



Teaching  
Regulation  
Agency

# **Ms Patricia Davies: Professional conduct panel meeting outcome**

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

**September 2021**

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

<b>Teacher:</b>	Ms Patricia Davies
<b>Teacher ref number:</b>	9435715
<b>Teacher date of birth:</b>	28 June 1961
<b>TRA reference:</b>	17828
<b>Date of determination:</b>	20 September 2021
<b>Former employer:</b>	Silver Birch Academy Trust, East London

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 20 September 2021 by way of a virtual meeting, to consider the case of Ms Patricia Davies.

The panel members were Ms Nicola Hartley (lay panellist – in the chair), Ms Jo Palmer-Tweed (teacher panellist) and Mr Nicholas Catterall (lay panellist).

The legal adviser to the panel was Mr Robert Kellaway of Birketts LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Ms Davies that the allegations be considered without a hearing. Ms Davies provided a signed statement of agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

The panel considered the case at a meeting without the attendance of the presenting officer, Mr Ben Bentley of Browne Jacobson LLP Solicitors, Ms Davies or any representative of Ms Davies.

The meeting took place in private by way of a virtual meeting, save for the announcement of the panel’s decision, which was announced in public and recorded.

## Allegations

The panel considered the allegations set out in the notice of meeting dated 10 September 2021.

It was alleged that Ms Davies was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as the Chief Executive Officer and Accounting Officer at Silver Birch Academy Trust (“the Trust”) from January 2012 to 22 October 2018:

1. In the academic year 2016/2017, contrary to the Academies Financial Handbook, she failed to properly safeguard the financial management of the Trust, including by:
  - a. Allowing and/or permitting **Individual A** to reside in Trust property at a rate of rent which was excessively favourable and/or without collecting rent for her residence;
  - b. Failing to appoint a permanent Chief Finance Officer;
  - c. Failing to implement and/or enforce a consistent policy in relation to procurement;
  - d. Failing to refer novel and/or contentious and/or repercussive transactions to the Education and Skills Funding Agency for explicit prior authorisation;
2. She failed to properly manage recruitment and/or human resourcing for the Trust, including by:
  - a. Failing to declare her personal relationship, in a timely manner or at all, to one or more employees, including:
    - i. **Individual B**;
    - ii. **Individual A**;
  - b. Failing to implement and/or enforce a consistent policy in relation to recruitment;
  - c. Failing to implement and/or enforce a consistent policy in relation to staff performance management and/or appraisals.
3. Her conduct as may be found proven at allegations 1-2 above was an abuse of her position and/or lacked integrity.

Ms Davies admitted the facts of allegations 1 to 3 and that her behaviour amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute, as set out in the response to the notice of referral, dated 9 September 2019, and the statement of agreed facts signed by Ms Davies on 18 August 2021.

## Preliminary applications

There were no preliminary applications.

The panel noted that since the date of the referral to the TRA in this case, new 'Teacher misconduct: Disciplinary procedures for the teaching profession' were published in May 2020 (the "May 2020 Procedures"). The panel understands that the earlier provisions contained within the 'Teacher misconduct: disciplinary procedures for the teaching profession' updated in April 2018 (the "April 2018 Procedures") apply to this case, given that those provisions applied when the referral was made.

Although the panel has the power to direct that the May 2020 Procedures should apply in the interests of justice or the public interest, the panel had received no representations that this should be the case. For the avoidance of doubt, therefore, the panel confirms that it has applied the April 2018 Procedures in this case.

## **Summary of evidence**

### **Documents**

In advance of the meeting, the panel received a bundle of documents that included:

- Section 1: Chronology – pages 2 to 3
- Section 2: Notice of referral, response and notice of meeting – pages 5 to 15
- Section 3: Statement of agreed facts and presenting officer representations – pages 17 to 26
- Section 4: Teaching Regulation Agency's documents – pages 28 to 268
- Section 5: Teacher's documents – pages 270 to 284

The panel members confirmed that they had read all of the documents within the bundle, in advance of the meeting.

### **Statement of agreed facts**

The panel considered a statement of agreed facts which was signed by Ms Davies on 18 August 2021 and which had been signed by the presenting officer on 23 August 2021.

