



Teaching  
Regulation  
Agency

# **Mrs Mahzia 'Pepe' Hart: Professional conduct panel outcome**

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

**November 2022**

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

<b>Teacher:</b>	Mrs Mahzia 'Pepe' Hart
<b>Teacher ref number:</b>	9043424
<b>Teacher date of birth:</b>	19 March 1969
<b>TRA reference:</b>	16201
<b>Date of determination:</b>	11 November 2022
<b>Former employer:</b>	Academy of Trinity C of E VC Primary School, Radstock, near Bath.

### Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 6 to 9, 12 to 16, 20 to 23 and 26 to 30 September 2022 and 3 to 7 and 10 to 11 October 2022 and 10 and 11 November 2022 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mrs Mahzia 'Pepe' Hart. The panel also convened on a virtual basis on 2 November 2022.

The panel members were Mr Paul Hawkins (Lay panellist – in the chair), Mrs Aruna Sharma (teacher panellist) and Miss Louisa Munton (teacher panellist).

The legal adviser to the panel was Mr Graham Miles of Blake Morgan LLP.

The presenting officer for the TRA was Mr Mark Millin of Kingsley Napley LLP solicitors.

On 6 September 2022 Mrs Hart was not present but was represented by Mr Simon Smith of Meade King LLP, accompanied by Mr Marcus Lavell of Keystone Law. On subsequent dates, Mrs Hart was present and represented by Mr Simon Smith.

The hearing was recorded and took place in public save for limited occasions when the hearing went into private session to consider information relating to the health or other sensitive personal circumstances of named individuals.

## Allegations

The panel considered the allegations set out in the Notice of Hearing dated 8 July 2022.

It was alleged that Mrs Mahzia 'Pepe' Hart was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed at Academy of Trinity C of E VC Primary School:

1. She bullied teachers who were pregnant in that, in particular, she:
  - a. unreasonably refused Colleague C permission to attend ante-natal checks at 26 and/or 30 weeks;
  - b. told Colleague C "to ignore her illness", namely morning sickness, and/or "to get on with it" or words to that effect;
  - c. told Colleague C "to stop flaunting her bump to parents" or words to that effect;
  - d. told Colleague C "to conceal her bump" or words to that effect;
  - e. told the said Colleague C not to tell other members of staff that she was pregnant or words to that effect;
  - f. on or around 25 January 2013 on being told that Colleague C had been sick said to her, "All this being tired will not wash with me, it needs to change, just because you are pregnant" or words to that effect and/or that her "woe is me attitude had to change" or words to that effect;
  - g. on or around 7 February 2013 said to Colleague C, "I keep wondering if you got pregnant because you think teaching is too difficult" or words to that effect;
  - h. on or around 13 March 2013 said to Colleague C "For God's sake Colleague C you are flaunting your bump. No other professional would have a problem hiding their bump" or words to that effect;
  - i. unreasonably asked Colleague D to cancel and/or change appointments with her midwife;
  - j. told Colleague D that pregnancy was 'not an excuse';
  - k. in or around October 2014 on being told that Colleague E was pregnant accused her of using the school to get NQT status in her first year and maternity pay in her second or words to that effect;
  - l. told Colleague E that she was letting the school and/or the children down because she was pregnant or words to that effect;
  - m. told Colleague E that she had ruined her career by having a baby or words to that effect;
  - n. told Colleague E that she had to work through any morning sickness or words to that effect;
  - o. unreasonably required Colleague E to write end of term reports when she was on maternity leave;
  - p. unreasonably required Colleague F to come in for an Ofsted inspection when she was on maternity leave.

2. On learning that the following teachers were pregnant she did not ensure that risk assessments were carried out in respect of:
  - a. Colleague C, until she was approximately 26 weeks pregnant;
  - b. Colleague D;
  - c. Colleague E.
  
3. She made inappropriate comments to and/or about staff including:
  - a. on or around 11 November 2015 stating, “have you ever had to tell so much shit that they’re doing a great job?” or words to that effect;
  - b. on more than one occasion referred to teaching staff as ‘trash’, ‘fat’, ‘thick’ and/or ‘weak’ or words to that effect;
  - c. telling Colleague C “you only need one family day, it’s taken in teaching that you shouldn’t expect to get a Sunday”, or words to that effect;
  - d. telling Colleague C that you would not “kowtow”, or words to that effect;
  - e. stating “get out of my office, I don’t want to speak to you, don’t speak to me with that attitude”, or words to that effect, to Colleague C;
  - f. stating “you were a quivering wreck [Colleague G]. You really were not very strong in interview. If I was you I would really consider your future options if you want to carry on teaching”, or words to that effect, to Colleague G;
  - g. telling Colleague H that she “obviously wasn’t depressed because she had no medication and that she needed to snap out of it”, or words to that effect;
  - h. calling Colleague H a “mood-hoover”, or words to that effect;
  - i. telling Colleague H to ignore and/or stare at an ex-member of staff, Colleague I
  - j. telling Colleague J, in front of other teachers, that she had “straw like hair” and/or “didn’t have much hair left”, or words to that effect;
  - k. telling Colleague J to “fuck off” and/or “bugger off”;
  - l. on or around 29 March 2013, stating “you are dumb, I think you are dumb. You are a drip”, or words to that effect, to Colleague J;
  - m. on or around 29 March 2013, stating “you expect [Teaching Staff 1] to wipe your arse”, or words to that effect, to Colleague J;
  - n. saying to Colleague L ‘Don’t you think [Teaching Staff 2] is a lesbian, she is always touching everyone, she definitely is’ in relation to Teaching Staff 2;
  - o. to a parent that Colleague B was on leave due to failed gastric band surgery;
  - p. to Colleague H about Colleague B, including;
    - i. “Detective [Colleague H] great work. U got find her...wot a faker”
    - ii. “Can u c she had to go bk docs...aaaagh liar”
    - iii. “I dnt think she realises or cares that this buggers reception rt up! Cow cow cow”
    - iv. “Man wudnt u text if u were Colleague B to wish us luck etc...bitch!”
    - v. “Tangled and spun...like her hair”
  - q. to Colleague G that it was “Odd being allergic to bananas ap par! O unusual4 a gorilla!” about Colleague B.
  - r. calling Colleague M an ‘attention seeker’, or words to that effect;

- s. referring to Colleague A as ‘useless and boring’, or words to that effect;
  - t. stating that Colleague B’s husband may have married her to obtain a British passport;
  - u. telling Colleague N that she should not work in the teaching profession;
  - v. referring to Colleague N as ‘weak, pathetic and soulless’, or words to that effect.
4. On more than one occasion she mocked and/or mimicked parents, pupils and/or staff members, as exemplified by the following;
- a. In July 2014 you mocked a pupil in assembly;
  - b. During a marking workshop with Colleague O you mimicked a pupil in Year 1;
  - c. Did an impression of a pupil with SEN, including mimicking the child’s facial expressions;
  - d. Mimicked the way that Colleague O spoke, during the first two weeks of her Newly Qualified year;
  - e. In October 2015 you mimicked a dual heritage boy, and/or described him as ‘a mini Nelson Mandela’;
  - f. Mocked a male teacher at Dundry in front of Colleague C;
  - g. Mimicked members of staff and/or pupils in front of;
    - i. Colleague I;
    - ii. Colleague L;
    - iii. Colleague P;
    - iv. Colleague B.
  - h. Mimicked parents and/or pupils in front of Colleague C;
  - i. Told Colleague P that you wanted to ‘get rid’ of SEN [Redacted] from her class as it would be ‘better off without them’, or words to that effect.
5. She intimidated staff by:
- a. stating that sick days are unacceptable and/or sick days should not be taken, or words to that effect;
  - b. threatening and/or unreasonably commenting on the possibility that staff would not pass their NQT year and/or could not get a job elsewhere;
  - c. in or around January 2015, telling Colleague D upon being notified that she was unwell that “her illness was no excuse and/or that she was letting her class down” or words to that effect;
  - d. reprimanding staff in front of other staff, parents and/or pupils including:
    - i. Colleague C;
    - ii. Colleague O;
    - iii. Colleague Q;
    - iv. Colleague I;
    - v. Colleague J;
    - vi. Colleague R;
    - vii. Colleague M; and/or
    - viii. Colleague N.

- e. advising staff not to socialise with each other and/or form friendships;
  - f. telling Colleague O she would report her to the Department for Education and/or give her a bad reference, after she told her she had considered leaving the school;
  - g. telling Colleague J that if she left the school before she had signed her contract she would “hunt her down like a dog with a bone and do her for breach of contract”, or words to that effect;
  - h. telling Colleague J that she “was not a true Christian”, or words to that effect, when she refused to provide cover for a teacher who was off sick;
  - i. threatening and/or inappropriately commenting to Colleague N that she would not provide her with a reference.
6. Advised Colleague G of what he should say to the Police regarding a disagreement she had with a parent and/or pressured him to make a statement which did not reflect his recollection of the disagreement.
7. Told Colleague T that the reference received about her was unacceptable, when this was not the case.
8. Sent inappropriate text messages to Colleague S including:
- a. “Colleague A such a twat”, or words to that effect;
  - b. “Poor Colleague B, I’m mean 2 her + she dus her best”, or words to that effect;
  - c. describing Colleague B as a “15 tonnes whale”, or words to that effect.
9. Her actions as 6 and/or 7 above were dishonest.

Prior to the above allegations being read, Mr Millin confirmed that the following allegations were being withdrawn, namely 1k to 1o, 2c, 3s and 3t, 4gi, 5d iii and 5d iv.

Mrs Hart denied every allegation and every particular of allegation.

No admissions were made as the unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

## Preliminary applications

### Application relating to the Notice of Hearing

Mr Smith made an application relating to the Notice of Hearing dated 8 July 2022. After hearing submissions by Mr Smith and Mr Millin and receiving legal advice, the panel made the following decision.

The panel gave careful consideration to the submissions by Mr Smith and Mr Millin relating to the Notice of Hearing. Mr Smith submitted that the Notice of Hearing dated 8 July 2022 did not comply with the requirements of paragraphs 4.11 and 4.12 of Teacher Misconduct: disciplinary procedures for the teaching profession 2018 ('the Disciplinary Procedures 2018'). Mr Smith submitted that the allegations in the Notice of Hearing dated 8 July 2022 did not specify the allegations that Mrs Hart would face at this hearing as it included certain allegations which the TRA had determined should be withdrawn.

It was submitted that a revised Notice of Hearing should have been issued containing the correct allegations and served at least eight weeks in advance of the hearing and that the hearing should be adjourned until that requirement had been met. Mr Smith also pointed out that the Notice of Hearing did not refer to the witnesses by name and an identification key had not been served with the Notice of Hearing. He said that this had made it more difficult to link the allegations with the evidence. Mr Smith also referred to the very recent disclosure by the TRA of unused material, including correspondence with witnesses to be called by the TRA, which he said should have been disclosed earlier.

The panel was not satisfied that there had been a failure to comply with paragraphs 4.11 or 4.12 of the Disciplinary Procedures 2018. This was not a situation in which the Notice of Hearing dated 8 July 2022 failed to specify any of the allegations that Mrs Hart would face at this hearing. Rather, it contained certain allegations that were to be withdrawn. The panel did not agree that the disciplinary procedures should be construed as requiring a revised Notice of Hearing to be issued and served giving eight weeks' notice whenever an allegation is withdrawn or amended. Such an interpretation was not consistent with the power in paragraph 4.56 of the Disciplinary Procedures 2018 to amend an allegation at any stage of a hearing prior to a panel making findings of fact.

As to the absence of an identification key when the Notice of Hearing was served, the panel noted that this issue had been raised in the last Case Management Meeting and it was acknowledged that an earlier iteration of the allegations in the Notice of Hearing had referred to the individual members of staff by name. The panel noted that the absence of an identification key had not precluded Mrs Hart responding to the allegations in her detailed evidence. The panel recognised that it had the power under paragraph 4.54 of the Disciplinary Procedures 2018 to adjourn the proceedings at any stage if it considered it to be fair and appropriate to do so. However, the panel was not satisfied that there was any unfairness that would justify an adjournment of the hearing.



## **Application for statement of witness to be admitted as hearsay**

Mr Millin made an application that the statement of Colleague Q be admitted as hearsay evidence in the absence of the witness. This application was opposed by Mr Smith. After hearing submissions by Mr Smith and Mr Millin and receiving legal advice, the panel made the following decision.

The panel carefully considered the submissions made by Mr Millin and Mr Smith in determining whether it would be fair to admit the statement as hearsay evidence. Although some medical evidence had been provided in support of the application, the panel noted that the evidence of the witness was the sole and decisive evidence in relation to one allegation. Furthermore, the evidence was such that the panel felt that it would be unable to test its reliability in the absence of the witness. The panel concluded that the balance of fairness was against admitting the statement as hearsay evidence. Accordingly, the statement of the witness will not be admitted and will not be considered in the panel's deliberations.

## **Applications made on 14 September 2022**

### **Application for the admission of documents relating to safeguarding investigation**

Mr Smith made an application for the admission of records of interviews of three witnesses which he said were conducted by Bath and North East Somerset Council (BANES) as part of a safeguarding investigation. Mr Smith confirmed that two of the three witnesses had already given evidence at this hearing and the third witness was yet to give evidence. Mr Millin opposed the application on behalf of the TRA

The panel recognised that it had discretion under paragraph 4.18 of the Disciplinary Procedures 2018 to admit these documents despite the fact that they had not been served in accordance with paragraph 4.20. Under paragraph 4.18, the panel had to be satisfied that the documents were relevant and that it would be fair to admit them.

In exercising the discretion in this case, the panel noted that the documents had been in the possession of Mrs Hart and/or her representatives for several years. The panel also noted that this hearing had been preceded by Case Management Hearings when various directions were sought and given. Furthermore, the first day of this hearing was set aside for preliminary applications and the clarification of documents for inclusion in the hearing bundle. Despite these earlier opportunities, the application for admission of these documents was not made until the seventh day of the hearing and after two of the witnesses to whom the documents are said to relate had completed their evidence and been released.

The circumstances that might justify the admission of the documents as rebuttal evidence do not apply in relation to the two witnesses who had given evidence. If such circumstances emerged in the questioning of the third witness, an application for admission of the documents relating to that witness as rebuttal evidence could be considered at that point. Otherwise, the panel was not satisfied that it would be fair to admit the documents. Accordingly, the application was refused.

