist) and Mrs Beverley Montgomery (lay panellist).

The legal adviser to the panel was Miss Nicoletta Czajkowska of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Ms Sherelle Appleby of Browne Jacobson LLP solicitors.

Mr Brown was present and was represented by Mr Andrew Faux of The Reflective Practice.

The hearing took place in public save that portions of the hearing were heard in private and it was recorded.

### **Allegations**

The panel considered the allegations set out in the notice of hearing dated 9 May 2025.

It was alleged that Mr Brown was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as Headteacher at Tall Oaks Academy:

1. He engaged in inappropriate and/or unprofessional behaviour on one or more occasions, towards:
  - a. Pupil A in that he;
    - i. Shouted disproportionately at Pupil A on or around 12 October 2022;

- ii. Restrained Pupil A and/or pulled Pupil A by [REDACTED] arm on or around 13 October 2022;
  - b. Pupil B, in that he;
    - i. Shouted disproportionately at Pupil B on or around 14 October 2022;
    - ii. Held and/or grabbed Pupil B by the shoulders on or around 14 October 2022
  - c. One or more staff members, in that he:
    - i. Made inappropriate and/or unreasonable threats of disciplinary action;
    - ii. Used an inappropriate and/or unreasonable tone towards staff members.
2. He failed to take appropriate action and/or ensure appropriate action was taken to safeguard one or more pupils in that he;
- a. Failed to log concerns and/or discussions and/or meetings and/or decisions made on CPOMs;
  - b. Failed to manage behaviour logs on CPOMs.
3. His conduct as may be found proven at Allegation 1c demonstrated a lack of insight into informal advice/guidance provided by the school in or around;
- a. 2022.

Mr Brown denied the factual basis of all allegations except for allegation 2, but only to the extent that it related to particular 1(a)(ii). He denied unacceptable professional conduct and conduct that may bring the profession into disrepute.

The particulars were amended to remove references to “Headteacher” and to replace the school name “Tall Oaks Academy” with “Castle Wood Academy”. The date in allegation 2 was amended as set out below, and allegation 3 was discontinued by the TRA.

## Summary of evidence

### Documents

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

Section 1: Notice of Hearing & Anonymised pupil list – pages 5 to 12

Section 2: Teaching Regulation Agency Witness Statements – pages 14 to 84

Section 3: Teaching Regulation Agency Documents – pages 86 to 200

Section 4: Teacher Documents – pages 203 to 234

In addition, the panel agreed to accept the hearsay evidence of Individual A and two maps produced during the course of the hearing.

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

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

## **Witnesses**

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

Witness A – [REDACTED], teacher at the Castle Wood Academy (“the School”); and

Witness B – [REDACTED] teaching assistant at the School;

Witness C – [REDACTED], teacher at the School;

Witness D – [REDACTED] teacher at the School;

Witness E – [REDACTED]

Mr Brown also gave oral evidence.

## **Decision and reasons**

The panel announced its decision and reasons as follows:

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

Mr Brown was employed at Castle Wood Academy (“the School”) from 17 October 2017. He was initially appointed as Head of School and was promoted to Headteacher in September 2022.

Mr Brown was suspended from the School on 17 October 2022 pending an internal investigation into the allegations. Following a disciplinary hearing, his employment at the School was terminated on 31 October 2023.

The matter was subsequently referred to the TRA on 17 January 2024.

## 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. You engaged in inappropriate and/or unprofessional behaviour on one or more occasions, towards:**

**a. Pupil A in that you;**

**ii. Restrained Pupil A and/or pulled Pupil A by [REDACTED] arm on or around 13 October 2022;**

Mr Brown admitted that he took Pupil A by [REDACTED] arm, which he described as necessary to prevent harm to Pupil A. Mr Brown did not accept that his actions were inappropriate or unprofessional. Mr Brown denied pulling or restraining Pupil A.

The panel considered the oral evidence of Witness A, Witness B, Witness C and Witness E, together with Mr Brown's own evidence.

[REDACTED]

The panel noted that although there were some differences in the witnesses' accounts, it was common ground that this allegation began when Pupil A was told to [REDACTED]. Mr Brown then became involved [REDACTED]. The witnesses and Mr Brown's accounts differed on whether Pupil A returned to the classroom or went directly to the [REDACTED], but all agreed that [REDACTED] was in [REDACTED] when the allegation occurred.