The panel noted that Ms Davies admitted that at all times from 2007 up until the point that she left the Trust in October 2018 her position at a number of schools within the Silver Birch Academy was such as to constitute a regulated teaching role within the definition of the Teachers' Disciplinary (England) Regulations 2012. Although, her actual contact time with students in the classroom was limited toward the end of her career.

## Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Ms Davies for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

Silver Birch Academy Trust ('the Trust') was established as a company limited by guarantee under the Companies Act 2006 in 2012. The Trust comprised of two schools, Chingford Hall Primary School and Whittingham Community Primary School. Ms Davies was the Headteacher and Head of School for both schools.

On 30 June 2012, Ms Davies ceased to be Headteacher of Chingford Hall Primary School but remained as Executive Headteacher. On 31 January 2013, Ms Davies also ceased to be Headteacher of Whittingham Community Primary School, but remained as Executive Headteacher.

Ms Davies was appointed as Chief Executive Officer ('CEO') and Accounting Officer of the Trust in April 2013.

In April 2014, the Education Funding Agency ('EFA'), predecessor of the Education and Skills Funding Agency ('ESFA'), published a report regarding possible financial irregularities at the Trust.

In or around 2014/2015, the Trust expanded to include Longshaw Primary School.

In 2017, the Trust expanded to add a 4<sup>th</sup> school, Winston Way Academy.

On or around 10 December 2017, the ESFA received a number of complaints against the Trust and its executive team.

Ms Davies ceased to be Executive Headteacher at the Trust at the end of 2017, however, she remained the CEO and the Accounting Officer.

Between 5 February and 9 February 2018, the ESFA undertook a review of the Trust and their processes.

Ms Davies went on long-term sick leave from 1 May 2018.

ESFA released a report of a financial management and governance review of the Trust, dated February 2018, identifying a number of significant failings and weaknesses in financial management and governance arrangements.

Ms Davies resigned from the Trust on 22 October 2018.

## **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 academic year 2016/2017, contrary to the Academies Financial Handbook, you failed to properly safeguard the financial management of the Trust, including by:**
  - a) Allowing and/or permitting Individual A to reside in Trust property at a rate of rent which was excessively favourable and/or without collecting rent for her residence;**
  - b) Failing to appoint a permanent Chief Finance Officer;**
  - c) Failing to implement and/or enforce a consistent policy in relation to procurement;**
  - d) Failing to refer novel and/or contentious and/or repercussive transactions to the Education and Skills Funding Agency for explicit prior authorisation;**

The panel noted that in the response to the notice of referral dated 9 September 2019, and the statement of agreed facts signed by Ms Davies on 18 August 2021, Ms Davies admitted the facts of allegation 1(a), (b), (c) and (d).

### **1.a Allowing and/or permitting Individual A to reside in Trust property at a rate of rent which was excessively favourable and/or without collecting rent for her residence;**

Ms Davies employed her [redacted], Individual A, as a [redacted] at the Trust between 4 November 2013 and August 2018.

A property at Chingford Hall, designated for a caretaker, was leased to Individual A by the Trust from September 2016. The panel noted reference to an undated tenancy agreement that stated that the tenancy was dependent on Individual A's employment as a Resident Site Services Officer ('RSSO') but KPMG in its report dated 30 November 2018 found that no evidence that Individual A was engaged as the RSSO.

The Trust did not collect any rent from Individual A between September 2016 and April 2018.

It was only after the publication of the report by the ESFA in February 2018 that a nominal sum of £684 was deducted from Individual A's salary in instalments between May 2018 and August 2018. This amounted to 23 months of rental payments at a rate of £29.72 which was well below the market rate.

Ms Davies admitted that, as a result of her [redacted] not being charged rent during this period (and then only at the rates set out above of £29.72 per month), [redacted] benefitted from this arrangement which was excessively favourable to her.

The panel came to the same conclusion upon examination of the documents. The rental arrangement was excessively favourable to Ms Davies' [redacted] and was not in the financial interest of the Trust.

The panel found this allegation proven.

### **1.b Failing to appoint a permanent Chief Finance Officer;**

The panel noted that paragraph 2.1.10 of the Academies Financial Handbook ('AFH') states that the '*academy trust **must** [emphasis not added but contained within original wording] have a CFO appointed by the Trust's Board, who is the Trust's Finance Director, Business Manager or equivalent to lead on financial matters. The CFO should play both a technical and leadership role, including ensuring sound and appropriate financial governance and risk management arrangements are in place, preparing and monitoring of budgets, and ensuring the delivery of annual accounts.*'

Ms Davies admitted that during her tenure as CEO of the Trust, no permanent finance team was in place and no permanent Chief Finance Officer was appointed until May 2018, after she had resigned from her role.