### **Application for the admission of agendas**

Mr Smith informed the panel that documents disclosed between the parties in advance of the hearing included agendas of morning meetings and staff meetings at the school. Mr Smith invited the panel to admit these documents if the panel thought it would be of assistance to consider them. Mr Millin opposed the application.

The panel was not satisfied that these documents would be of material assistance. Furthermore, the panel was not satisfied that it would be fair to admit the documents given the late nature of the application.

### **Application for admission of letter pertaining to a reference**

Mr Smith made an application for the admission of a letter pertaining to a reference which he said related to the witness, Colleague H. This application was opposed by Mr Millin.

The panel was not satisfied that it would be fair to admit this document given that the application was not made until the seventh day of the hearing, despite the earlier opportunities to do so. Accordingly, the panel declined to admit the document.

### **Application relating to the order of defence witnesses**

In the context of clarifying a timetable for witnesses on behalf of Mrs Hart, Mr Smith indicated that it was Mrs Hart's wish that she be the last witness to be called in her own defence. Mr Smith explained that it was not clear how many days would be needed for Mrs Hart's evidence and that this created uncertainty as to when the next witness would be required to give evidence. Mr Smith said that, for this reason, Mrs Hart should give evidence last.

Mr Millin objected to this application and submitted that Mrs Hart's evidence should be given before any of the other witnesses that she wishes to call. Mr Millin referred to paragraph 4.66 of the Disciplinary Procedures 2018. This provided that a witness should not be present at a hearing as an observer before they have given evidence. Mrs Hart, of course, is not simply a witness; she is the person who is the subject of these proceedings. In that capacity, it was important that she was present at this hearing before her own evidence is given in order to hear the evidence of the witnesses called by the TRA and to give instructions in relation to the same. However, in the context of defence

evidence, there would be no infringement of paragraph 4.66 if Mrs Hart gave evidence as the first witness. Mr Millin made the point that, if Mrs Hart gave evidence after witnesses on her behalf, she would have the advantage (not afforded to other witnesses) of being able to give evidence after hearing the evidence of those other witnesses. This would create procedural unfairness, which should be avoided.

Mrs Hart suggested to the panel that this issue could be addressed by her agreeing to stay out of the hearing room whilst her witnesses gave evidence, before returning to give evidence as the last witness in the case. Whilst the panel was grateful to Mrs Hart for this suggestion, the panel concluded that this could create significant unfairness towards her. It would mean that she would not be present to give instructions to Mr Smith when those witnesses gave evidence. Although those witnesses had provided written statements, Mrs Hart would not be available to give instructions in relation to questioning the witnesses on matters not explicitly covered by their statements. In the panel's view, Mrs Hart's offer to stay out of the hearing room when her witnesses gave evidence was unnecessary if her evidence was as the first witness for the defence.

The panel noted that it was not suggested on behalf of Mrs Hart that any unfairness would arise as a consequence of her giving evidence first. Rather, it was suggested that this might give rise to certain logistical difficulties in scheduling the other witnesses. The panel had not been presented with a proposed timetable, but it was indicated that an incomplete schedule (without reference to Mrs Hart or three other witnesses) had been provided to Mr Millin by Mr Lavell within the last day or so. It was also mentioned that it was proposed that the first witness should give evidence on Thursday 22 September, which the parties now agreed should be set aside to consider Mr Smith's submissions of 'no case to answer'. For all of these reasons, it appeared to the panel that the proposed timetable was an evolving document, rather than one that had been finalised. In any event, there would always be a need for a degree of flexibility, as evidenced by the panel's unexpected inability to sit on 19 September 2022.

The panel concluded that there was no justification for departing from the usual order in which Mrs Hart should give her evidence as the first defence witness. The panel made a direction under paragraph 4.49 of the Disciplinary Procedures 2018 to that effect.

Any uncertainty about when the next witness (after Mrs Hart) might be required to give evidence could be addressed by allocating a generous period of time for Mrs Hart's evidence (which could be agreed by the parties). In the event that any particular witness was not able to attend in person on a date proposed by Mr Smith, the panel would be prepared to consider an application that the witness concerned provided evidence remotely in line with the discussion that took place regarding the NAHT witness. Subject to considering any submissions from Mr Smith and Mr Millin, the panel could make a direction under paragraph 4.49 of the Disciplinary Procedures 2018 for evidence of a particular witness by remote means.

## **Application for access to recordings of hearing**

Mr Smith made an application for the release to him of audio recordings of the hearing which he said would assist him in relation to formulating submissions of no case to answer and/or in relation to closing submissions.

Mr Millin outlined the TRA policy in this area, which would not permit disclosure of recordings of hearings whilst they are ongoing.

It was not clear to the panel that access to the audio recordings is essential in order for Mr Smith to be able to formulate appropriate submissions. Nevertheless, the panel considered whether, from the panel's perspective, there would be any objection to Mr Smith having such access. The panel recognised any view it might express was subject to the TRA's consideration of its statutory responsibilities as Data Controller.

Mr Smith initially stated that he would be prepared to give an undertaking that he would not disclose the recordings to any other person. Mr Smith had been present throughout this hearing, including those parts of the hearing when the panel had gone into private session. With that in mind, the panel would not have any objection to the recordings being disclosed to Mr Smith subject to his undertaking that he would:

1. retain the recordings for his own personal use during the course of the hearing and not disclose the recordings or copies to any other person or allow them to be played in the presence of any other person, and
2. when the hearing has concluded, he would return the recordings to the TRA or dispose of them in a secure manner.

Mr Smith subsequently clarified that he might also wish Mr Lavell to have access to the recordings, subject to a similar undertaking from Mr Lavell. However, given that Mr Lavell had not been present throughout this hearing, disclosure of the recordings to him would involve disclosure of some information, including sensitive personal information, which (unlike Mr Smith) he had not already heard. In these circumstances, the panel recognised that such disclosure to Mr Lavell might present a data protection issue which might not apply to disclosure to Mr Smith.

In light of the above, the Panel would agree to the release of the recordings to Mr Smith, but recognised that the final decision must rest with the TRA's Data Controller.

## **Applications made on 22 September 2022**

The following applications were made on 22 September 2022. The decisions of the panel in relation to those applications were announced on 23 September 2022.

## Submission of no case to answer

The panel carefully considered the submissions by Mr Smith that there was no case to answer and the response by Mr Millin. The panel accepted the legal advice provided as to the legal tests to be applied.

The panel concluded that, with the exception of the allegations and particulars to which I will refer, there is a case to answer.

In relation to allegation 3(o) the panel treated the letter at Exhibit 168 as anonymous hearsay. As the identity of the author of the letter was not known (other than to Colleague B) the panel had no means of testing the reliability of the account contained in that letter. The panel concluded that the letter should be disregarded. It was noted that there was another letter relating to the same allegation at Exhibit 170 and the author of that letter was identified. However, the account contained within that letter referred to a conversation with an unidentified person who had given the account of what Mrs Hart was alleged to have said to the author of that letter. This was, therefore, second hand hearsay evidence from an unidentified person. The panel concluded that the tenuous nature of this evidence meant that there was no realistic prospect of allegation 3(o) being proved.

As to allegation 6, the panel considered the evidence given by Colleague G. The panel noted that, during his evidence, Colleague G acknowledged that he may have heard the father of the child concerned say some of the words that he said Mrs Hart advised him to tell the police. He was unable to recall precisely what he had heard or what Mrs Hart said to him. The panel recognised that the essence of the TRA's case in relation to allegation 6, linked with the allegation of dishonesty in allegation 9, was that Colleague G had been advised or pressurised by Mrs Hart to make a statement to the police which did not reflect his recollection. Based on Colleague G's oral evidence at this hearing, the panel was not satisfied those alleged facts are capable of proof.

In relation to allegation 8(b), the panel was not provided with a screenshot of the text message referred to. Such screenshots were provided in relation to 8(a) and (c). The panel noted that Colleague S gave evidence that the wording of the missing text message had been transcribed by her into the document headed 'statement of claim'. However, Colleague S was less clear in her oral evidence that this was an accurate verbatim transcription. In the absence of a screenshot of the text message, as in relation to 8(a) and (c), the panel concluded that there was no real prospect of allegation 8(b) being proved.

Accordingly, the panel concluded that there is no case to answer in relation to allegations 3(o), 6 and 8(b). It followed that there was no case to answer in relation to allegation 9, but only to the extent that allegation 9 refers to the conduct in allegation 6. (Allegation 9 remained relevant to the conduct alleged in allegation 7).

The panel did not conclude that the evidence relating to the remaining allegations was so unsatisfactory or had been so discredited that the panel could not find these allegations proved. Whether any of those allegations will be found proved will be a matter for the panel to consider when all of the evidence has been heard. For this reason, it would not be appropriate at this stage for the panel to make any further comment on the evidence presented by the TRA in relation to those allegations.

### **Application for statements to be admitted as hearsay**

Mr Smith made an application for the witness statements of Individual 4 and Individual 5 to be admitted as hearsay evidence. In relation to Individual 4, the panel was informed that Individual 4 had suffered a family bereavement at the end of August 2022. In relation to Individual 5, the panel was informed that Individual 5 suffers from a [Redacted] and that she was unable to attend the hearing for that reason. Mr Millin opposed both applications.

The panel concluded that it would not be fair to admit the statements of Individual 4 or Individual 5 as hearsay evidence for the following reasons:

- The evidence of each witness is heavily disputed. The panel was not satisfied that the test of fairness could be met by admitting the statements and affording them such weight that the panel might consider appropriate;
- In the absence of each witness, the panel will be unable to test the reliability of their evidence;
- No medical or other evidence has been presented in support of the assertion that the witnesses are not able to attend in person;
- As Mr Smith confirmed, no consideration has been given to the possibility of an application that either witness be treated as a vulnerable witness to whom special measures might be applied;
- The panel has adopted a strict approach in refusing to admit evidence of witnesses who provided statements to the TRA as hearsay evidence. In terms of fairness, there is no justification for adopting a less stringent approach to Mrs Hart's witnesses.

Accordingly, the panel determined that the application to admit the evidence of Individual 4 and Individual 5 as hearsay evidence is refused and their statements will be removed from the hearing bundle.

## **Application for witnesses to give evidence by video link**

Mr Smith made an application for the witnesses Individual 6 and Individual 7 to be permitted to give evidence by video link.

It was acknowledged that neither witness is a vulnerable witness in need of special measures, which might include giving evidence by video link. Nevertheless, the panel received legal advice to the effect that it had discretion to make a direction under paragraph 4.49 of the Disciplinary Procedures 2018 for evidence of a witness to be given by remote means. At an earlier point at the hearing, when it was recognised by Mrs Hart that she would need to be the first witness in her defence, the panel indicated that if a witness was not able to attend in person on a date proposed by Mr Smith, the panel would be prepared to consider an application for that witness to give evidence remotely. It was confirmed that this would be subject to Mr Millin having an opportunity to respond to that application on behalf of the TRA. Mr Millin opposed both applications. The panel noted the hearing had been listed as a face to face hearing at the request of Mrs Hart.

In relation to Individual 6, Mr Smith informed the panel that Individual 6 was unable to attend the hearing in person because of work commitments, including his involvement in a number of hearings in his capacity as a trade union representative. However, no further information or evidence was provided to the panel in support of this application. The panel was not satisfied, based on the information presented, that Mr Smith had demonstrated Individual 6's inability to attend the hearing in person. The panel also noted that Individual 6's statement contains evidence which is likely to be disputed. Accordingly, the panel declines the request that Individual 6 be permitted to give evidence by video link.

As to Individual 7, the panel was informed that the witness had, since the commencement of this hearing, started university. The application for her to give evidence remotely was said to be to avoid her having to travel from her university in North Wales to Coventry. The panel was not satisfied that this would preclude Individual 7 attending the hearing in person. Accordingly, the panel declines the request that Individual 7 be permitted to give evidence by video link.

Unless Individual 6 and Individual 7 are to attend and give evidence in person, the panel directs that their statements be removed from the hearing bundle.

## **Applications made on 10 November 2022**

On 10 November 2022, by agreement of the parties, the panel admitted and considered the additional documents listed at page 17. Admission of two further documents was not agreed by the parties and the panel considered the following applications by Mr Smith:

## Application to admit decision of TRA in another case

Mr Smith made an application for the decision of the TRA in relation to the case of Individual 8 in June 2022. Mr Smith submitted that the decision was relevant as an example of the balancing process to be undertaken by the panel in considering whether or not to recommend that a prohibition order be imposed. Mr Millin objected to the application on the basis that the case was clearly distinguishable from that of Mrs Hart as the teacher in that case had made early admissions of the allegations and was found to have demonstrated insight and remorse. The panel also received legal advice which referred to the cases of Smith v General Teaching Council for England [2007] EWHC 1675 and Walker v Secretary of State for Education [2014] EWHC 267. In those cases, the High Court said that comparison with previous decisions should be viewed with caution because of the variability of core facts and considerations such as insight.

The panel concluded that the decision of the TRA in the case identified would not assist its deliberations in Mrs Hart's case. The panel determined that this document should not be admitted.

## Application to admit position statement of Mrs Hart

Mr Smith made an application to admit a document setting out Mrs Hart's position in relation to the factual findings against her and how, in her opinion, the panel's findings against her were wrong. It was acknowledged by Mr Smith that this document was not relevant to the mitigation stage. Nevertheless, it was submitted that Mrs Hart's position in respect of the findings made by the panel should be recorded [Redacted]. The application was opposed by Mr Millin on the basis that it effectively set out Mrs Hart's grounds for appealing against the factual findings made by the panel.

The panel determined that the document should not be admitted as it was not relevant to the mitigation stage.

## Summary of evidence

### Documents

In advance of the hearing, the panel received bundles of documents prepared by the TRA and on behalf of Mrs Hart.

The bundle prepared by the TRA included:

Section 1: Notice of Hearing and identification key – pages 6 to 19

Section 2: TRA referral documents – pages 20 to 38



Section 3: Teaching Regulation Agency witness statements – pages 39 to 110 and 120 to 212

Section 4: Teaching Regulation Agency documents – pages 213 to 269 and 273 to 489

The bundle on behalf of Mrs Hart included:

Section 1: Witness statement of Mrs Hart – pages 1 to 93

Section 2: Exhibits to witness statement of Mrs Hart – pages 1 to 450

Section 3: Witness statements – pages PWB 1 to 157

Section 4: Testimonials – pages PTB 1 to 34

The panel members confirmed that they had read all of the documents within the bundles, in advance of the hearing and the additional documents that the panel decided to admit in advance of the second day of the hearing when the first witness was called.