The panel noted the evidence of Witness B, Pupil A's 1-to-1 and Witness C, Pupil A's teacher, both said that Pupil A had not displayed [REDACTED] behaviour prior to the date of this allegation. The panel also considered Witness E's evidence that Pupil A had a history of [REDACTED] behaviours, including [REDACTED] but she could not say when these behaviours occurred and whether it was prior to the allegation.

Witness C said she was in the classroom when Pupil A approached her in a dysregulated state because [REDACTED] had been told to [REDACTED] on and she instructed [REDACTED] to go to the [REDACTED].

Witness B said that she would normally watch Pupil A inside [REDACTED] to ensure [REDACTED] was safe. Her evidence was that, during this incident, while Pupil A was inside [REDACTED] Mr Brown continued to tell [REDACTED]. She saw Pupil A hitting the wall with [REDACTED] shoes [REDACTED]. She said that Mr Brown was kneeling by the entrance of the [REDACTED] and accepted that once he leaned inside, her view into the

[REDACTED] was restricted and she could no longer see Pupil A, although she continued to hear banging noises and heard Mr Brown say “stop hitting the wall”.

Mr Brown’s evidence was that he was the only person who could see into the [REDACTED] and he said he observed Pupil A [REDACTED]. He was concerned for Pupil A’s safety and made a “dynamic risk assessment” and taking [REDACTED] arm out of the [REDACTED] was necessary to protect Pupil A. He agreed that removing Pupil A from the [REDACTED] escalated Pupil A’s behaviour and it’s not what he wanted to do, but he felt he had no choice in the circumstances.

The panel considered the evidence of Witness A. He was the only witness who described Mr Brown dragging Pupil A, holding [REDACTED] up against the wall and shouting at [REDACTED]. The panel found his evidence less reliable due to his stated personal dislike of Mr Brown and the lack of corroboration from other witnesses, no other witness reported Mr Brown shouting, behaving aggressively, holding Pupil A against a wall or dragging Pupil A.

By contrast, Witness B said Pupil A walked out of the [REDACTED] with Mr Brown pulling [REDACTED] arm and that [REDACTED] was not dragged.

Once out of the [REDACTED], Mr Brown admitted rubbing Pupil A’s arms as a calming measure but said he did not have a grip on [REDACTED] and was not restraining [REDACTED]. He accepted that Pupil A was telling him to leave [REDACTED] alone, but said he remained concerned for the safety of Pupil A, other pupils and staff until Pupil A calmed down. Witness B’s evidence was that Mr Brown was holding Pupil A and telling [REDACTED] he would let [REDACTED] go once [REDACTED] calmed down. Witness B did not say that Mr Brown restrained Pupil A and that Mr Brown was not shouting at Pupil A and had a calm voice throughout.

The panel was satisfied that Mr Brown pulled Pupil A by [REDACTED] arm out of the [REDACTED]. The panel found that this conduct would only be appropriate if it was necessary for Pupil A’s own safety. The [REDACTED] was recognised by all parties as the child’s safe space. The panel considered that, in the absence of any need to remove Pupil A for [REDACTED] own protection, pulling [REDACTED] from the [REDACTED] in this way was unnecessary and amounted to inappropriate behaviour. The key question for the panel was whether Mr Brown saw Pupil A [REDACTED] inside the [REDACTED].

The panel found it significant that if Mr Brown genuinely believed Pupil A was [REDACTED], particularly as this was new behaviour, he would have recorded this on CPOMs. Mr Brown accepted that he made no safeguarding record, despite saying the incident was highly distressing for him. This omission undermined his assertion that Pupil A was [REDACTED] to the extent that immediate physical intervention was required. The panel also noted that Witness B, who knew Pupil A best, said she had not observed

[REDACTED] prior to this incident, a point supported by Witness C. Witness E was unable to confirm when the reported incidents of [REDACTED] occurred to support either account.

The panel also found a lack of follow-up actions that would be expected to be undertaken by Mr Brown if he had observed Pupil A [REDACTED], such as checking on Pupil A's wellbeing [REDACTED], or informing Pupil A's class teacher and / or parents. The panel noted the evidence that Pupil A was allowed to continue [REDACTED] normal school day.

During cross-examination, Mr Brown was asked about previous instances of Pupil A [REDACTED]. He said this was not behaviour he was familiar with, but that Witness C had spoken to him about an incident a week or two before, where she was concerned that Pupil A [REDACTED].