The panel also noted that the posts of Accounts Director and Accountant had been filled by consultants and these appointments had not been approved by the Trust's Board. The panel noted that the engagement of the consultants appeared to be overly expensive and did not appear to represent value for money.

The panel was extremely concerned that Ms Davies had written in her statement dated 24 August 2021 that she and the executive leadership team at the Trust had misunderstood the AFH requirement to have a permanent Chief Finance Officer in place.

The panel considered the failure to appoint a permanent Chief Finance Officer meant that the appropriate and robust governance of public funds that were provided to the Trust was put in jeopardy and this gave rise to a risk that finances intended to benefit the education of children were not appropriately managed.



The panel found this allegation proven.

### **1.c Failing to implement and/or enforce a consistent policy in relation to procurement;**

Paragraph 3.1.3 of the AFH mandates that an academy should have a procurement policy in place that provides for a scheme of delegation in relation to spending approval limits. The panel considered this instruction to be clear and unambiguous.

The panel noted the finding of the EFSA report that the Trust did not have an approved procurement policy in place.

Ms Davies admitted that in respect of the procurement of 11 of the largest value contracts incurred by the Trust, with a value of £4,251,000 of expenditure, six of these did not have signed contracts in place in respect to funds totalling £3,256,000 in value, and that in respect of one contract, this was in the name of the contractor rather than the contractor's company through which she was providing her services.

The panel noted Ms Davies avers that she was unaware of the significant value of these contracts at the time of their procurement but no evidence was provided to support this. Given the significant value, the panel was unconvinced this was in fact the case and in any event, in her leadership role she was responsible for ensuring a consistent policy of procurement was implemented and documented.

Ms Davies did however admit, having regard to the overall value of the sums which were put at risk by the Trust during the tenure of her leadership, that there were serious failings which could not be characterised merely as financial incompetence, but rather can be described as misconduct by omission. Ms Davies further admitted that over the period October 2017 through to March 2018, the Trust sustained a significant deficit of more than £600,000, from the surplus position previously reported.

The panel was concerned that the lack of procurement policy appeared to have led to an over reliance on expensive contractors (one of which had a day rate of £650).

The panel found this allegation proven.

### **1.d Failing to refer novel and/or contentious and/or repercussive transactions to the Education and Skills Funding Agency for explicit prior authorisation;**

The panel noted the ESFA had identified the following financial transactions as novel or contentious:

- a. meals which include alcohol;
- b. high cost hotel bill, which included 'no show' fees, no breakdown of costs and no rationale for the spend;

- c. high cost IT and electrical products, purchased from department stores which may not ensure best value can be demonstrated; and
- d. in excess of £9,000 spent on Facebook adverts.

Paragraph 3.3 the AFH states that novel contentious and/or repercussive transactions must always be referred to the EFSA for explicit prior authorisation.

Ms Davies accepted the findings made by the EFSA and that the types of payments indicated above should be classified as novel or contentious, for which prior authorisation should have been sought.

The panel noted that Ms Davies stated that she had 'misunderstood' the AFH regarding novel/contentious transactions. No corroborating evidence was presented to the panel to support this assertion. The panel, having weighed the evidence within the bundle in the balance, was not convinced that Ms Davies had in fact misunderstood the clear express instructions of the AFH and that it was more likely the case that she had neglected the AFH.

The panel found this allegation proven.

### **Allegations 1.a to 1.d**

In summary, the panel considered there was evidence within the bundle, in particular the EFSA's report and KPMG's forensic investigation Silver Birch Academy Trust ('SBAT') audit report, which supported Ms Davies' admission of the facts of allegations 1(a) - (d). Further, the panel found no evidence to dispute Ms Davies' admission of these facts or the finding of the reports.

Accordingly, the panel found the facts of allegations 1(a), (b), (c) and (d) proved.