On 10 November 2022, at the mitigation stage, the panel agreed to admit a bundle of additional documents on behalf of Mrs Hart, comprising:

1. Submissions in mitigation – pages 1 to 12
2. Closing statement of Mrs Hart – pages 15 to 19
3. List of Ofsted inspection comments – page 20
4. List of Accolades – pages 21 to 23
5. Redacted witness statement of Individual 4 - pages 24 to 28
6. Email from Individual 9 – pages 29 to 30
7. Redacted witness statement of Individual 7 - pages 31 to 32
8. Redacted witness statement of Individual 5 - pages 33 to 44
9. Statement of Individual 10 – pages 45 to 46.

## Witnesses

The panel heard oral evidence from the following witnesses on behalf of the TRA:

- Colleague B, [Redacted].
- Colleague L, [Redacted].
- Colleague H, [Redacted].
- Colleague O, [Redacted].
- Colleague T, [Redacted].
- Colleague F, [Redacted].
- Colleague J, [Redacted].
- Colleague D, [Redacted].
- Colleague N, [Redacted].
- Colleague C, [Redacted].
- Colleague P, [Redacted].
- Colleague M, [Redacted].
- Colleague G, [Redacted].
- Colleague R, [Redacted].
- Colleague S, [Redacted].
- Individual 22, [Redacted].

The panel heard oral evidence from the following witnesses on behalf of Mrs Hart:

- Mahzia Pepe Hart;
- Individual 23 [Redacted].
- Individual 24, [Redacted].
- Individual 25, [Redacted].
- Individual 26, [Redacted].

- Individual 6, [Redacted].
- Individual 37, [Redacted].
- Individual 27, [Redacted].
- Individual 28, [Redacted].
- Individual 29, [Redacted].
- Individual 30, [Redacted].
- Teaching Staff 1, [Redacted].
- Individual 32, [Redacted].
- Individual 33, [Redacted].
- Individual 34, [Redacted].
- Individual 35; [Redacted].

## Decision and reasons

The panel announced its decision and reasons as follows:

### Summary of case

Mrs Mahzia 'Pepe' Hart became the Headteacher of Trinity C of E VC Primary School ('the School') in 2005. Initially this was a joint appointment with another person, before Mrs Hart became the sole Headteacher. The School is located in the town of Radstock. During this hearing, the town was described as a former mining community with areas of social deprivation.

The School achieved 'Outstanding' status following OFSTED inspections in 2009 and 2013. One of the main findings of the OFSTED report following the 2009 inspection was described as, *'The secret of the school's success is the tremendous drive and ambition of the headteacher which are shared by all staff and governors'*.

As a church school, the School was also subject to inspections by the Diocese of Bath and Wells (Statutory Inspection of Anglican and Methodist Schools [SIAMS]) for the purpose of assessing the effectiveness of the School's distinctive Christian ethos and character. In both 2009 and in 2014 the School achieved 'Outstanding' status in the SIAMS reports.

Mrs Hart also achieved a number of personal awards, including a national Pride of Britain award in 2008 for innovative practice in an area of deprivation. During her time as Headteacher, the School achieved the Princess Diana anti-bullying award.

The School became an academy in June 2011. In September 2015 the School took over Dundry C of E Primary School, Bristol, ('Dundry') and became the Dove Academy Trust with Mrs Hart as CEO. As a consequence, the School became the lead school in a multi-academy trust and sponsor for Dundry. The panel heard evidence that, in the Autumn term of 2015, Mrs Hart divided her time between the School and Dundry, although there was conflicting evidence as to the precise amount of time spent in each school.

On 16 November 2015, Individual 22, union official of the National Union of Teachers (now the National Education Union), attended meetings with Mrs Hart at the School.

On 19 November 2015, a letter was written to the parents of pupils at the School informing them that Mrs Hart would be leaving the School to take up a new appointment as a Senior Education Officer. The letter was written in the name of Individual 38 [Redacted].

On 20 November 2015, Individual 22 attended a further meeting at the School with Individual 38.

On or about 23 November 2015, Individual 22 submitted grievances about how staff were treated at the School on behalf of a number of teachers to Individual 38 and Individual 39 [Redacted].

On 24 November 2015, Mrs Hart wrote a letter to parents in which she said that, since the announcement on 19 November 2015 that she would be leaving, she had received unprecedented and overwhelming support from parents. The letter said that Mrs Hart would not be leaving the School, but that the Trust was *'currently looking at ways to reduce workload and achieve a work-life balance for some staff as it is clear that some are feeling the pressure at the present time'*.

On 2 December 2015, two teachers (Teaching Staff 2 and Colleague P) were dismissed with immediate effect.

The panel was informed that, in the period up to the Christmas break in 2015, there was an increasing amount of publicity about the School. This included the School making a press statement and concerns from teachers and parents being published on a public Facebook page operated by the local newspaper, the Somerset Guardian.

On 18 December 2015, Mrs Hart resigned with immediate effect from the School, as did her two deputy headteachers (Teaching Staff 1 and Individual 50). Mrs Hart said that she resigned at that point due to a *'vile, toxic and damaging social media campaign'* against

her. Mrs Hart said that this social media campaign had continued for five weeks until she had resigned and that this had taken a significant toll on her health and personal life.

Mrs Hart subsequently commenced defamation proceedings against Teaching Staff 2, whom she said had posted a defamatory message on 20 May 2016 on a Facebook page which was accessible to the public. The panel was presented with a copy of a statement made at the High Court in Bristol in January 2017. This statement contained a formal apology on behalf of Teaching Staff 2 as part of the settlement of that claim. Teaching Staff 2 had been represented by NUT solicitors at that hearing.

On 21 March 2017, Mrs Hart was referred to the NCTL (as the TRA was then known) by a [Redacted] of the NUT. That letter of referral mentioned the defamation proceedings. It stated that, in preparing for that case, it had become apparent that no referral of Mrs Hart to the NCTL appeared to have been made by the School. The letter of referral was accompanied by the grievances previously submitted to the School.

During the course of this hearing, the panel heard oral evidence from Individual 22 and the teachers or former teachers at the School who had submitted grievances in relation to their treatment at the School. On Mrs Hart's behalf, the panel heard evidence from witnesses in addition to Mrs Hart herself. These witnesses included former teachers at the School, a governor, a retired school improvement partner and parents of former pupils at the School.

There were significant conflicts in evidence between witnesses called on behalf of the TRA and those called on behalf of Mrs Hart. The extremely polarised positions were reflected in some of the emotive language used by witnesses. Mrs Hart was described as 'evil' in a message by one of the teachers contributing to a private Facebook group called 'Official Trinity Triumph'. In his evidence, the former [Redacted] of the School used the same term to describe those who gave evidence against Mrs Hart. Notwithstanding these extremely polarised positions, this hearing has not been conducted in an unduly adversarial manner and the panel has considered all of the evidence presented in a very careful and objective way. In doing so, the panel accepted the legal advice provided.

## **General findings**

### Evidence from parents

An area of evidence in respect of which there was little dispute related to Mrs Hart's commitment to improving the lives of pupils. In addition to witnesses called on behalf of Mrs Hart, the majority of former teachers who gave evidence on behalf of the TRA acknowledged that Mrs Hart always put the interests of pupils first. The panel found the evidence of Individual 32, Individual 33, and Individual 35 to be particularly compelling. Each of them gave very eloquent evidence about the significant impact that Mrs Hart had

on the lives of their children. The panel had careful and particular regard to this evidence when considering those allegations against Mrs Hart relating to pupils.

### Alleged conspiracy to fabricate evidence

In assessing the evidence of witnesses called by the TRA, the panel considered very carefully Mrs Hart's assertion that those witnesses had conspired with each other and with Individual 22 to fabricate evidence against her. Mrs Hart said that none of the complaints raised by members of staff had been raised with her. Her position was that Individual 22 had actively contacted staff to generate allegations against her and that he had conspired with those members of staff to cause her injury. As to her perception of his motivation for doing so, she referred to the union's political opposition to converting schools into academies. It was submitted on behalf of Mrs Hart that Individual 22 had exceeded his remit as union representative by various actions, including communicating with former members of staff (some of whom were not NUT members) to invite the submission of grievances and in attending what was described as a 'secret meeting' with parents.

The panel noted that the letter of referral to the NCTL by the NUT's Regional Secretary acknowledged that the NUT did not act for parents or for some former members of staff. It was stated in that letter that Individual 22 ensured that all correspondence sent to him was passed on to the School's governing body and lawyers who were investigating grievances submitted on behalf of NUT members. During his own oral evidence, Individual 22 admitted that he had attended a meeting with parents. He said that when he did so he had felt that it was appropriate and in the public interest to explain where the parents should direct concerns (e.g. safeguarding concerns to the local authority).

The panel recognised that Individual 22's involvement with parents went beyond his remit as a union representative and was highly unusual. In his evidence, Individual 22 acknowledged that he had not sought advice from his regional office before attending this meeting. However, given that no parents had been called to give evidence on behalf of the TRA, the issue for the panel to consider in the context of this hearing was whether Individual 22 had conspired with existing and former members of staff to fabricate allegations against Mrs Hart. It was submitted on behalf of Mrs Hart that he had done so.

Central to this submission was the evidence that existing and former teachers of the School were members of private Facebook groups. The panel was presented with copies of posts made on a Facebook group called 'Official Trinity Triumph'. The panel was informed that these posts had been disclosed to the TRA by one of the TRA's witnesses. The posts were then, quite properly, disclosed to Mrs Hart's lawyers by the TRA. The panel was informed that there was another Facebook group called, 'The downfall of Mrs Hart', but the panel was not presented with any posts from this Facebook group.

Some of the teachers called to give evidence by the TRA had made posts on the 'Official Trinity Triumph' Facebook account. This Facebook group was described by those witnesses called to give evidence as a support group for the members of staff and former members of staff concerned. In contrast, Mrs Hart's position was that this Facebook group had been used as a means of fabricating allegations against her. The panel carefully considered all of the messages presented to it.

The panel's attention was drawn to the following entry on 18 December 2015 by Colleague C, which said: *'If all of us say about this 'not being friends' lark (it happened to me too!!!) then she hasn't got a leg to stand on'*. It was suggested that this entry was evidence of teachers being encouraged to make up the allegation that they were advised not to socialise with each other and/or form friendships. In isolation, the panel could see how such an inference might be drawn. However, the panel noted that this entry was immediately preceded by posts by Colleague L, Colleague R and two other teachers in which they each described their own individual accounts of not being able to socialise or establish friendships with other teachers. After considering all of the posts, the panel concluded that this particular post represented the highest point of the submission that the posts were evidence of conspiracy to fabricate evidence. The panel did not agree with that submission.

The panel's attention was also drawn to a post which referred to an 'action plan'. The panel was also presented with a copy of the document concerned. In relation to the submission of grievance statements, this document stated:

*'People who have not already written one – I know there are some who have not put in an original yet and we would really appreciate you doing this as it would be good for you to support our claims of bullying and for the governors to see that this has been happening continuously since the school opened. Do not include child protection issues. Individual 22 has suggested that I send you one that I wrote to use as guidance so please private message me with your personal email address and I will do this... You may not have experienced some of these matters yourself but it would be good to state what you have observed. Anything that you saw happening to other staff – bullying etc. REALLY IMPORTANT PLEASE FOR EVERYBODY TO DO THIS. Once completed, please all email it to Individual 22 with the email subject entitled 'Grievance Statement'.*

The author of the document was not established. It was posted by an anonymous account, subsequently identified to be that of Teaching Staff 2. It was not in dispute that Individual 22 referred to Individual 22. The panel acknowledged that the document and other posts on the group encouraged those in the group to submit grievances. However, there was no suggestion that any grievance should be fabricated. The panel also regarded it as significant that the first item on the document referred to the availability of free counselling which the Local Authority was said to have offered and recommended be used. Reference was made to reports of individuals feeling emotional or scared. The panel thought that this entry in the document was more indicative of the Facebook group

performing the function of a support group. The panel acknowledged that some of the later posts on the group contained some more strident and inappropriate language, but the panel did not conclude that it represented evidence of a conspiracy to fabricate evidence.

However, this did not mean that the existence of the Facebook group or the content of the posts were irrelevant. The panel took care to consider the possibility that, short of fabrication, the evidence of witnesses, who might have been attempting to give genuine accounts, could have been influenced by the sharing of experiences on the Facebook group. The panel recognised that this might have contributed to false memories or exaggeration.

The panel acknowledged that extreme caution was required when considering the memories of witnesses. The panel adopted the approach of testing the evidence of witnesses, in the first instance, by reference to objective facts and, where available, contemporaneous documents. The panel avoided making any initial general assessment of the credibility of any witness by reference to their demeanour and confined its analysis to the specific allegations and consistency or lack of consistency with other evidence. In the absence of contemporaneous documents, the panel felt that it was able to attach some weight, where appropriate, to demeanour.

The panel also recognised that it was dealing with matters that were alleged to have taken place some years ago. The panel made allowances for the fact that, with the passage of time, memories can fade or change. Witnesses, whoever they may be, cannot be expected to remember with crystal clarity, events which occurred many years ago. From the point of view of Mrs Hart, the panel recognised that the longer the time since an alleged incident, the more difficult it may have been for Ms Hart to answer the allegation. This was considered in Mrs Hart's favour in deciding whether the allegations against her were proved on the balance of probabilities.

The panel was conscious that the written statements in the hearing bundle, particularly those submitted on behalf of Mrs Hart, contained some expressions of opinions which were not based upon what the witnesses concerned observed. The impression of the panel was that the late submission of evidence had not permitted the usual process of redacting statements to take place. However, the panel accepted the legal advice that opinions of speculative nature, whether expressed by a witness for the TRA or a witness on behalf of Mrs Hart, should be disregarded.