The panel also considered Pupil A's own account, taken by the Trust's Safeguarding Manager, on 21 October 2022 which the panel noted was closer in time to the allegation and taken by an independent individual that had an established relationship with Pupil A. Pupil A stated [REDACTED] kicked the wall twice, with no mention of [REDACTED]. While this evidence was given limited weight as it was not tested before the panel, it supported the evidence that Pupil A was [REDACTED].

The panel further noted Mr Brown's own evidence in his written statement and oral evidence and the panel found that Mr Brown was in a heightened state during his interaction with Pupil A which would have contributed to his inappropriate conduct in pulling Pupil A by [REDACTED] arm out of the [REDACTED].

On the balance of probabilities, the panel found it proven that Mr Brown pulled Pupil A by [REDACTED] arm and that this amounted to inappropriate behaviour. The panel did not find that this conduct was unprofessional.

The panel did not find, on the balance of probabilities, that Mr Brown restrained Pupil A.

The panel therefore found this allegation proven only to the extent that Mr Brown pulled Pupil A by the arm and that this amounted to inappropriate behaviour.

**1. You engaged in inappropriate and/or unprofessional behaviour on one or more occasions, towards:**

**c. One or more staff members, in that you**

**ii. Used an inappropriate and/or unreasonable tone towards staff members.**

This allegation was denied by Mr Brown.

The panel focused on two incidents described by the witnesses which were said to have occurred during the Ofsted inspection in February 2022.

1. Mr Brown shouting and/or swearing at Witness A and Witness D regarding a map that was printed incorrectly.
2. Mr Brown shouting and/or swearing at staff about pizzas/pizza boxes while working late during the Ofsted inspection.

The panel heard oral evidence from Witness D and reviewed her interview from the internal investigation. In that interview, she described Mr Brown saying “*you’d better get that fucking changed now*” when a map printed incorrectly, and “*get those fucking pizzas out of my sight*” during the late evening Ofsted preparation. She said the tone was aggressive rather than a casual use of language.

Witness A’s internal investigation interview described similar incidents. He said that when food was collected from reception during the late evening Ofsted preparation, Mr Brown said “*get those fucking pizzas out of the way*”, and later said the map “*needs fucking changing now*”. Witness A described Mr Brown’s behaviour as “*condescending and rude*”.

Witness C, in her internal investigation interview with the School, said that she heard Mr Brown swear at Witness D and Witness A, telling them to “*sort their shit out*” and to “*make sure it’s fucking sorted*” when a map printed incorrectly.

The panel also considered the wider context that February 2022 was a highly stressful period for the School. Witness E described the Ofsted inspection as “*brutal*”. The panel accepted this context but noted that stress did not justify the use of an inappropriate or unreasonable tone to staff. The panel noted that Mr Brown should have displayed good leadership behaviour towards his staff especially during an Ofsted inspection.

Mr Brown, in his oral evidence, denied swearing at staff during either incident.

Regarding the map incident, he accepted seeing two staff members at the printer with a map that had printed incorrectly. He said he told them words to the effect of “*you’re not going to give that to the children, are you?*”, and they replied that they would reprint it. He accepted he may have been brusque or short with them due to stress, but he denied swearing.

Regarding the pizza incident, Mr Brown accepted that pizzas were ordered for staff who were working late during the Ofsted inspection. He said that on one of the evenings he walked around the School to check on staff and ensure classrooms were tidy for the next morning. He recalled seeing pizza boxes at around 19:30 and said he may have asked staff to remove them so the area was tidy. He accepted that he was stressed but was clear that he did not swear at staff and denied using any of the language alleged.

On the balance of probabilities, the panel found it more likely than not that, during the Ofsted inspection, Mr Brown was stressed and shouted and swore at staff in relation to the

misprinted map and the pizza boxes. The panel considered this tone to be inappropriate and unreasonable and found that this behaviour was inappropriate and unprofessional.

The panel therefore, found this allegation proven, limited to those two described incidents.

**2. You failed to take appropriate action and/or ensure appropriate action was taken to safeguard one or more pupils in that you;**

**a. Failed to log concerns and/or discussions and/or meetings and/or decisions made on CPOMs;**

**b. Failed to manage behaviour logs on CPOMs.**

Allegation 2 was admitted by Mr Brown only insofar as it related to incident 1(a)(ii) involving Pupil A on 13 October 2022.

As the panel found the facts in allegation 1(a)(ii) proven, and following the same reasoning, the panel found that the incident involving Pupil A on 13 October 2022 should have been logged on CPOMs as a safeguarding concern, and that Pupil A's behaviour should have been managed through the appropriate recording process. The panel considered this omission particularly significant because Pupil A [REDACTED] and, more importantly, because Mr Brown's own recollection was that Pupil A was [REDACTED] and this was new behaviour, it was especially important that it be recorded.