## **2. You failed to properly manage recruitment and/or human resourcing for the Trust, including by:**

- a. Failing to declare your personal relationship, in a timely manner or at all, to one or more employees, including:**
  - i. Individual B;**
  - ii. Individual A;**
- b. Failing to implement and/or enforce a consistent policy in relation to recruitment;**
- c. Failing to implement and/or enforce a consistent policy in relation to staff performance management and/or appraisals.**

The panel noted that in the response to the notice of referral dated 9 September 2019, and the statement of agreed facts signed by Ms Davies on 18 August 2021, Ms Davies admitted the facts of allegation 2(a), (b) and (c).

**2.a Failing to declare your personal relationship, in a timely manner or at all, to one or more employees, including:**

- i. **Individual B;**
- ii. **Individual A;**

The AFH provides clear instruction in respect of the management of conflicts of interests.

Individual B had been employed at the Chingford Hall School since 2009. On numerous occasions (February 2014, December 2016 and November 2017), Ms Davies failed to make a declaration on any appropriate registers of the fact Individual B was [redacted]. Ms Davies did ultimately make the declaration of her relationship to Individual B on a register of pecuniary interests on 1 September 2017.

In March 2017, Ms Davies was advised by a senior project manager to declare [redacted] relationships on a pecuniary interests form as part of an application process to acquire a new school called the Rosebery in Islington. She again did not declare her relationship to Individual B, who at that time was employed as an [redacted].

Ms Davies employed [redacted], Individual A, as a [redacted] at the Trust between 4 November 2013 and August 2018. There was no evidence that this relationship had been declared on any of the forms reviewed by KPMG in November 2018.

The panel found this allegation proven.

**2.b Failing to implement and/or enforce a consistent policy in relation to recruitment;**

Ms Davies admitted that [redacted], Individual B, was [redacted] in 2017. Limited information was available in the HR file evidencing the rationale for his promotion.

Ms Davies admitted that she sent an offer letter to her [redacted], Individual A, dated 25 October 2013, but the process by which she was recruited as a [redacted] was not evidenced and not available.

The panel considered that there was a lack of transparency and appropriate documentation in the recruitment of both Individual B and Individual A.

The panel noted the evidence that Ms Davies' HR file had gone missing, as had her [redacted], when KPMG attempted to review it. The panel considered this a further example of a failure to implement a proper recruitment policy.

Ms Davies admitted that the decisions, which she made in relation to the recruitment of [redacted], reflected a wider failure to implement or enforce a consistent policy in relation to recruitment at the Trust under her leadership.

The panel found this allegation proven.

### **2.c Failing to implement and/or enforce a consistent policy in relation to staff performance management and/or appraisals.**

The panel noted the ESFA report had found, and Ms Davies had admitted, that the Trust failed to provide performance review paperwork in respect of the Deputy CEO ('DCEO'). Further, the paperwork provided for the CEO was not sufficient to confirm it had complied with paragraph 2.3.5 of the AFH that requires "*the board of trustees must ensure that their decisions about levels of executive pay follow a robust evidence-based process and are reflective of the individual's role and responsibilities.*"

There was a lack of clarity around the multiple additional payments for the CEO's and DCEO's salary and none of which were evidenced in the performance management documentation or related policies.

Ms Davies admitted that the failings in relation to her own performance and that of the DCEO reflect a wider failure to implement or enforce a consistent policy in relation to staff performance management and appraisals. The panel found the evidence in the bundle supported this admission.

The panel found this allegation proved.

### **Allegations 2.a – 2.c**

The panel considered there was evidence within the bundle, in particular the financial management and governance review and the KPMG forensic investigation SBAT audit report, which supported Ms Davies' admission of the facts.

The panel found the facts of these allegations 2(a), (b) and (c) proved.

### **3. Your conduct as may be found proven at allegations 1-2 above was an abuse of your position and/or lacked integrity.**

The panel noted that in the response to the notice of referral dated 9 September 2019, and the statement of agreed facts signed by Ms Davies on 18 August 2021, Ms Davies admitted the facts of allegation 3.

The panel considered that Ms Davies' proven conduct which had taken place over a considerable period of time, whilst she the executive leader of a multi-academy trust, clearly amounted to an abuse of her position and lacked integrity.

On the balance of probabilities, the panel was of the view that Ms Davies had exercised her leadership role to her own benefit and the benefit of her [redacted] whilst seriously disregarding her responsibilities as CEO and Accounting Officer.

The panel found the facts of allegation 3 proved.