#### Events in the Autumn term of 2015

The panel heard conflicting evidence of events that occurred from around the date of the first meeting between Individual 22 and Mrs Hart on 16 November 2015 up to the date of Mrs Hart's resignation on 18 December 2015. The panel felt that it would be helpful to make some factual findings about those events as this represented the period in which



grievances were gathered and submitted to the governors and solicitors of the School. It was also when some of the teachers claimed that the intimidatory behaviour towards them escalated and when senior leaders claimed that some staff were not fulfilling their basic teaching responsibilities. Mrs Hart's position was that she did not leave the School because of the grievances that had been raised against her and that she was not aware of the details of those grievances at that time.

The panel was presented with copies of text messages between Mrs Hart and Individual 42 [Redacted] on 13 November 2015. In one of these messages, Mrs Hart said:

*Individual 42 I'm having trouble with NUT at mo...trying to stir hell of a lot of trouble. They sent an email to Dundry staff fishing for concerns since we took over. Now want to come into Trinity to elect a union rep. Feeling bit like witch hunt..'*

As to the 16 November 2015, it was not in dispute that there were two meetings between Individual 22 and Mrs Hart that day. However, there were disputes as to who was present at each meeting and what was discussed.

Individual 22's evidence was that Mrs Hart was accompanied at that meeting by her two deputies, Teaching Staff 1 and Individual 50. His evidence was that Individual 39 of Stone King, the School's solicitors and Individual 38 were present at the second meeting that day. Individual 22 said that the purpose of the meeting was to raise concerns that had been made by a number of his members who were teachers at the School. He said that the issues that he had raised included, but were not limited to, staff concerns about work-life balance, PPA (planning, preparation and assessment) time, staff being reprimanded in front of colleagues and Mrs Hart referring to members of staff in a deprecating manner. He referred to his note of the meeting which he said he had used as an aide memoire and on which he had made notes at the meeting. He acknowledged that he had not provided Mrs Hart with a copy of this note. Individual 22 said that he had hoped that the issues he had raised could be addressed on an informal basis, but that Mrs Hart did not accept there were any issues of concern relating to the treatment of staff and that she was not willing to listen to those concerns or address them in any way.

Individual 22 said that the meeting was interrupted by a group of teaching assistants who stated that they felt it important for him to know how much they loved the School. He said that Mrs Hart did not appear to be shocked by the interruption, but she asked Individual 22 to acknowledge the warm spontaneous outburst of love that he had witnessed. Individual 22 said that, immediately after the first part of the meeting with Mrs Hart, he met with members of the teaching staff to provide feedback on his meeting with Mrs Hart. He said that two teachers, Colleague L and Colleague C then offered to go back into the meeting with Mrs Hart as school NUT representatives. Individual 22's account was that, at this second meeting, it was agreed that the concerns would be dealt with under the School's grievance procedure and that Individual 38 agreed to oversee that process.

Mrs Hart's account of the meeting was that Individual 39 was not present and that Individual 22 had talked only in a general way about staff working long hours and spending too much time on displays and in meetings. Mrs Hart said that the meeting focussed on workload issues and that Individual 22 did not raise any of the issues that were subsequently presented as grievances, e.g. PPA time. Teaching Staff 1's evidence was broadly consistent with Mrs Hart's account, although she did acknowledge that PPA time was one of the issues discussed. Mrs Hart acknowledged that [Redacted] had interrupted the meeting and said that she had not been able to stop them.

The panel also heard evidence from Individual 28 who had been appointed as an unqualified teacher in September 2015. Individual 28 said that, even though he had been working in schools for a number of years, it was only after he had started employment at the School that he had decided to join the NUT. Individual 28 said that, his attention was drawn to Individual 22's meeting with teachers on 16 November 2015 by one of the teaching assistants, Individual 51, who was also the [Redacted] of the [Redacted]. Individual 28 said that Individual 22 behaved unprofessionally at the meeting with members of staff. He said that he was encouraging members of staff to vote to strike. Individual 28 said that he believed that *'through forceful language [Individual 22] persuaded the staff to collude together to tarnish the reputation of Mrs Hart'*. Individual 28 said that he spoke to Individual 25, Vice-Chair of Governors about the meeting with Individual 22. The panel was informed that Individual 25 is the father of Teaching Staff 1. In her own evidence, Teaching Staff 1 said that Individual 28 had spoken to her about the union meeting on 16 November 2015. Individual 28 confirmed when he gave evidence that he had been in a relationship with [Redacted]. The panel noted that this relationship was not mentioned in his written statement and, when asked about this at the hearing, Individual 28 became defensive. The panel noted that Individual 28 made a number of speculative and implausible responses to the panel's questions which led the panel to conclude that Individual 28 was not a credible witness.

On 19 November 2015, a letter was written to the parents of pupils at the School informing them that Mrs Hart would be leaving the School to take up a new appointment as a Senior Education Officer. The letter was written in the name of Individual 38. Individual 22 said that Individual 38 had subsequently informed him that he (Individual 38) did not write the letter. The panel did not have the benefit of hearing evidence from Individual 38 in person, but Individual 25, [Redacted], said in his evidence that he had spoken to Individual 38 about this letter.

In a meeting held at the School during week commencing 16 November 2015, Mrs Hart said that she produced a PPA timetable and that if staff were not receiving non-contact time, they simply had to highlight this to one of the [Redacted]. Individual 22 said that Mrs Hart agreed to an increase to 20% PPA time for Newly Qualified Teachers. There was a lack of clarity as to whether this was a matter discussed at one of the meetings on 16 November 2015 or on 20 November 2015 or both.

Individual 22 said that he passed written grievances from staff members to Individual 38 and Individual 39 on 23 November 2015.

On 2 December 2015, two teachers were dismissed with immediate effect. They were Teaching Staff 2 and Colleague P. Colleague P gave evidence that, on 2 December 2015, she was called into Mrs Hart's office. She said that Mrs Hart was not present, but that Individual 43, [Redacted], summarily dismissed her. Colleague P said that Individual 43 looked extremely embarrassed and that he mumbled something about her not having the [Redacted] the previous day. This was in relation to a school trip. Teaching Staff 1 said in her oral evidence that she recalled the situation with the medication and that she had spoken to Colleague P about it on the day. Teaching Staff 1 said that it was 'not a telling off' but an attempt to support Colleague P.

Teaching Staff 1 was then asked by the panel to explain how that had resulted in the summary dismissal of Colleague P the following day. Teaching Staff 1 initially said that she thought she could recall witnessing a telephone call made by Mrs Hart to a Governor on 1 December 2015 about the matter. When asked what investigation had been conducted into the incident prior to her summary dismissal, Teaching Staff 1's responses included saying that it did not need any investigation and then that Governors came into the School that evening to investigate. The panel found Teaching Staff 1's evidence on this issue to be inconsistent, contradictory and implausible. The panel concluded that Teaching Staff 1 was not a credible witness in this respect.

Although the panel noted that the dismissal of Colleague P was carried out by a Governor on behalf of the Trust, the panel concluded that it was more likely than not that the dismissal was with the knowledge and approval of Mrs Hart. The panel regarded it as extremely unusual for any member of staff to be summarily dismissed without an investigation. In the view of the panel, it was extraordinary that two teachers in a comparatively small school should have been summarily dismissed on the same day without any investigation being undertaken. The panel was informed that both Teaching Staff 2 and Colleague P were reinstated by the incoming Trust after Mrs Hart had resigned.

The panel noted that both Colleague P and Teaching Staff 2 were teachers who had submitted grievances against Mrs Hart. The panel accepted that Mrs Hart may not have seen the written grievances submitted by the teachers at that point in time as those grievances were being considered by the Governors. However, based on all the information referred to above, the panel concluded that it was more likely than not that Mrs Hart was aware that Teaching Staff 2 and Colleague P were teachers who had raised concerns about her.

## Findings of fact

**You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, whilst employed at Academy of Trinity C of E VC Primary School:**

- 1. You bullied teachers who were pregnant in that, in particular, you:
  - a. unreasonably refused Colleague C permission to attend ante-natal checks at 26 and/or 30 weeks;****

Colleague C gave evidence that she was employed at the School as a teacher from [Redacted]. She then returned to work at the School in [Redacted]. Her evidence was that, during her first period of employment, when she was an [Redacted], she started to log incidents that concerned her. The panel was presented with an incident log. This log contained some entries for September, October and November 2012. The first reference to a specific date was 13 December 2012. In her oral evidence, Colleague C said that 13 December 2012 represented the date on which she started to make the log and that she would have made the entry relating to each specific date on the same day that the incident was alleged to have occurred. The panel noted that the log contained other entries with specific dates up to 22 March 2013.

Individual 22 gave evidence that he was contacted by Colleague C by email on dates between January and March 2013. He said that Colleague C had raised concerns with him about Mrs Hart telling Colleague C that she had '*let herself down*' by getting pregnant and had also '*let the School down*'. Individual 22 said that in March 2013 a group of teachers expressed their desire to meet with the union to discuss the difficulties that they were encountering at the School. Individual 22 said that the teachers concerned were Colleague C, Colleague G, Colleague J, Colleague B and Colleague H. Individual 22 said that he met with these teachers on 4 April 2013 and that he listened to the concerns raised by the teachers, which he said were in relation to bullying, the length of the school day and issues over maternity. However, he said that the teachers stated that they did not want to take anything further at that stage as they feared reprisals from Mrs Hart and the SMT should the concerns be drawn to their attention.

Colleague C said that, as an [Redacted] she was new to the profession at the time and was vulnerable and impressionable. She said that in the terms after [Redacted] things got a little better and she stopped making daily logs. Although there were no specific dates in the log for [Redacted], Colleague C made a note under the heading 'other key notes':

*'Asked to attend maternity appointments was told that I was not allowed...I explained that midwife could only see me on a Tuesday. [Mrs Hart] said that this was absolute lies. I said that I needed to get my baby checked. Was told, Colleague C, you always do this,*

*we have a nice staff meeting and you come and ruin it by doing things like this. You did it when you dropped on me that you were pregnant'.*

Colleague C said that she subsequently attended the out of hours service at the [Redacted] as she did not know what to do and was worried about her baby.

The panel was presented with a copy of a grievance document in which Colleague C said that she was prevented from going to her 26 and 30 week maternity checks and that she was needed in the School. Colleague C said that Mrs Hart told her that Individual 50 and Teaching Staff 1 had not asked for time off for these appointments for themselves when they were pregnant. She said that Mrs Hart also told her that she, Mrs Hart, did not legally have to allow her time off to go to these appointments. Colleague C said that she knew this was untrue but felt too vulnerable to challenge Mrs Hart.

When she resigned in July 2013, Colleague C said that she resigned on positive terms with Mrs Hart. Colleague C also said that she worked hard to ensure that she left on good terms with Mrs Hart. She said that, after she left, she came to visit to School for fairs, nativities and occasions in between. Colleague C said that she later went on to become a supply teacher, for which Mrs Hart provided a good reference, and she then got a job in a school in Bridgwater. Colleague C said that this was a very challenging environment to work in as that school was in special measures at the time.

Colleague C acknowledged that she had invited Mrs Hart to her wedding in April 2015, which was when she was not employed at the School. Colleague C said that, once she was away from the School, she no longer felt intimidated and she wanted to keep in touch with Mrs Hart. Colleague C said that Mrs Hart had asked her to return on several occasions. Mrs Hart then invited her to return to work at the School on a two day PPA cover basis and said that she would be out of the School by 3.30pm each day. Colleague C said that this made it more attractive because of the distance that she would have to travel as she had moved house since she was previously at the School. Colleague C said that Mrs Hart promised that things would be different and she hoped that they would be, particularly as she was no longer pregnant as she was when she was last working at the School.

The panel also heard evidence from Individual 26, who was the Headteacher of the School that Colleague C joined in October 2014. Individual 26 gave evidence that he had also previously worked with Mrs Hart at the School in 2006 and he spoke very positively about Mrs Hart's ability to achieve and maintain high ambitions for pupils. He said that, as he and Colleague C had shared the experience of working under Mrs Hart (albeit at different times) they had spoken about their experiences. Individual 26 said that Colleague C spoke about Mrs Hart in a positive way to him, including by referring to Mrs Hart's exceptional leadership and emphasis on placing children at the heart of the School's work. When questioned, Colleague C accepted that she had said only positive things about Mrs Hart to Individual 26 but said that she was reluctant to open up to her

new Headteacher about the negative things that she had experienced. Colleague C also told the panel at this hearing that there were many aspects of Mrs Hart's role as a Headteacher that were 'great'.

Colleague C said that, after returning to the School, things initially went well and she agreed to cover two additional days. Colleague C said that, at the end of the Summer term, Mrs Hart expressed the view that she would like Colleague C to become a member of the SMT. Colleague C said that things deteriorated in the Autumn term and her grievance document referred to a number of issues that she was concerned about on dates in September to November 2015.

Colleague C was also questioned about her participation in the Official Trinity Triumph Facebook group. Reference was made to a post made by Colleague C on 20 November 2015 in which she said:

*'It's such a stressful time for those in school, so pls forgive if we don't reply as we haven't had a break from all this T crap for weeks now and I think everyone needs one. Thank you too all of you who have contacted press/ filed grievances, you are amazing and will help the facts to come to light x'.*

Colleague C's attention was also drawn to posts made by her on or about 5 December 2015 in which she said (apparently referring to a television interview that Mrs Hart was giving at the time):

*'I'm listening to her now. Want to punch her. I want someone to call it that the secret to her outstanding school is bullying'.*

When questioned, Colleague C said that it was never her intention to hurt Mrs Hart and that her motivation was to avoid other teachers having to go through what she went through. However, she accepted that she was relieved when Mrs Hart resigned.

Mrs Hart denied that she ever refused any teacher permission to attend any appointment, let alone a maternity appointment. Teaching Staff 1 said that, as Colleague C's mentor, she would have been the one to have had conversations with Colleague C about such appointments, but she never did. During her evidence, Teaching Staff 1 said that after Colleague C had consulted with Individual 22 earlier in 2015, her belief was that Individual 22 had installed Colleague C in the School to report back on Mrs Hart. This was denied by Individual 22. Teaching Staff 1's tendency to provide a range of speculative opinions and attempts to give evidence about matters that she had not personally observed caused the panel to conclude that her evidence was generally not credible.

The panel was satisfied that Colleague C had made recordings in her log on the specific dates in 2013 when the incidents were fresh in her mind. This was a considerable period of time before the grievances were submitted in 2015 and well before the Official Trinity

Triumph Facebook group was established. In reaching the conclusion that Colleague C was a credible witness, the panel felt that it was able to place some weight on Colleague C's evidence about events in 2013 based on her contemporaneous recordings.