Mr Brown admitted in his oral evidence that the incident involving Pupil A should have been recorded on CPOMs.

The panel then considered two further incidents arising from the evidence of Witness E. The first involved Parent A, who had submitted a complaint and a Subject Access Request. The panel found evidence of an entry on CPOMs relating to this matter and meeting minutes documenting the discussion with Parent A.

Mr Brown's evidence was that the complaint was not logged in greater detail on CPOMs because it concerned a complaint directly involving a staff member. In her oral evidence, Witness E agreed with this approach.

The panel did not have the CPOMs record before it, and the evidence did not make clear what would have been expected to appear on CPOMs in relation to this complaint or whether the matter constituted a safeguarding issue requiring such a record. The panel therefore did not find this part of the allegation proven.

The panel also considered the evidence of Witness E regarding bullying concerns relating to Pupil D. Witness E referred to a complaint by Parent B relating to bullying and stated that she had reviewed Pupil D's CPOMs record and found evidence of bullying with little apparent action taken. However, the evidence before the panel did not identify what had been recorded on CPOMs, nor what, if anything, Mr Brown had failed to record.

Mr Brown's evidence was that he met with Parent B, with Witness D and Witness A also present, and asked staff to log the meeting and agreed actions on CPOMs. Both witnesses could not recall the meeting, but did not deny that the meeting may have occurred and that they may have been asked to create the log.

On the balance of probabilities, the panel found that it did not have sufficient evidence to establish that Mr Brown failed to log concerns, discussions, meetings or decisions on CPOMs relating to Pupil D. This part of the allegation was therefore not proven.

The panel found allegation 2 proven only in relation to allegation 1(a)(ii), namely the incident involving Pupil A on 13 October 2022.

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

**1. You engaged in inappropriate and/or unprofessional behaviour on one or more occasions, towards:**

**a. Pupil A in that you;**

**i. Shouted disproportionately at Pupil A on or around 12 October 2022;**

Mr Brown accepted that he raised his voice to two pupils, one of them being Pupil A, in order to diffuse what he described as "*play-fighting*" between two pupils, but he denied that his response was disproportionate or that it amounted to inappropriate or unprofessional conduct.

The panel considered the oral and written evidence of Witness C. In her interview during the school's internal investigation, she stated that she heard Mr Brown shouting at pupils and recalled him saying something about them needing to "*show respect*". She said she turned to the Assistant Head and commented that she thought the school was a "*no shouting school*", and that she felt uncomfortable with what she had heard. The panel noted that this allegation did not appear in the written witness statement she later provided to the TRA. In her oral evidence before the panel, she stated that she heard Mr Brown shout something about "*respect*".

The panel also considered the written statement of Individual A, who said that he heard Mr Brown shouting at Pupil A and Pupil C for approximately 20–30 seconds, describing the shouting as "*aggressive*" and "*not a normal response*". The panel noted, however, that this evidence had not been tested through cross-examination before the panel and therefore attached it limited weight. The panel further noted, when assessing credibility, that both Individual A and Witness C expressed personal dislike of Mr Brown in their evidence and placed limited weight to their evidence.

The panel accepted that there was sufficient evidence that Mr Brown shouted at Pupil A, as he himself acknowledged raising his voice. The key issue for the panel was whether the shouting was disproportionate in the circumstances.

The panel considered Mr Brown's account, both in his witness statement and in his oral evidence. He said that the incident occurred during the after school club when staff had radioed repeatedly for assistance. When he attended, he observed two [REDACTED], including Pupil A, play-fighting despite staff having instructed them to stop. He reported that he called their names loudly to gain their attention, which required more than one attempt. He said he then took them to his office to calm the situation and speak to them. Once inside, the pupils talked over one another, and he raised his voice to obtain their attention before speaking to them calmly about why their behaviour was inappropriate and how they could have been hurt.

Having considered all the evidence, the panel found that it may have been proportionate for Mr Brown to raise his voice briefly in order to gain the pupils' attention and to intervene in what he reasonably perceived to be a situation requiring immediate action. The panel was satisfied that both witnesses could have heard Mr Brown raising his voice from a distance, but neither witnessed the interaction directly. The only time estimate before the panel was Individual A witness statement that the shouting lasted 20–30 seconds.

On the balance of probabilities, the panel found no reliable evidence that the shouting was disproportionate to the circumstances Mr Brown faced at the time.