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

Having found all the allegations proved, the panel went on to consider whether the facts of those 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 was satisfied that the conduct of Ms Davies in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Ms Davies 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...
- 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 Davies was of a serious nature and fell significantly short of the standards expected of the teaching profession.

The panel considered that Ms Davies had, over a significant period of time and on numerous occasions, failed to ensure that money, which had been provided for the benefit of pupils was used appropriately or to best value.

The panel found Ms Davies had repeatedly failed to follow rudimentary practices or procedures as outlined in the AFH to ensure the best and proper use of public funds for the Trust took place.

Ms Davies should have been fully aware of the procedures, practise and policies to which she should adhere to in her professional capacity but she repeatedly failed to properly engage with established guidance and common practice.

The panel was satisfied that Ms Davies was guilty of unacceptable professional conduct.

The panel took into account the way the teaching profession is viewed by others and 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 they behave. The panel considered that if pupils and the school community were aware of Ms Davies' actions, this could undermine confidence in the profession.

The findings of misconduct were serious and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, and the panel considered it would very likely damage the public perception. In the panel's view, it was clear that the public would not expect or tolerate a teacher in a leadership position to have acted in the way that Ms Davies had done.

The panel therefore found that Ms Davies' actions constituted conduct that may bring the profession into disrepute.

Having found the facts of particulars 1, 2 and 3 proved, the panel further found that Ms Davies' 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.

The panel noted that 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 maintenance of public confidence in the profession and declaring and upholding proper standards of conduct and the protection of pupils and other members of the public.

The panel's findings involved a failure to safeguard the financial management of the Trust, failure to manage the recruitment and human resource management of the Trust and an abuse of position which lacked integrity. The panel concluded there was a strong public interest consideration in maintaining public confidence in the profession as this could be seriously weakened if conduct such as that found against Ms Davies were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel decided that a strong public interest consideration in declaring proper standards of conduct in the profession was also present, as the conduct found against Ms Davies was outside that which could be reasonably tolerated.

The panel determined there was a public interest consideration in respect of the protection of pupils and members of the public. As set out below, the panel considered Ms Davies had failed to show genuine remorse and insight into her misconduct and therefore the panel had no confidence that, if she were to return to teaching in the future, she would not repeat similar behaviours.

The panel considered the public interest of retaining the teacher in the profession but, on the evidence presented, did not consider there to be a strong or substantial public interest consideration in this regard. Other than her own statement and one short character reference, the panel was not provided with evidence as to Ms Davies' contribution to the teaching profession. The panel did however note that Ms Davies did appear to have a previous good history and had no disciplinary sanctions against her.

Notwithstanding the 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 Davies.

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 are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;

The panel considered that Ms Davies by her actions had seriously departed from the personal and professional conduct elements of the Teachers' Standards over a significant period of time. Ms Davies had been in a key position of responsibility but had

wholly and seriously failed to adhere to rudimentary practices or procedures when dealing with significant sums of public money.

The panel considered that Ms Davies' misconduct had had serious consequences in that public funds for educational purposes had not been appropriately used or managed.

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.

There was no evidence to suggest that Ms Davies was acting under duress.

The panel considered that Ms Davies' actions were deliberate.

Only one character reference was submitted to attest to Ms Davies' previous history as a teacher. The panel was surprised that no further character evidence was provided despite Ms Davies' long career in teaching. Ms Davies asserted in her own evidence that she had good history as a teacher but no corroborating evidence was provided to support this assertion.

The panel noted that a doctor's note stated Ms Davies had been suffering from [redacted] since April 2018. However, the panel noted that Ms Davies had not asserted that she had been suffering with any ill health issues prior to the April 2018 or that her ill health negatively influenced her decision-making and actions when she had been working at the Trust at the material time.

Whilst Ms Davies had accepted the facts of the allegations and had on occasion within her statement claimed that she regretted her actions, the panel was not convinced from reading all of Ms Davies' evidence that she was genuinely remorseful for her own misconduct. The panel noted that on numerous occasions within her statement Ms Davies had blamed others and it appears to the panel that she had still not fully taken responsibility for her actions.

Whilst the panel did have concerns that others at the Trust appeared to have fallen far short of the good practice and required standards, the panel considered that this did not negate or lessen Ms Davies' own personal failings. Furthermore, the panel was concerned that she considered it did, especially as she had already had a long period to reflect on her own actions.