Although Colleague C's evidence about allegation 1a was not drawn from a contemporaneous record, the panel concluded that Colleague C's evidence about having to attend the out of hours maternity service at her local hospital instead of her scheduled 26 and/or 30 weeks was credible. The panel preferred the evidence of Colleague C to that of Mrs Hart.

The panel was satisfied that it was more likely than not that Mrs Hart had refused Colleague C permission to attend ante-natal appointments scheduled for 26 and/or 30 weeks of her pregnancy and that such refusal was unreasonable.

The panel found 1a proved.

**b. told Colleague C "to ignore her illness", namely morning sickness, and/or "to get on with it" or words to that effect;**

In her grievance document, Colleague C said that, after she notified the School in [Redacted] that she was pregnant, she suffered terrible morning sickness for 19 weeks and was sick daily during the school day. Colleague C said that she was told by Mrs Hart, Teaching Staff 1 and Individual 50 to ignore her illness and get on with it.

In her evidence, Mrs Hart said that she was never aware that Colleague C experienced any morning sickness while she was at the School.

The panel noted that Colleague C made a recording in her log on 23 January 2013 in which she said that she had left the morning meeting to be sick and that she told her mentor and Mrs Hart about this. Colleague C said that she was sick on five occasions that morning. She recorded that one of her lessons was observed by Mrs Hart that day and that she spoke to Mrs Hart after school that day to receive feedback on her lesson. Colleague C said that Mrs Hart said that her lesson was good with outstanding features, but it did not have Colleague C's 'normal buzz'. In response, Colleague C said she had explained that she had been sick for the last week or so.

Similarly, a record in the log for 25 January 2013 stated that Colleague C continued to be sick and was unable to eat a meal. Colleague C recorded that Mrs Hart came into her classroom that morning to reprimand her for something that had happened the previous day.

The panel concluded that it was more likely than not that Mrs Hart was aware of Colleague C's morning sickness and that she told Colleague C that she should ignore her illness and/or get on with it, or words to that effect.

The panel found 1b proved.

**c. told Colleague C "to stop flaunting her bump to parents" or words to that effect;**

The panel concluded that 1(c) was in fact a duplication of 1(h). Accordingly, the panel considered the allegation in the context of 1(h) and made no separate finding in relation to 1(c).

**d. told Colleague C "to conceal her bump" or words to that effect;**

In her log dated 10 January 2013, Colleague C said that she was called by Mrs Hart into her office, where Teaching Staff 1 was also present. Colleague C said that Teaching Staff 1 then referred to her pregnancy, which Colleague C had thought was a breach of confidentiality as she had given this information to Mrs Hart in confidence. Colleague C said that Mrs Hart then told her that she would have to try *'to conceal her bump'*.

The panel found 1d proved.

**e. told the said Colleague C not to tell other members of staff that she was pregnant or words to that effect;**

In her log for 10 January 2013, Colleague C said that the conversation about concealing her bump, as referred to in 1(d), continued by Mrs Hart telling Colleague C that she was not to tell other members of staff about her pregnancy.

A further note in Colleague C's log dated 13 March 2013 stated that Mrs Hart had called her out of her classroom at lunchtime and told her that she was not allowed to tell anyone that she was pregnant. Colleague C said that she did not have a problem with not telling anyone, to which Mrs Hart told her to *'grow up'* and then added that the reason she (Mrs Hart) did not want the Reception parents to find out was that it would unsettle them.

The panel found 1e proved.

**f. on or around 25 January 2013 on being told that Colleague C had been sick said to her, "All this being tired will not wash with me, it needs to change, just because you are pregnant" or words to that effect and/or that her "woe is me attitude had to change" or words to that effect;**

In her log dated 25 January 2013, Colleague C recorded that Mrs Hart and Individual 50 came into her classroom and spoke to her regarding an incident the previous day when Colleague C had allowed pupils to access the role play corner for a few minutes when a parent helper had been present. Mrs Hart was then alleged to have said: *'I was appalled by what I saw yesterday, it is unacceptable, it is slack and cannot happen'*. The note in the log referred to Colleague C's teaching assistant being present.



Mrs Hart was then alleged to have said, *'I won't pass your (sic) on your [Redacted] because of sympathy, you need to work'*. After Colleague C told Mrs Hart that she was doing everything she could, Mrs Hart was alleged to have said: *'All this being tired will not wash with me, it needs to change, just because you're pregnant'*. Colleague C said that this was said in front of Individual 50 and Colleague C had not yet told her that she was pregnant.

Colleague C said that she told Mrs Hart that she was sorry but that she had just been sick. She said that Mrs Hart responded by saying that this *'woe is me attitude had to change'*.

The panel found 1f proved.

**g. on or around 7 February 2013 said to Colleague C, "I keep wondering if you got pregnant because you think teaching is too difficult" or words to that effect;**

In her log dated 7 February 2013, Colleague C recorded that she spoke to Mrs Hart about trips for the following term. Colleague C said that, being an [Redacted] she thought that they could go with Year 2. Mrs Hart told her that she could not as they needed to focus on SATs and also that she (Mrs Hart) did not like the combination of Colleague H and Colleague C. Colleague C said that Mrs Hart said that she could not understand why they were friends as they were both different people. Colleague C said that Individual 51, her teaching assistant, had told Mrs Hart that Colleague H and Colleague C had marked books together. Mrs Hart was then alleged to have said that this was 'weird', that they had never had this in school and that they were being miserable and bringing each other down. Colleague C said that she told Mrs Hart that she did not think that this was the case, but that she would be mindful of it.

Colleague C said that Mrs Hart then told her that she was an outstanding [Redacted], unique and like gold dust. Mrs Hart told her to be herself and not be 'dragged down' by others. Colleague C said that Mrs Hart then said to her: *'I keep wondering if you got pregnant because you think teaching is too difficult'*. Colleague C said that she told Mrs Hart that this was not the case, but Mrs Hart responded by saying, *'being a parent is even harder'*. Colleague C said that she was made to feel naïve by the conversation.

The panel found 1g proved.

**h. on or around 13 March 2013 said to Colleague C "For God's sake [Colleague C] you are flaunting your bump. No other professional would have a problem hiding their bump" or words to that effect;**

Following the note in Colleague C's log dated 13 March 2013 as referred to in 1(e), Mrs Hart was recorded as saying to Colleague C: *'Even Individual 50 said we need to speak*

*to you about what you're wearing. For God's sake Colleague C you are flaunting your bump. No other professional would have a problem hiding their bump'.*

The panel found 1h proved.

**i. unreasonably asked Colleague D to cancel and/or change appointments with her midwife;**

Colleague D gave evidence that she was asked to change her [Redacted] appointments by Mrs Hart. She said that she spoke to Mrs Hart and informed her approximately one month in advance of when the appointments were to take place. She said that, on both occasions, Mrs Hart asked her to change the appointments. She said that the reason that Mrs Hart told her that there would be no one available to cover her class. Colleague D said that, although the appointments were rescheduled for other dates, which she was able to attend, the appointments did not take place when they were supposed to take place in line with her [Redacted] recommendations. Colleague D said that, towards the end of her pregnancy, she experienced [Redacted]. However, because Mrs Hart had been so obstructive in relation to her attending planned appointments, she did not go to hospital immediately and waited until the end of the school day. Colleague D said that she felt that taking any time off school would reflect negatively upon her.

Mrs Hart denied that she had ever asked Colleague D or any member of staff to change or cancel [Redacted] appointments. Mrs Hart said that this was not something that fell within her remit and it would have been managed by the teacher's line manager, Teaching Staff 1. However, Colleague D's evidence was that she spoke to Mrs Hart about these appointments. The panel regarded Colleague D as a credible witness and preferred her evidence on this issue to Mrs Hart's

The panel found 1i proved.

**j. told Colleague D that pregnancy was 'not an excuse';**

Colleague D gave evidence that when she was 33 weeks' pregnant, she was required to work in the Nursery for one month without any breaks. She said that, two NQTs left and she was asked to cover a Year 1 class. She said that, in addition to her extra responsibilities with the Year 1 class, she was still expected to set up the nursery, continue with the children's learning diaries and complete the planning. Colleague D said that, at that time, Mrs Hart also asked her to complete the Year 1 display boards, which involved climbing on chairs and stretching, which she was not expecting that she would have to do at 33 weeks pregnant. Colleague D said that Mrs Hart set half-termly deadlines to change all display boards to a very high standard on which every child's work had to be displayed, double-backed and laminated. Colleague D said that she did have a teaching assistant to help her but was not offered any additional support.

Colleague D said that a 'display tour' had taken place, which involved staff members being taken around the School to look at each other's classroom displays. Colleague D said that she could tell that Mrs Hart was not happy with the displays in the Nursery as she made a comment about their appearance during the tour. Colleague D said that she was called into a meeting with Mrs Hart after the tour and was told that the display boards needed to be redone as they were not up to her standards. She said that Mrs Hart told her that Teaching Staff 1 had been working up until she was eight months' pregnant and that she (Colleague D) should remain physically active until the end of her pregnancy. Colleague D said that, during this meeting, Mrs Hart told her that she had let the school down.

Colleague D also referred to a later date when a new Year 1 teacher arrived and Colleague D was sent back to work in the Nursery. Colleague D said that she was asked to support the new Year 1 teacher by continuing to plan for him whilst continuing to plan for and run the Nursery. Colleague D said that Mrs Hart was not happy with one of the lessons that she had planned. She said that Mrs Hart called her in to say that she was not sure how Colleague D was going to pass her [Redacted] and that pregnancy was not an excuse.

Colleague P said that she recalled participating in a 'display tour' lead by Mrs Hart when they arrived at Colleague D's class. Colleague P said that Colleague D was heavily pregnant at the time and Colleague P felt that it was unacceptable for Colleague D to be expected to put up displays, which involved climbing on step ladders. Colleague P said that she witnessed Mrs Hart 'laying into' Colleague D in front of all the staff members and Colleague D was very distressed. Colleague P said that after the SMT had left, Colleague D sat with her head in her hands and was saying, *'I can't take this anymore'*.

Colleague C also said in her evidence that she witnessed Colleague D being reprimanded for not completing Nursery displays at a time when Colleague D was heavily pregnant.

The panel found 1j proved.

**p. unreasonably required Colleague F to come in for an Ofsted inspection when she was on maternity leave.**

Colleague F [Redacted]. Colleague F said that during her maternity leave, she was telephoned at home by Individual 50 who asked her if she would be able to come in for the Ofsted inspection. Colleague F said that her baby was [Redacted], and she was still breastfeeding. Colleague F said that her [Redacted] had to take time off work to provide child care. Colleague F said that she was required to attend for three days in advance of the inspection, and she worked for 17 hours on each of those days without pay. She was tasked with assisting with the needs of other teachers to plan their lessons, tidy their classrooms, mark books and attend meetings to discuss the inspection. Colleague F said

that she believed that it was expected that she attended the School during the Ofsted inspection. She believed that if she did not attend she would have been called relentlessly by Teaching Staff 1 or Individual 50 under the instruction of Mrs Hart until she went into the School. She felt that she had no choice but to assist with the inspection.

Although the panel regarded Colleague F as a credible witness, as pointed out on behalf of Mrs Hart, she was not contacted by Mrs Hart about the Ofsted inspection. The panel felt that it would not be unreasonable for a teacher on maternity leave to be informed of an Ofsted inspection and invited to attend if they wished to do so.

The panel found 1p not proved.

Having found the particulars 1(a) to (b) and (d) to (j) of allegation 1 proved, the panel considered whether the conduct found proved in each particular amounted to bullying. In doing so, the panel noted that there was no specific legal definition of 'bullying', but considered the ordinary meaning of 'bullying' by reference to the following dictionary definitions:

- *'abuse and mistreatment of someone vulnerable by someone stronger, more powerful'.*
- *'the behaviour of a person who hurts or frightens someone smaller or less powerful, often forcing that person to do something they do not want to do'.*
- *'to habitually intimidate, abuse or harass'.*

The panel was satisfied that the conduct of Mrs Hart in each of the particulars 1(a) to (b) and (d) to (j) amounted to bullying within the scope of one or more of these dictionary definitions. Accordingly, the panel found allegation 1(a), (b), (d), (e), (f), (g), (h), (i) and (j) proved.

## **2. On learning that the following teachers were pregnant you did not ensure that risk assessments were carried out in respect of:**

### **a. Colleague C, until she was approximately 26 weeks pregnant;**

Colleague C said that no risk assessment was provided until she was approximately 26 weeks pregnant. Mrs Hart's evidence was that risk assessments for all pregnant employees were produced by the [Redacted], Individual 41, and should have been held within the relevant files at the School.

No evidence was presented from anyone in the current management of the School as to any search of records for the risk assessment concerned. The panel agreed with the submission on behalf of Mrs Hart that the burden of proof had not been discharged in relation to this allegation.

The panel found 2a not proved.

**b. Colleague D;**

Colleague D said that no risk assessments were conducted when she notified the School that she was pregnant in 2015. Mrs Hart's evidence was that a risk assessment would have been conducted by the [Redacted], Individual 41 and held within the relevant files at the School.

No evidence was presented from anyone in the current management of the School as to any search for the risk assessment concerned. The panel agreed with the submission on behalf of Mrs Hart that the burden of proof had not been discharged in relation to this allegation.

The panel found 2b not proved.

**3. You made inappropriate comments to and/or about staff including:**

**a. on or around 11 November 2015 stating, “have you ever had to tell so much shit that they’re doing a great job?” or words to that effect;**

Colleague C said that at a parents' evening on 11 November 2015 Mrs Hart said to her, *'I said to Teaching Staff 1 and Individual 50 earlier, have you ever had to tell so much shit that they're doing a great job?'* This was recorded in her grievance document. This did not appear to be a record that was made on the same day as the alleged incident. However, given that the grievance documents were submitted to the School in November 2015, it was not a record that was dependent upon a memory of an event that occurred a long time before the record was made. This was relevant to the panel's assessment of the credibility and reliability of Colleague C's evidence.

Although it was not suggested that these words were spoken in the presence and hearing of the staff concerned, the panel was satisfied that it was inappropriate to speak about staff in such a derogatory way.