The panel therefore found this allegation not proven.

**1. You engaged in inappropriate and/or unprofessional behaviour on one or more occasions, towards:**

**b. Pupil B, in that you;**

**i. Shouted disproportionately at Pupil B on 11 October 2022;**

**ii. Held and/or grabbed Pupil B by the shoulders on 11 October 2022**

Mr Brown admitted that he raised his voice at Pupil B but denied that this was disproportionate. He denied any physical contact with Pupil B, including holding or grabbing [REDACTED] by the shoulders.

The panel considered the oral evidence of Witness D and Witness C, alongside their interviews during the School's internal investigation and their written statements to the TRA.

The panel noted that this allegation did not appear in Witness C's interview during the School's internal investigation in May 2023, which was closer to the date of the incident. Her statement to the TRA was produced later, in August 2024.

Witness D's evidence was that during playground time, after the whistle instructing pupils to stop playing, Pupil B lost [REDACTED] footing but then regained [REDACTED] balance and remained still. She said that Mr Brown shouted towards Pupil B to stand still and be quiet, then walked over, grabbed and held [REDACTED] by the shoulders. She could not recall who else was present, although there would have been other adults on the playground.

In her written TRA statement, Witness C said that after the lunchtime whistle, Pupil B slipped and fell over and Mr Brown grabbed Pupil B by the shoulders with both hands, pushing down, and shouted close to [REDACTED] face.

Mr Brown's case was that he was supervising the playground when the whistle sounded. Pupils were expected to stand still. Pupil B continued playing. He said he raised his voice to get [REDACTED] attention because [REDACTED] was on the other side of the playground. He denied grabbing [REDACTED] or making any physical contact and said he had not gone near [REDACTED]. He described this as a routine reminder that did not require recording on CPOMs.

The panel examined the timeline of events. According to Witness D, Mr Brown shouted first and Pupil B regained [REDACTED] balance and remained still before he then walked over and grabbed and held [REDACTED] by the shoulders. According to Witness C, Mr Brown was shouting while holding Pupil B by the shoulders. The panel did not find these accounts to be consistent with one another.

The panel noted that both witnesses accepted that Pupil B was some distance from Mr Brown at the time of the whistle. The panel did not consider a teacher shouting across the playground in these circumstances to be disproportionate.

The panel then considered, on the balance of probabilities, whether Mr Brown physically touched Pupil B. There was no contemporaneous record or note by either witness to support the allegation. Mr Brown consistently and firmly denied any physical contact. Given the distance between him and Pupil B, and the evidence that he shouted to gain [REDACTED] attention and that [REDACTED] remained still, the panel did not find it likely that he then walked across the playground to make physical contact.

On the balance of probabilities, the panel found that Mr Brown did not hold or grab Pupil B.

Accordingly, the panel found this allegation not proven.

**1. You engaged in inappropriate and/or unprofessional behaviour on one or more occasions, towards:**

**c. One or more staff members, in that you**

**i. Made inappropriate and/or unreasonable threats of disciplinary action;**

Mr Brown denied this allegation.

As part of this allegation the panel considered the emails sent by Mr Brown to staff and an incident with Witness A, concerning a missing SEND folder.

The panel considered the oral evidence from Witness A, Witness C, Witness D and Witness E, as well as their written statements to the TRA and their interviews as part of the School's investigation. The panel also considered the written evidence of [REDACTED].

The panel first considered the allegation that Mr Brown made threats of disciplinary action to Witness A when a SEND folder could not be located. The panel found evidence of a clear personal dislike of Mr Brown by Witness A and the panel approached his evidence with caution. The panel accepted that Mr Brown asked Witness A to locate the folder and that other staff members were also asked to assist in the locating of the folder. It was also agreed that Mr Brown referred to potential disciplinary action, which included an internal investigation and while the panel found that Mr Brown's approach could be heavy-handed and reference to disciplinary action was not always necessary. This related to safeguarding and data-protection responsibilities and the panel therefore found that any reference to potential disciplinary processes to Witness A in this context was unnecessary but not unreasonable.

The panel found that on the balance of probabilities Mr Brown did not make unreasonable or inappropriate threats of disciplinary action to Witness A.

The panel carefully examined the emails in the bundle that were sent by Mr Brown. The panel agreed that some of the emails were heavy-handed and accepted Witness A's description of them as "*passive aggressive*".

The emails in the bundle were put to each of the live witnesses. Witness A, Witness D and Witness C all stated that the specific emails shown to them were not threatening, but said there were other emails they considered more concerning. The panel did not have those other emails before it.