The panel concluded that Ms Davies had not demonstrated sufficient insight into why her own actions had been so serious and the negative impact her decisions had on pupils, the wider school community and the reputation of the teaching profession.



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 was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Ms Davies 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 Davies. The severity of the allegations as found proved by the panel 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 to recommend that a review period of the order should be considered. 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 behaviours that, if proved, would militate against the recommendation of a review period. The panel found that Ms Davies was not responsible for any such behaviours. However, the panel considered that given the seriousness of Ms Davies' misconduct, which had taken place over a considerable period of time, in key leadership roles and involved significant sums of public money, coupled with her lack of genuine remorse and insight into her conduct, this was a situation in which a review period would not be appropriate or proportionate.

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

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

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

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

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

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

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

The findings of misconduct are particularly serious as they involved a failure to safeguard the financial management of the Trust, failure to manage the recruitment and human resource management of the Trust and an abuse of position which lacked integrity.

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 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 Ms Davies, and the impact that will have on her, is proportionate and in the public interest.

I have considered the extent to which a prohibition order would protect children. In this case "The panel took account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved." The panel highlighted the following behaviours as relevant in this case:

- serious departure from the personal and professional conduct elements of the Teachers' Standards

- misconduct seriously affecting the education and/or well being of pupils, and particularly where there is a continuing risk
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights 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 sets out as follows, "the panel considered Ms Davies had failed to show genuine remorse and insight into her misconduct and therefore the panel had no confidence that, if she were to return to teaching in the future, she would not repeat similar behaviours."

In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour, and this puts at risk the future well being 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 observed public confidence in the profession "could be seriously weakened if conduct such as that found against Ms Davies were not treated with the utmost seriousness when regulating the conduct of the profession."

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

I have considered whether the publication of a finding of unacceptable professional conduct, 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 Ms Davies herself. Although the panel noted that "Ms Davies did appear to have a previous good history and had no disciplinary sanctions against her", they also observed that "other than her own statement and one short character reference, the panel was not provided with evidence as to Ms Davies' contribution to the teaching profession. A prohibition order would prevent Ms Davies from continuing her work and would also clearly deprive the public of her contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel's comments concerning the lack of insight or remorse. The panel has said, "Whilst Ms Davies had accepted the facts

of the allegations and had on occasion within her statement claimed that she regretted her actions, the panel was not convinced from reading all of Ms Davies' evidence that she was genuinely remorseful for her own misconduct. The panel noted that on numerous occasions within her statement Ms Davies had blamed others and it appears to the panel that she had still not fully taken responsibility for her actions."

I have also placed considerable weight on the following comments of the panel:

- "Ms Davies by her actions had seriously departed from the personal and professional conduct elements of the Teachers' Standards over a significant period of time."
- "Ms Davies had been in a key position of responsibility but had wholly and seriously failed to adhere to rudimentary practices or procedures when dealing with significant sums of public money."
- "There was no evidence to suggest that Ms Davies was acting under duress."
- "The panel considered that Ms Davies' actions were deliberate."

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Davies 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 remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

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

I have considered the panel's comments "The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. The panel found that Ms Davies was not responsible for any such behaviours. However, the panel considered that given the seriousness of Ms Davies' misconduct, which had taken place over a considerable period of time, in key leadership roles and involved significant sums of public money, coupled with her lack of genuine remorse and insight into her conduct, this was a situation in which a review period would not be appropriate or proportionate."

Having considered the Advice, I note that the list of circumstances where no review could be appropriate is not exhaustive.

I have considered whether allowing for no 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, a number of factors mean that a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are, the abuse of her position, the significant period of time over which her actions had seriously departed from the personal and professional conduct elements of the Teachers' Standards and the lack of either insight or remorse.

I disagree with the panel on not allowing for a review period, although the misconduct is serious and included a finding of an abuse of her position and/or lacked integrity, I believe that Ms Davies should have sufficient opportunity, having had the findings, to reflect upon them.

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

**This means that Ms Patricia Davies 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 1 October 2026, 5 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Ms Davies remains prohibited from teaching indefinitely.

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

Ms Patricia Davies has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date she is given notice of this order.



**Decision maker: John Knowles**

**Date: 24 September 2021**

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