The panel found 3a proved.

**b. on more than one occasion referred to teaching staff as ‘trash’, ‘fat’, ‘thick’ and/or ‘weak’ or words to that effect;**

Colleague C said that, as a member of the SMT, she witnessed many conversations when staff were spoken about by Mrs Hart in a derogatory way. She said that this included use of the terms, *'fat', 'thick'* and *'crap'*.

Colleague C said that, during her maternity, Mrs Hart told her that she had 'got rid' of seven named teachers because they were 'trash', although Colleague C's understanding was that the teachers concerned had resigned.

Colleague C did not suggest that these conversations took place in the presence and hearing of the members of staff concerned. Nevertheless, the panel was satisfied that the use of these words to describe members of staff (whether current or previous) was inappropriate.

The panel found 3b proved.

**c. telling Colleague C “you only need one family day, it’s taken in teaching that you shouldn’t expect to get a Sunday”, or words to that effect;**

Colleague C made a record in [Redacted] grievance document for 7 October 2015 in which she said that she was called into the office and was asked if she would increase her working hours to three days rather than two. Colleague C said she could not do so because of childcare for her [Redacted], and she did not wish to pressure [Redacted] to have [Redacted] for three days a week.

Colleague C made a further record in her grievance document for 14 October 2015 in which she said:

*'Called into office again with [Mrs Hart, Individual 50 and Teaching Staff 1] to ask for 3 days (due to teachers leaving). Said that I could not and I wouldn't work a Thurs/Fri as it's the only time that we get as a family. [Mrs Hart, Individual 50 and Teaching Staff 1] were appalled by this, couldn't believe it was just because of 'family time'. I was told "you only need one family day, it's taken in teaching that you shouldn't expect to get a Sunday". I was told they were in a crisis, [Mrs Hart] told me should be...grateful that [she] gave me part time as she doesn't just do that for anyone. [Mrs Hart] told me that my job was easy. That they needed help. I agreed to work the Friday that week – through fear of being reprimanded like that again and wanting to help. However, from this point, I felt distanced from the SMT'.*

The panel noted that Colleague C had made a detailed contemporaneous note of the meeting and provided the context in which the alleged comment was made. This was consistent with other evidence heard by the panel that the School was finding it difficult to recruit and retain teachers. In addition, by this date, Mrs Hart was also spending some of her time at Dundry. The panel was satisfied that it was inappropriate for Mrs Hart to have said this to Colleague C, particularly in the context of putting pressure on her to increase her working hours.

The panel found 3c proved.

**d. telling Colleague C that you would not “kowtow”, or words to that effect;**

Colleague C made a dated record in her grievance document for 9 November 2015 which said:

*'Y6 on class trip. I was to teach R. [Mrs Hart] storms into class with Individual 51 [Redacted] at 8am asked me if I spoke to Teaching Staff 2. Said that I had. [Mrs Hart] said "Great, because she's walked out and said it's your fault". "She said to me that I feel stressed, shaky and Colleague C had a go at me, I can't do this". I tried to explain that I absolutely had not, she shook her hands and said "I know, I know, stop worrying about yourself, I'm worrying about a class of children who now no longer have a teacher"... I was called in at the end of the day and told by [Mrs Hart] that she will not 'Cow tow' to anyone. That we do not 'work to rule' at that school. She wasn't hiring a Y2 teacher so that I would not have to come in and work additional days. She said, " Colleague C, what are we going to do, we are a teacher down and she's saying it's your fault. We believe you, but she will be saying to her union that it's because of you". I was told that I should be at both parents' evenings, Weds and Thurs. I said I couldn't attend Thurs as [Redacted] was away – was told I needed to sort it and be there. I refused.'*

The panel noted that Colleague C had made a detailed contemporaneous note of the meeting and provided the context in which the alleged comment was made. The panel was satisfied that it was inappropriate for Mrs Hart to speak to Colleague C in this way, particularly in the context of putting pressure on her to increase her working hours.

The panel found 3d proved.

**e. stating “get out of my office, I don’t want to speak to you, don’t speak to me with that attitude”, or words to that effect, to Colleague C;**

In her incident log for 2012/2013, Colleague C made an entry for October 2012 in which she referred to being called into the office for book moderation. Colleague C said that she was asked by Mrs Hart why she had been writing the date for the children and she explained that this was what had been done in her previous placement. She said that Mrs Hart told her that the children had regressed from Reception. Colleague C said that she was devastated by this and asked what she could do to change this. She said that Mrs Hart then shouted at her, *'Get out of my office. I don't want to speak to you, don't speak to me with that attitude'*. Colleague C said that her mentor, Teaching Staff 1, came into her classroom and said that she could not talk to Mrs Hart like that. When Colleague C was called back into the office, Mrs Hart said that Colleague C could not speak to her like that as she was her boss.

The panel took into account the fact that Colleague C's evidence about this particular matter was not based on an entirely contemporaneous record made by her. Her evidence, as supported by the log, was that she started making entries on a daily basis with the entry made by her on 13 December 2012. It was at that point that she recorded



events that had happened earlier in the Autumn term, including the entry for October 2012. Despite this not being entirely contemporaneous, the panel was satisfied that it was made within a few weeks of alleged incident. The note also provided a context.

The panel was satisfied that it was inappropriate for Mrs Hart to have spoken to Colleague C in this way, particularly as Colleague C was an NQT at the time.

The panel found 3e proved.

- f. stating “you were a quivering wreck [Colleague G]. You really were not very strong in interview. If I was you I would really consider your future options if you want to carry on teaching”, or words to that effect, to Colleague G;**

Colleague G said in his witness statement for this hearing, dated 26 August 2018, that he had handed in his notice and resigned in June 2012. He said that he informed Mrs Hart that [Redacted]. He said that he had used [Redacted] as an excuse as he did not want to work at the School any longer. He said that it was very difficult to work at the School and it was a pressurised environment. The panel was also provided with a copy of an email sent by Colleague G to the NUT on 27 November 2015. Attached to that email was a document which Colleague G said he had prepared to give some examples of how he was treated when he worked at the School. In this document, Colleague G referred to a conversation that he said took place in Mrs Hart's office after he had said he was leaving the School to go travelling. He said that Teaching Staff 1 and Individual 50 were also present.

The note said:

*'I told them when I returned I would hopefully find another job as a class teacher. Both Pepe and Individual 50 sniggered and Pepe said, "Well I'm going to be honest Colleague G. As a Head if I saw you did a year and then went swanning off I don't think I would employ you. It's not going to look very good mate". Individual 50 then said, "Yeah Colleague G, do you realise how lucky you were to get this job? You were so close not to get this job and you're going to throw it away. You were terrible in interview". Pepe then said, "Oh god yes. You were a quivering wreck Colleague G. You really were not very strong during interview. If I were you, I would consider your future options if you want to carry on teaching". I replied to Pepe and Individual 50 saying, "Yes I know. Thank you. I need to go away and think about it".'*

In her evidence, Mrs Hart acknowledged that there was a conversation with Colleague G when she was present with her deputies and that one of the deputies did remark that Colleague G had been lucky to get the job at the School and that the deputy had said to Colleague G, *'you were so close to throw it away, you were terrible in interview'*, or words to that effect. Mrs Hart denied that the expression *'quivering wreck'* was used.



The panel noted that the written statement that Colleague G made was not based on a contemporaneous record of the meeting. Indeed, the note accompanied an email to the NUT which was over four years after the meeting concerned. Colleague G was also not clear or consistent about some other parts of his statement when he gave evidence. In the context of this particular allegation, the panel recognised that it needed to be satisfied about the precise language used during this meeting in order to find that it was inappropriate. The panel was not so satisfied based on the evidence presented.

The panel found 3f not proved.

**g. telling Colleague H that she “obviously wasn’t depressed because she had no medication and that she needed to snap out of it”, or words to that effect;**

Colleague H said that she completed approximately 10 weeks of teacher training at the School between May and July 2006. She returned to work at the School in September 2010. She left the School in April 2013. Colleague H said that she had contacted Individual 22 of the NUT for advice in March 2013. She said that, at that time, she was signed off work [Redacted] she was very unhappy. She was advised that she could raise a grievance at that time. Colleague H said that she typed the grievance document at that time, but then decided that she was not strong enough to go through with it. Colleague H said that she was contacted by Individual 22 in 2015 when he enquired whether she wished to raise any concerns. Colleague H said that she then sent the grievance document to Individual 22 by email on 28 November 2015.

Within that grievance document was the following entry:

*'June 2012 – When I stood at the reception desk, [Mrs Hart] asked me if I was depressed. I said yes. She asked me if I was on medication or had been to the doctors. When I said no she said I obviously wasn't depressed because I had no medication and that I needed to snap out of it.'*

In her written statement for this hearing, Colleague H said that this incident at the reception desk happened in front of Teaching Staff 1, Individual 50 and Colleague B, who were all part of the senior leadership team at the time.

The panel did not get the impression that Colleague H was giving a false account. However, the panel had regard to the fact that the incident was alleged to have taken place more than a year before Colleague H first prepared her grievance document and six years before she prepared her written statement for this hearing. As the incident was denied by Mrs Hart and not corroborated by any of the members of staff that Colleague H said were present at the time, the panel concluded that the evidence was not sufficient to find the allegation proved on the balance of probabilities.

The panel found 3g not proved.

#### **h. calling Colleague H a “mood-hoover”, or words to that effect;**

Colleague H' grievance document contained the following entry for 7 February 2013:

*'Called into office –[Mrs Hart, Individual 50 and Teaching Staff 1] sat on one side of desk. Told that it was weird I had become so close to Colleague C (teaching in adjacent y1). We had been helping each other planning and marking books in each other's classes. [Mrs Hart] called me a mood-hoover and said I was trying to bring [Colleague C] down with me. She said I shouldn't be friendly with an NQT and it was weird that we marked our books together. From that day [Colleague C] and I felt extremely uncomfortable to talk to each other as we felt we were being watched.[Colleague C] was subsequently called into the office to have the same conversation.'*

The panel noted that the evidence of Colleague C in relation to allegation 1g also referred to a conversation that Mrs Hart had with her on 7 February 2013 when Mrs Hart questioned Colleague C as to why she was being friends with Colleague H.

Mrs Hart denied calling Colleague H a mood-hoover. However, Mrs Hart acknowledged that it was a term that she was familiar with. She said that the School had an external training event delivered by the motivational speaker, Individual 44. During this training, the term 'mood-hoover' was mentioned by the trainer to describe people who have a negative approach in life and who may have a tendency to 'hoover' energy from any given situation.

Teaching Staff 1 denied Colleague H' account of events and said this did not happen. Teaching Staff 1 said that she was able to recall a conversation between Colleague H and the trainer immediately after the training. Teaching Staff 1 said that Colleague H said that she knew at times that she was a mood-hoover and she became upset about this and needed reassurance. The panel did not find Teaching Staff 1's evidence about this issue to be credible.

Colleague H had given evidence about the context in which it was alleged the comment had been made by Mrs Hart. Although she was not present at the meeting with Colleague H, Colleague C's evidence about the events of 7 February 2013 was consistent with that of Colleague H.

The panel was satisfied that mood hoover was an offensive and derogatory term in this context and that the comments of Mrs Hart were inappropriate.

The panel found 3h proved.

#### **i. telling Colleague H to ignore and/or stare at an ex-member of staff, Colleague I;**

Colleague H said that she attended a [Redacted], although she was unable to say exactly when it had taken place. Colleague H said it was attended by all primary schools in the Bristol and Bath areas. Colleague H said that she could recall sitting in a group watching the [Redacted] when Mrs Hart spotted Colleague I and Mrs Hart said something like, *'How dare she be here'*. Colleague H said that she thought that this was because Colleague I had previously left her employment at the School. Colleague H said that Mrs Hart said, *'Let's make her feel uncomfortable, stare at her'*. Colleague H said that Teaching Staff 1, Individual 50 and Colleague S and herself then all stared at Colleague I. Colleague H said that she was not proud that she had done this, but felt that she had to carry out Mrs Hart's instruction.

Mrs Hart denied acting in this way, as did Teaching Staff 1. This was not a matter mentioned in the evidence of Colleague S. The panel concluded that the evidence presented was not sufficient to find the allegation proved on the balance of probabilities.

The panel found 3i not proved.

**j. telling Colleague J, in front of other teachers, that she had “straw like hair” and/or “didn’t have much hair left”, or words to that effect;**

Colleague J was employed at the School from [Redacted]. The panel heard that she was one of the teachers that met with Individual 22 in March 2013, but they decided not to take anything further at that time. Colleague J said that she provided a grievance document to Individual 22 on 29 November 2015. This document referred to a number of alleged incidents, including some dating back to the start of her employment, but it was not prepared contemporaneously when those events would have been fresh in her mind. This was relevant to the panel's assessment of the weight that could be attached to her evidence based on the grievance document.

Colleague J said that, during her time at the School, Mrs Hart ridiculed her appearance in front of other staff members. Colleague J said that Mrs Hart often laughed at her [Redacted]. In her grievance document, Colleague J said that these comments were made at a staff meeting and once in front of governors after a School event. Colleague J added that, during her time at the School, her hair was falling out due to stress at work. In her statement for this hearing, Colleague J had referred to only two occasions when Mrs Hart made these comments to her. She said that one was in a morning meeting in front of other teaching and support staff. The other was in the School hall after an evening event in front of Individual 25, [Redacted]. No dates were given.

In the absence of any evidence from any other person at the meeting or event concerned, the panel concluded that the evidence was not sufficient to find the allegation proved.

The panel found 3j not proved.

**k. telling Colleague J to “fuck off” and/or “bugger off”;**

In her grievance document, Colleague J said that Mrs Hart often called her and other members of staff names and made inappropriate and unprofessional comments in front of other members of staff and children. She said that Mrs Hart also told her to 'bugger off' and 'fuck off' on occasions. In her statement for this hearing, Colleague J said that she used this language towards her to close down conversations when she Colleague J was defending her actions. Colleague J referred to a specific example when Mrs Hart questioned her as to why another member of staff was running a group phonic session. However, in the absence of any evidence from any other person who observed this, the panel concluded that the evidence was not sufficient to find the allegation proved.

The panel found 3k not proved.