When presented with the emails, Witness E's evidence was that they were "*straight to the point*" and "*blunt*", and frequency of the emails was relevant when considering whether they were unreasonable and inappropriate threats of disciplinary action. She accepted that she expected the information of possible disciplinary action to be circulated by Mr Brown in his role as headteacher, however, this may not have been appropriate to share in emails to all staff and this should not have been the only "*diet*" of communications that staff received from Mr Brown.

The panel found the emails to be short and to the point. Mr Brown said that staff had asked him not to send long emails due to workload pressures. The panel accepted that while the use of the word “*disciplinary*” may not have been necessary in the emails, Mr Brown appeared to be acting with safeguarding responsibilities in mind, as majority of the emails concerned safeguarding issues.

Mr Brown accepted that some emails were “*poorly judged*”, “*clumsy*” and “*heavy handed*” but maintained that they were intended as preventative management, not threats of disciplinary action. He also said that between these emails he sent positive messages to staff, which the panel did not have before it.

The panel carefully reviewed the few emails made available to it. While some emails could be described as inappropriate, none amounted to unreasonable or inappropriate threats of disciplinary action.

On the balance of probabilities, and based on the limited documentary evidence before it, the panel was not satisfied that Mr Brown made inappropriate or unreasonable threats of disciplinary action. This allegation was therefore not proven.

In conclusion, the panel has found proven allegation 1(a)(ii), 1(c)(ii) limited to the two identified incidents and the whole of allegation 2 limited to the incident involving pupil A on 13 October 2022.

Accordingly, the panel found the rest of the allegations 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 Mr Brown, in relation to the facts found proved, involved breaches of the Teachers’ Standards.

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- showing tolerance of and respect for the rights of others
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.

The panel was not satisfied that the conduct of Mr Brown, in relation to the facts found proved, involved breaches of Keeping Children Safe In Education ("KCSIE").

The panel was not satisfied that the conduct of Mr Brown, in relation to the facts found proved, involved breaches of Working Together to Safeguard Children.

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

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

The panel found that none of these offences were relevant.

In relation to allegation 1(a)(ii), the panel found that this was a serious incident and that Mr Brown's behaviour fell significantly short of the standards expected of the profession. Pupil A was a [REDACTED]. Pulling [REDACTED] out of that space was inappropriate and unnecessary in the circumstances found by the panel. Mr Brown's conduct did not reflect the standard expected of a teacher working with a pupil [REDACTED].

In relation to allegation 1(c)(ii), although the panel found that the behaviour proven under this allegation breached the Teachers' Standards and was not behaviour expected of a headteacher in his dealings with staff, the panel accepted that both proven incidents occurred at a time of extreme pressure during a particularly difficult Ofsted inspection. Taking this context into account, the panel concluded that the conduct, while inappropriate, did not reach the threshold of seriousness for unacceptable professional conduct.

In relation to allegation 2, the panel found that Mr Brown's behaviour amounted to serious conduct falling significantly below the standards expected of a teacher. On Mr Brown's own account, he believed that Pupil A, [REDACTED], it was crucial for this to be recorded on CPOMs and the associated behaviour log. Although, on the balance of probabilities, the panel found that Mr Brown did not witness [REDACTED] during the incident forming the basis of allegation 1(a)(ii), it was evident that the incident still required recording and managing on CPOMs. The panel noted the importance of logging safeguarding concerns, particularly those relating to [REDACTED].

For these reasons, the panel was satisfied that the conduct of Mr Brown at allegations 1(a)(ii) and 2 amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

Accordingly, the panel was satisfied that Mr Brown was guilty of unacceptable professional conduct in relation to allegations 1(a)(ii) and allegation 2, but not allegation 1(c)(ii).

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

In considering the issue of disrepute, the panel also considered whether Mr Brown's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

As set out above in the panel's findings as to whether Mr Brown was guilty of unacceptable professional conduct, the Panel found that none of these offences were relevant.

The panel considered that Mr Brown's conduct as found at allegations 1(a)(ii), 1(c)(ii) and 2 could potentially damage the public's perception of a teacher.

For these reasons, the panel found that Mr Brown's actions constituted conduct that may bring the profession into disrepute regarding allegations 1(a)(ii) and 1(c)(ii) and 2.