**l. on or around 29 March 2013, stating “you are dumb, I think you are dumb. You are a drip”, or words to that effect, to Colleague J;**

In her grievance document, Colleague J referred to an incident which she said had occurred on Monday 29 March 2013. She said that, on this date, Mrs Hart said to her, *'You are dumb, I think you are dumb. You are a drip. None of the parents respect you. The children don't respect you'*. Colleague J said that this was said to her in front of staff members and children.

It was pointed out on behalf of Mrs Hart that 29 March 2013 was not a Monday. It was Good Friday when the School would have been closed. Colleague J maintained that the incident happened even if she had recorded the wrong date.

In the absence of any corroborating evidence, the panel concluded that the evidence was not sufficient to find the allegation proved.

The panel found 3l not proved.

**m. on or around 29 March 2013, stating “you expect Teaching Staff 1 to wipe your arse”, or words to that effect, to Colleague J;**

In her grievance document, Colleague J referred to Monday 29 March 2013 as a date on which Mrs Hart said to her, *'you expect Teaching Staff 1 to wipe your arse'* in response to Colleague J asking Teaching Staff 1 for advice.

As noted in relation to 3l, the date was not correct. In the absence of any corroborating evidence, the panel concluded that the evidence was not sufficient to find the allegation proved.

The panel found 3m not proved.

**n. saying to Colleague L ‘Don’t you think [Teaching Staff 2] is a lesbian, she is always touching everyone, she definitely is’ in relation to Teaching Staff 2;**

Colleague L gave evidence that Mrs Hart said to her, *‘Don’t you think that [Teaching Staff 2] is a lesbian, she always touches everyone, she definitely is’*. Colleague L said in her witness statement for this hearing that Mrs Hart touched her arms when she said this.

Colleague C said in her evidence that Mrs Hart had commented inappropriately on the sexuality of Teaching Staff 2, insinuating that she was a lesbian. Colleague C said that Mrs Hart joked about this in her presence.

The panel found 3n proved.

**p. to Colleague H about Colleague B, including;**

- i. “Detective [Colleague H] great work. U got find her...wot a faker”**
- ii. “Can u c she had to go bk docs...aaaagh liar”**
- iii. “I dnt think she realises or cares that this buggers reception rt up!  
Cow cow cow”**
- iv. “Man wudnt u text if u were Colleague B to wish us luck etc...bitch!”**
- v. “Tangled and spun...like her hair”**

The panel heard that Mrs Colleague B joined the School in [Redacted]. Colleague B said that she went on long term [Redacted] leave in December 2012. Colleague B said that on 17 December 2012 she received a telephone call from Mrs Hart in which Mrs Hart told her that she was letting her class down and that she should be undertaking a number of tasks when she was at home. The panel was provided with copies of emails from Mrs Hart to Colleague B on 17 and 20 December 2012 setting out tasks to be completed by Colleague B. Colleague B said that she did attempt to work from home but was not physically or mentally well enough to complete the work that Mrs Hart expected her to do. Colleague B also said that Mrs Hart spoke to her by telephone on 8 January 2013 and that during this telephone conversation, Mrs Hart referred to Colleague H seeing her leaving her house on 2 January 2013 and questioned whether Colleague B had been to the [Redacted] that day. Colleague B said that, in the same conversation, Mrs Hart repeated her requests that Colleague B should complete certain tasks when at home on [Redacted] leave and insisted that Colleague B should contact the School on a daily basis.

The panel was also provided with a transcript of text messages alleged to have been exchanged between Mrs Hart and Colleague H. Colleague B said that, after Colleague H left the School, she informed her about the text messages that she had exchanged with Mrs Hart regarding Colleague B. Colleague B explained that she had downloaded these text messages from Colleague H’s phone to her computer. She said that she had done this using a programme called Tansee. She had then annotated the transcript of those

messages to ensure they were decipherable as the messages were largely written in text language. The annotations were in square brackets in the transcript so that it was clear what the original messages were alleged to have said.

The panel was also provided with a copy of a statement signed by Colleague H in which she said that she had been asked by Mrs Hart to spy on Colleague B. In her oral evidence, Colleague H confirmed that, as she was the person who lived closest to Colleague B, she was asked to deliver items and check on her. She said that this developed into Mrs Hart asking her to spy on Colleague B and text her if she saw her out of her house. Colleague H said that she was not proud of her actions in texting Mrs Hart in the way that she had, but at the time she had felt pressurised and was scared of the repercussions if she did not do as she was asked. Colleague H confirmed that she had provided her phone to Colleague B to enable the text messages to be downloaded. When referred to the annotated transcript, Colleague H said that this was the first time that she had seen the transcript in that format, but having read the text messages, she confirmed that they were accurate as far as she could recall.

The panel noted that the text messages included a number of exchanges between Mrs Hart and Colleague H in January 2013 in which Colleague H referred to text messages that she had exchanged with Colleague B. The transcript showed that Mrs Hart forwarded to Colleague H a text message from Colleague B in which Colleague B said that she had been to the doctors that day. Colleague H responded to this message by saying, *'Don't believe it'*. Mrs Hart then was alleged to have sent a text message to Colleague H in which Mrs Hart said, *'Your text has kicked her to the docs !!!!!'*. After a further response from Colleague H, Mrs Hart was alleged to have sent a further text message to Colleague H in which she said, *'Detective Colleague H great work. U got find her... what a faker xxxx'*.

The transcript also referred to the following text messages being sent to Colleague H by Mrs Hart:

On 2 January 2013:

- *'Can u c she had to go bk docs...aaaagh liar'*.
- *'I dnt think she realises or cares that this buggers reception rt up! Cow cow cow'*.

On 6 January 2013:

- *'Man wudnt u text if u were Colleague B to wish her luck...bitch!'*

On 7 January 2013:

- *'Tangled and spun...like her hair'*.

Mrs Hart denied sending these text messages and drew attention to the absence of any forensic examination of the text messages. It was submitted that Colleague B had an axe to grind against Mrs Hart given that disciplinary proceedings had been commenced against her. It was also submitted that Colleague H had shown [Redacted] in her evidence and might be said to be easily led. Reference was made to a false reference alleged to have been given by Colleague B for Colleague H.

The panel had regard to the fact that Colleague H had to admit her own participation in spying on Colleague B and in the alleged exchanges of text messages, which she acknowledged was inappropriate and that she was embarrassed by this. The panel found Colleague H's evidence about this to be credible. The panel also found this evidence to be consistent with Colleague B's evidence. The panel was satisfied that it was more likely than not that Mrs Hart sent the text messages concerned to Colleague H.

The panel was satisfied that the text messages that Mrs Hart sent to Colleague H about her work colleague, Colleague B, were inappropriate on the basis that they were extremely derogatory and offensive towards Colleague B.

The panel found 3p i to v proved.

**q. to Colleague G that it was “Odd being allergic to bananas appar! O unusual4 a gorilla!” about Colleague B.**

Colleague B said that Colleague G informed her about a text message that Mrs Hart had sent to him on 19 November 2012 at 21:46. Colleague B said that the context of this message was that she had become unwell [Redacted] when it was discovered that she had suffered an allergic reaction from eating a banana. Colleague B said that Colleague G had come to pick her up from the hospital. It was alleged that he had sent a text to Mrs Hart in which he had informed her about Colleague B being allergic to a banana to which Mrs Hart responded with a text in which she said:

*'Poor Colleague B must be awful having swollen lips+hands. Odd being allergic 2 bananas appar! O unusual for a gorilla Xx'.*

Colleague B said that Colleague G provided her with his phone and she downloaded the text messages to her computer using the same application used to download messages from Colleague H's phone.

Colleague G was unable to recall the specific text message concerned but did believe that he had provided his phone to Colleague B. He also said that he was aware that Mrs Hart did not think highly of Colleague B.

Whilst denying that she had sent this text message, Mrs Hart said that she was familiar with the 'gorilla' reference in relation to Colleague B. She explained that there had previously been an incident in School when Colleague B had fallen on a small child. Mrs



Hart said that when asked what had happened, the child had said, '*the gorilla with the big boobies fell on me*'. Mrs Hart said she was able to recall that, some time later, Colleague B informed her that she might be allergic to tropical fruit and that Colleague B had joked about the time when the child had called her a gorilla. However, Colleague B said in her evidence that she had thought that Mrs Hart's text was making a personal comment about her appearance.

Based on the evidence presented, the panel was satisfied that it was more likely than not that Mrs Hart sent the text message concerned. The panel was also satisfied that it was inappropriate. Even if 'gorilla' was a term initially used by a pupil, it was inappropriate for Mrs Hart to use that term in relation to Colleague B, particularly in the context of Colleague B having suffered an allergic reaction that had required her to attend [Redacted].

The panel found 3q proved.

**r. calling Colleague M an 'attention seeker', or words to that effect;**

Colleague M was a teacher at the School in the academic [Redacted], which was her [Redacted] year. She left the School in July 2011. Colleague M provided a written grievance to Individual 22 in December 2015. She could not recall who had initially informed her that concerns were being raised about Mrs Hart at that time. Colleague M said that when she worked at the School there was a constant feeling of 'shifting sands' and not knowing why someone had done something wrong one day but being praised the next day. As an example, Colleague M said that she was once 'told off' by Mrs Hart for not making class assemblies 'showy' enough but was criticised weeks later for being 'too showy' and for being an 'attention seeker'.

The panel had regard to the length of time since the alleged incident and the absence of any contemporaneous record or corroborating evidence. The panel concluded that the evidence was not sufficient to find the allegation proved.

The panel found 3r not proved.

**u. telling Colleague N that she should not work in the teaching profession;**

Colleague N was employed at the School as a teacher [Redacted] She started working at the School as an [Redacted]. Colleague N said that Mrs Hart criticised her on a regular basis and that Mrs Hart raised some performance issues with her. Colleague N said that she recalled that, on a number of occasions, Mrs Hart made comments to her to the effect that she should not work in the teaching profession.

Colleague N said that, when she was in her [Redacted] year, Colleague J was asked to be the lead teacher. However, soon after that appointment, Colleague N said that she was called into Mrs Hart's office and informed by Mrs Hart that she did not think that



Colleague J was performing properly and Mrs Hart asked Colleague N to take over the class as lead teacher. This account of events was confirmed by Colleague J. Colleague N said that, in the following year, Mrs Hart replaced her as lead teacher with Teaching Staff 2. Colleague N said that Teaching Staff 2 was then tasked with planning and teaching, which effectively meant that Colleague N was acting as a teaching assistant. The panel noted that Mrs Hart appeared to have a fluctuating view of Colleague N's abilities.

Mrs Hart denied this allegation. The panel's attention was also drawn to a number of posts made by Colleague N on the Official Trinity Triumph Facebook account, including one in which Colleague N said, *'I can't wait to take this horrible woman down'*. In her own evidence, Colleague N acknowledged that she felt some satisfaction when Mrs Hart resigned from the School, but said that this did not affect the truth of her evidence.

The panel found Colleague N to be a credible witness and, taking into account Mrs Hart's demotion of Colleague N, concluded that it was more likely than not that Mrs Hart acted as alleged by Colleague N.

The panel found 3u proved.

**v. referring to Colleague N as 'weak, pathetic and soulless', or words to that effect.**

Colleague N said that Mrs Hart referred to her as *'weak, pathetic and soulless'*. She said that she was unable to recall how many occasions she had been referred to in this way, but said that it happened often. Colleague N gave a specific example of an occasion when she said these words were used by Mrs Hart. She said that this was when she had been called into Mrs Hart's office and Mrs Hart was criticising her for behaviour management within the class. Colleague N said that Mrs Hart told her that she was too soft and that her behaviour management was letting the School down. Colleague N said that she had a very clear recollection of standing in Mrs Hart's office and Mrs Hart referring to her in this way in front of Individual 50 and Teaching Staff 1. Colleague N said that she felt incredibly upset by this. The panel noted that Colleague N also referred to the expression 'weak, pathetic and soulless' in a post made by her on the Official Trinity Triumph Facebook page on or about 18 December 2015. The panel noted that this post was made much closer in time to Colleague N's employment at the School.

Although this allegation was denied by Mrs Hart, the panel found Colleague N's evidence in relation to this allegation to be credible. The panel concluded that it was more likely than not that Mrs Hart referred to Colleague N in this way.

The panel found 3v proved.

**4. On more than one occasion you mocked and/or mimicked parents, pupils and/or staff members, as exemplified by the following;**

**a. In July 2014 you mocked a pupil in assembly;**

In considering this allegation and others relating to pupils, the panel had regard to the compelling evidence presented by some parents of pupils and others, including most of the TRA's witnesses, as to Mrs Hart's commitment to pupils. The panel approached consideration of these allegations on the basis that more cogent evidence would be required to prove the allegation on the balance of probabilities.

Colleague L said that she had started at the School in [Redacted] on a voluntary basis prior to starting her [Redacted] in [Redacted]. In the written grievance that she sent to Individual 22 on 19 November 2015, Colleague L said that, in July 2014 she witnessed a boy in assembly stand up to receive an award and then Mrs Hart ridiculed and mocked him in front of the school and then chose another pupil to receive the award. The panel noted that the incident was alleged to have happened in assembly when many others would have been present. There was no contemporaneous record of this incident. The panel concluded that the evidence was not sufficiently cogent to find the allegation proved.

The panel found 4a not proved.

**b. During a marking workshop with Colleague O you mimicked a pupil in Year 1;**

The panel noted from Colleague O's evidence that she referred to the same incident as that alleged in allegation 4e. Given that allegation 4b was a duplication of allegation 4e, the panel made no finding in relation to 4b and considered the allegation under 4e.

**c. Did an impression of a pupil with SEN, including mimicking the child's facial expressions;**

Colleague O referred to an occasion when she said Mrs Hart had mimicked the facial expressions of a pupil with special educational needs. However, there was a lack of clarity as to where and when this incident was alleged to have taken place.

The panel found 4c not proved.

**d. Mimicked the way that Colleague O spoke, during the first two weeks of her Newly Qualified year;**

Colleague O said that, in the first two weeks of her joining the School as an [Redacted] in [Redacted], there was an incident in her classroom. She said that this involved a pupil putting hand gel into a different pupil's water bottle. Although no pupils were harmed, Colleague O said that she was called into a meeting with Mrs Hart when Individual 46, [Redacted] was present and Individual 51, another [Redacted] was also possibly present.