## **Panel's recommendation to the Secretary of State**

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

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

In the light of the panel's findings against Mr Brown, which involved pulling a pupil by the arm from [REDACTED] "safe space" and failing to record that incident on CPOMs, the panel considered that there was a strong public interest in relation to the safeguarding and wellbeing of pupils.

The panel considered that there was also a strong public interest in declaring proper standards of conduct within the profession, as the conduct found proven in respect of swearing at staff on two occasions fell outside behaviour that could reasonably be tolerated.

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

In addition to the public interest considerations set out above, the panel went on to consider whether there was a public interest in retaining Mr Brown 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 his abilities as an educator.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times. The panel found that Mr Brown's conduct sat at the lower end of the spectrum of seriousness.

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

The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved.

The panel did not find that any of those behaviours applied in this case. The panel found that there was a departure from the personal and professional conduct elements of the Teachers' Standards, although this was not a serious departure. The conduct found was limited to isolated incidents at the lower end of seriousness. It did not amount to misconduct that seriously affected the safeguarding or wellbeing of pupils, and there was no evidence of any continuing risk.

The panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

In relation to the allegation concerning Pupil A, the panel did not find that this was a deliberate act of violence, or aggression towards the pupil, or that Mr Brown had shouted at the pupil. However, the panel did find that Mr Brown had deliberately pulled Pupil A by the arm and he failed to record that incident on CPOMs. The panel accepted that at the

time he was under significant pressure and stress due to his [REDACTED] and the challenges of his role. The panel considered that his conduct represented a poor lapse of judgement when dealing with a [REDACTED] pupil, who presented a number of challenges to the School and the incident occurred during a heightened state of emotion for both Mr Brown and Pupil A. The panel heard Mr Brown's evidence that he cried in his office following the incident, and he had to calm himself down.

In respect of allegation 1(c)(ii), the panel found that the swearing at staff on two occasions occurred in February 2022 during an Ofsted inspection described by Witness E as "*brutal*". It was clear that Mr Brown was operating under high levels of stress, and the panel considered his outbursts of behaviour during those two incidents to be deliberate in that context.

The panel did not find evidence that Mr Brown had been acting under extreme duress, such as physical threat or intimidation.

The panel noted that Mr Brown had a previously good history. However, it did not see evidence demonstrating exceptionally high personal or professional standards or significant contribution to the education sector.

The panel accepted that the incidents were out of character. Mr Brown had worked as a teacher since 2005 and at the School for five years; the conduct occurred within a short timeframe, with the swearing at staff confined to one week in February 2022 and the Pupil A incident confined to a single day in October 2022. The panel accepted that these events occurred against a background of accumulating stress [REDACTED]. Mr Brown acknowledged that he should have taken time away from work rather than continuing under pressure.

The panel also noted two character testimonials from a headteacher and a deputy headteacher from Mr Brown's previous roles, which described his positive interactions with pupils and colleagues. Mr Brown was described as "*extremely patient, professional and fair in how he dealt with concerns... staff have commented that Gary [Mr Brown] supported them to deal with challenges within their classes, often without escalation*". Another testimonial described him as "*hard-working, professional and [someone who] formed positive relationships with children, colleagues and parents*".

Witness E also recognised in her oral evidence that Mr Brown had made positive contributions to the other schools in the trust.

Mr Brown showed insight and remorse regarding his failure to record the incident concerning Pupil A. In his written statement he said: "*This was a significant error on my part and was not intentional. I recognise the seriousness of not recording this, and deeply regret not doing so.*" Although the Pupil A incident on 12 October 2022 was not admitted,

Mr Brown demonstrated some insight by stating that, on reflection, he should not have dealt with the incident personally but should have asked someone else to intervene.

Similarly, although he did not admit allegation 1(c)(ii), he demonstrated insight and remorse in relation to his leadership style and behaviour towards staff. He stated: *"I made mistakes which I do not think I would have made had I been in a better place. I should have championed my staff more... This might have resulted in a staff team who felt more supported by me."*

The panel considered that the risk of repetition was low. Mr Brown acknowledged that he had been experiencing significant [REDACTED] at the time of the incidents and subsequently sought [REDACTED]. He explained that [REDACTED]. Mr Brown recognised the need to show empathy in future situations. The panel considered that these steps demonstrated a commitment to understanding his behaviour, addressing the underlying causes, and learning from past mistakes.

In oral evidence, when asked about his future in teaching, Mr Brown expressed enthusiasm and passion for returning to the classroom. He described teaching as rewarding and meaningful, and he recognised that teaching young pupils was a privilege. He also said that [REDACTED], had helped him feel ready to return and confident that he had something to offer as a teacher.

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession.

## **Decision and reasons on behalf of the Secretary of State**

I have given very careful consideration to this case and to the recommendation of the panel in respect of sanction.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In this case, the panel has also found some of the allegations not proven and/or do not amount to unacceptable professional conduct. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that the findings of unacceptable professional conduct and/or conduct likely to bring the profession into disrepute should be published and that such an action is proportionate and in the public interest.

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
  - showing tolerance of and respect for the rights of others
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.

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

The findings of misconduct are serious as they include a teacher exhibiting inappropriate behaviour towards a pupil.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In assessing that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have

considered therefore whether or not prohibiting Mr Brown, 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 offers this observation:

“In the light of the panel’s findings against Mr Brown, which involved pulling a pupil by the arm from [REDACTED] “safe space” and failing to record that incident on CPOMs, the panel considered that there was a strong public interest in relation to 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 it sets out as follows:

“Mr Brown showed insight and remorse regarding his failure to record the incident concerning Pupil A. In his written statement he said: *“This was a significant error on my part and was not intentional. I recognise the seriousness of not recording this, and deeply regret not doing so.”* Although the Pupil A incident on 12 October 2022 was not admitted, Mr Brown demonstrated some insight by stating that, on reflection, he should not have dealt with the incident personally but should have asked someone else to intervene.

Similarly, although he did not admit allegation 1(c)(ii), he demonstrated insight and remorse in relation to his leadership style and behaviour towards staff. He stated: *“I made mistakes which I do not think I would have made had I been in a better place. I should have championed my staff more... This might have resulted in a staff team who felt more supported by me.”*

The panel considered that the risk of repetition was low. Mr Brown acknowledged that he had been experiencing significant [REDACTED] at the time of the incidents and subsequently sought [REDACTED]. He explained that [REDACTED]. Mr Brown recognised the need to show empathy in future situations. The panel considered that these steps demonstrated a commitment to understanding his behaviour, addressing the underlying causes, and learning from past mistakes.”

In my judgement, this evidence of insight and remorse means that the risk of repetition is negligible. I have therefore given this element some 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 comments:

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

I am particularly mindful of the finding of a teacher behaving inappropriately towards a pupil and other staff members in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

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

I have also considered the impact of a prohibition order on Mr Brown himself. The panel records these observations:

“The panel noted that Mr Brown had a previously good history. However, it did not see evidence demonstrating exceptionally high personal or professional standards or significant contribution to the education sector.

The panel accepted that the incidents were out of character. Mr Brown had worked as a teacher since 2005 and at the School for five years; the conduct occurred within a short timeframe, with the swearing at staff confined to one week in February 2022 and the Pupil A incident confined to a single day in October 2022. The panel accepted that these events occurred against a background of accumulating stress [REDACTED]. Mr Brown acknowledged that he should have taken time away from work rather than continuing under pressure.

The panel also noted two character testimonials from a headteacher and a deputy headteacher from Mr Brown’s previous roles, which described his positive interactions with pupils and colleagues. Mr Brown was described as “*extremely patient, professional and fair in how he dealt with concerns... staff have commented that Gary [Mr Brown] supported them to deal with challenges within their classes, often without escalation*”. Another testimonial described him as “*hard-working, professional and [someone who] formed positive relationships with children, colleagues and parents*”.

Witness E also recognised in her oral evidence that Mr Brown had made positive contributions to the other schools in the trust.”

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

In this case, I have placed considerable weight on the panel's comments concerning the relative seriousness of its findings, which it describes as follows:

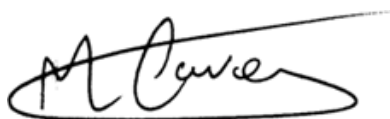
"The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times. The panel found that Mr Brown's conduct sat at the lower end of the spectrum of seriousness."

The panel also offers these comments:

"The panel found that there was a departure from the personal and professional conduct elements of the Teachers' Standards, although this was not a serious departure. The conduct found was limited to isolated incidents at the lower end of seriousness. It did not amount to misconduct that seriously affected the safeguarding or wellbeing of pupils, and there was no evidence of any continuing risk."

I have also given weight in my deliberations to the panel's comments on Mr Brown's good history and his insight and remorse. I have also noted the mitigating evidence cited by the panel.

For these reasons, I have concluded that a prohibition order is not proportionate or in the public interest. I consider that the publication of the findings made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.

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

**Decision maker: Marc Cavey**

**Date: 31 March 2026**

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