Colleague O said that Mrs Hart stated to her quite forcibly that she would not tolerate bad behaviour in the School and she accused Colleague O of bringing it into the School.

Colleague O said that she responded to Mrs Hart by saying that she had addressed the situation with the pupils and did not think it would happen again. Colleague O said that Mrs Hart then mimicked Colleague O's [Redacted] and did an impression of her. Colleague O said that Mrs Hart also told her that she thought that Colleague O was the school gossip. Colleague O said that, before she could respond, Mrs Hart held her hand up and said, *'I know what you are going to say that you're not the school gossip, but you are'*. Colleague O said that she had found it offensive that Mrs Hart had mimicked her and called her the School gossip.

Colleague L also said that she was present when Mrs Hart mimicked Colleague O by puffing out her cheeks and mimicking Colleague O's mannerisms. Colleague L said that Mrs Hart said that Colleague O was *'fat and thick and talks like Individual 52'*.

Colleague P also referred to Mrs Hart mimicking Colleague O and referring to her as 'thick'.

Mrs Hart denied mimicking Colleague O's [Redacted] accent but did refer in her statement to an incident when she had asked Colleague O which scientist her class was studying, and Mrs Hart said that Colleague O had responded, 'Murry Curry', and Mrs Hart had corrected her to say it was pronounced 'Marie Curie'.

The panel found Colleague O was able to provide her evidence about her meeting with Mrs Hart with clarity and the panel regarded her evidence as credible. Although, not present at the time of the alleged incident, the evidence of Colleague L and Colleague P supported Colleague O's account.

The panel found 4d proved.

**e. In October 2015 you mimicked a dual heritage boy, and/or described him as 'a mini Nelson Mandela';**

Colleague O said that, during week commencing 19 October 2015, she was present at a marking workshop when Mrs Hart mimicked and made impressions of a boy in [Redacted]. Colleague O said that Mrs Hart did an impression of the pupil and described him as 'a mini Nelson Mandela'.

Colleague P also referred to this incident in her written grievance. She said that Mrs Hart mimicked a dual heritage boy and did an impression of him as Nelson Mandela. Colleague P said that she felt uncomfortable about this.

Colleague N also referred to the marking workshop in her evidence but said that Mrs Hart had described the pupil concerned as 'a little Martin Luther King'.

Mrs Hart denied referring to the pupil concerned as Martin Luther King. She said that she did refer to him as a mini Nelson Mandela and did not believe that there was anything wrong in making a comparison with such an inspirational person. Mrs Hart denied mimicking the pupil. There was a lack of clarity in the evidence presented as to the manner in which it was alleged that Mrs Hart had mimicked the pupil.

The panel was satisfied that Mrs Hart referred to the pupil as a mini Nelson Mandela but concluded that the evidence of mimicking was not sufficient to find that part of the allegation proved. Although the second part of particular 4e was proved (i.e. that Mrs Hart described the pupil as a mini Nelson Mandela), the stem of the allegation required the panel to be satisfied that Mrs Hart mocked or mimicked the pupil. The panel was not so satisfied.

The panel found 4e not proved.

**f. Mocked a male teacher at Dundry in front of Colleague C;**

Colleague C said that this incident happened at the parents' evening on 11 November 2015 as referred to in allegation 3a. Colleague C said that, after Mrs Hart had made the comment referred to in allegation 3a, she mocked one of the male teachers at Dundry in front of a governor, Individual 38. This was recorded in her grievance documents submitted to the School in November 2015.

The panel noted the short period of time between the parents' evening concerned and the completion and submission of the grievance documents. The panel concluded that this was not a record that was dependent upon a memory of an event that occurred a long time before the record was made. This was relevant to the panel's assessment of the credibility and reliability of Colleague C's evidence.

The panel found 4f proved.

**g. Mimicked members of staff and/or pupils in front of;  
ii. Colleague L;**

As already mentioned in the context of allegation 4d, Colleague L said that Mrs Hart mimicked Colleague O in her presence by puffing out her cheeks and mimicking Colleague O's mannerisms. Colleague L also said that Mrs Hart said that Colleague O was '*fat and thick and talks like Individual 52*'.

The panel found 4g ii proved.

**iii. Colleague P;**

Colleague P said that Mrs Hart mimicked Individual 40 and Colleague O, but she was not able to recall any further details. The panel concluded that this evidence was not sufficient to find the allegation proved.

The panel found 4g iii not proved.

#### **iv. Colleague B.**

Colleague B said that she had witnessed Mrs Hart mimicking members of staff but was unable to recall any further details. The panel concluded that this evidence was not sufficient to find the allegation proved.

The panel found 4g iv not proved.

#### **h. Mimicked parents and/or pupils in front of Colleague C;**

In her grievance documents, Colleague C referred to an occasion when Mrs Hart had mimicked a child and the way that he spoke. However, no further detail was provided. The panel concluded that this evidence was not sufficient to find the allegation proved.

The panel found 4h not proved.

#### **i. Told Colleague P that you wanted to ‘get rid’ of SEN twins from her class as it would be ‘better off without them’, or words to that effect.**

Colleague P referred to an occasion when members of staff were called into Mrs Hart’s office to talk about marking. She remembered this was late into the evening. Colleague P said that, although this was not an arranged meeting, most of the staff were present. Colleague P said that it was at this marking workshop that Mrs Hart said to her that she wanted to try to ‘get rid’ of a pair of twins in her class with special educational needs. Colleague P said that when she grimaced, Mrs Hart said, *‘No, we would be better off without them’*.

The panel noted that there was no evidence that the pupils concerned subsequently left the School and no corroborating evidence was provided by any other member of staff attending the marking workshop.

The panel found 4i not proved.

### **5. You intimidated staff by:**

#### **a. stating that sick days are unacceptable and/or sick days should not be taken, or words to that effect;**

Colleague C said in her grievance document that, at an INSET day in September 2015, Mrs Hart said, *'we do not have sickness at our school. Those who go sick don't come back. They are dud teachers. They don't care about the children'*.

Colleague M also said that Mrs Hart made it clear that there was *'no such thing as sickness'*. Colleague M said that Mrs Hart would make openly disapproving comments in morning meetings if a staff member was sick. Colleague M said that she did not have any sick days when she was at the School, but she was terrified that she might be spoken about in a negative way if she had done so.

Colleague P said that it was common knowledge from meetings and from the INSET day before the start of term that Mrs Hart did not accept teachers calling in sick and the threat was that teachers would not have a job to come back to. In her oral evidence, Colleague P said that it was Mrs Hart who said, *'we don't do sick here'*.

Colleague F said that it was widely known that Mrs Hart did not tolerate sick days unless teachers were hospitalised or incredibly unwell. Colleague F referred to an occasion when she had [Redacted]. She said that, even though she pointed out to Mrs Hart that these were contagious illnesses, she was not allowed to go home.

Colleague N said that, although she did not have any sick days herself, it was well known that Mrs Hart did not tolerate sick days and that Mrs Hart did not like to arrange supply cover.

Individual 28 said in his evidence that sickness was dealt with the same way that any school would deal with sickness. He said that he witnessed teachers calling the School 'first thing' and Mrs Hart, Teaching Staff 1 or Individual 50 speaking to them to ensure that they were ok and tell them not to worry about attending school. He said that follow up calls were made to ensure that staff were ok. However, Individual 28 did not provide a satisfactory explanation as to how he was able to hear telephone calls between members of staff and members of the SMT. As already noted, the panel concluded that Individual 28 was not a credible witness.

The panel was satisfied that the facts alleged in 5a had been proved on the balance of probabilities and that Mrs Hart's conduct was intimidating.

The panel found 5a proved.

**b. threatening and/or unreasonably commenting on the possibility that staff would not pass their NQT year and/or could not get a job elsewhere;**

Colleague D said that when she returned from a brief period of [Redacted] absence in January 2015, she had a meeting with Mrs Hart, Teaching Staff 1 and Individual 50. She said that this was supposed to be a 'back to work' meeting and that Mrs Hart did initially ask her how she was feeling. However, Colleague D said that, during the same meeting

Mrs Hart said that the management team were concerned that she might not be able to pass her NQT year. She said that Mrs Hart said, in the form of a question, '*aren't the NQTs supposed to have 98% attendance record*'. Mrs Hart then said that Colleague D might not have enough hours, so they were considering not passing her for this reason and that she would need to stay on with the School. Colleague D said that she felt that she was being punished for having taken 3.5 days sick leave.

Colleague D also said that following the incident in which she was criticised for her display and told that pregnancy was not an excuse, as referred to in relation to allegation 1j, Mrs Hart threatened that she might not pass her NQT year and that she needed to remain 'physical' until the end of her pregnancy.

Colleague N said that Mrs Hart said to her on a number of occasions that if she did not work hard, she might not pass her NQT year. Colleague N said that she felt that this was constantly held over her head as a way of making her work harder. Colleague N said that, in contrast with NQT colleagues in other schools who were told in June if they had passed their NQT year, Mrs Hart left it until the last day of term to tell her that she had passed. Colleague N said that she was scared that it would jeopardise her NQT status if she left after the first year and so she stayed.

Colleague C said, based on her contemporaneous record of 25 January 2013, as already referenced in relation to allegation 1f), that Mrs Hart told her, '*I won't pass your (sic) on your NQT year because of sympathy, you need to work*'.

Mrs Hart denied ever threatening anyone with not passing their NQT year. However, the panel was satisfied that the facts alleged in 5b had been proved on the balance of probabilities and that Mrs Hart's conduct was intimidating.

The panel found 5b proved.

**c. in or around January 2015, telling Colleague D upon being notified that she was unwell that "her illness was no excuse and/or that she was letting her class down" or words to that effect;**

Colleague D said that in week commencing 19 January 2015 she began to develop [Redacted]. Colleague D [Redacted]. [Redacted] Colleague D [Redacted], Mrs Hart told her that she should come into School on the Monday and Individual 5, [Redacted] would drive her to and from her appointment [Redacted].

[Redacted], Colleague D [Redacted]. Colleague D said that she telephoned Mrs Hart from Individual 5's car to explain the position. [Redacted]. Mrs Hart said that she had had it in the past' and it had not stopped her from working. Colleague D said that Mrs Hart also told her that she was letting the children down if she was not in School. Colleague D said that, when she tried to respond, Mrs Hart hung up on her. Mrs Hart then immediately



telephoned Individual 5 who was sitting next to Colleague D in the car. Colleague D said that she could hear Mrs Hart say to Individual 5, *'I'm sorry Individual 5 but I'm fed up, she's just had a member of my staff out of school for her'* and *'if she was well enough to come into school this morning then she is fine'*.

Colleague D said that Individual 5 then drove her to the [Redacted]. Colleague D said that she later received a call from Teaching Staff 1 who stated that she should return to School after [Redacted] and arrangements were made for the receptionist to pick her up. However, Colleague D contacted her union and was advised that she should not return to work as her [Redacted] had advised her to take time off work and given her a [Redacted] certificate to that effect.

Mrs Hart denied having any contact with Colleague D other than in relation to arranging the initial lift to get Colleague D to the [Redacted] appointment and subsequently to the [Redacted].

The panel regarded Colleague D as a credible witness and preferred her evidence on this issue to that of Mrs Hart. The panel was satisfied that Mrs Hart's conduct was intimidating.

The panel found 5c proved.

**d. reprimanding staff in front of other staff, parents and/or pupils including:**  
**i. Colleague C;**

In making findings in relation allegation 3d, the panel referred to a dated record in Colleague C's grievance document for 9 November 2015. In addition to describing the facts leading to the conduct in allegation 3d, the record referred to Mrs Hart storming into Colleague C's class that day and telling Colleague C that it was her fault that Individual 40 had walked out. This was a reprimand of Colleague C in front of another member of staff, Individual 51.

Mrs Hart denied ever reprimanding any member of staff. However, the panel was satisfied that the facts alleged in 5d i had been proved on the balance of probabilities and that Mrs Hart's conduct was intimidating.

The panel found 5d i proved.

**ii. Colleague O**

In making findings in relation to allegation 4d, the panel referred to Colleague O's account of a meeting which she said had taken place in the first two weeks of her employment at the School in which she said Mrs Hart mimicked the way that she spoke. In the same meeting, Colleague O said that Mrs Hart reprimanded her quite forcibly in front of two named [Redacted].



The panel was satisfied that the facts alleged in 5d ii had been proved on the balance of probabilities and that Mrs Hart's conduct was intimidating.

The panel found 5d ii proved.

**v. Colleague J;**

Colleague J's grievance document referred to an entry for Monday 29 March 2013 in which she said Mrs Hart reprimanded her, calling her a 'drip' in front of other staff members and children. However, as already found in relation to allegation 3l, 29 March 2013 was not a Monday. It was Good Friday when the School would have been closed. Colleague J maintained that the incident happened even if she had recorded the wrong date. However, in the absence of any corroborating evidence, the panel concluded that the evidence was not sufficient to find the allegation proved

The panel found 5d v not proved.

**vi. Colleague R;**

Colleague R referred to an occasion between May 2013 and July 2013 when she said she was reprimanded by Mrs Hart in relation to cards being mixed up during a phonics lesson. Mrs Hart denied this allegation.

In the absence of any contemporaneous record of this incident or corroborating evidence, the panel concluded that the evidence was not sufficient to find the allegation proved.

The panel found 5d vi not proved.

**vii. Colleague M;**

In making a finding in relation to allegation 3r, reference was made to the evidence of Colleague M that she was 'told off' by Mrs Hart for not making classes 'showy' enough and then for making them too showy.

As with allegation 3r, the panel had regard to the length of time since the alleged incident and the absence of any contemporaneous record or corroborating evidence. The panel concluded that the evidence was not sufficient to find the allegation proved.

The panel found 5d vii not proved.

**viii. Colleague N.**

In relation to allegation 3v, Colleague N gave evidence about an occasion when she said Mrs Hart referred to her as '*weak, pathetic and soulless*' after reprimanding her about her behaviour management in front of Teaching Staff 1 and Individual 50.

Based on the same evidence, the panel found 5d viii proved.

**e. advising staff not to socialise with each other and/or form friendships;**

In making findings in relation to allegations 1g and 3h, the panel considered evidence from Colleague C and Colleague H about being spoken to by Mrs Hart after they had marked books together in the School on 7 February 2013. Both Colleague C and Colleague H said that Mrs Hart had questioned them individually as to why they wished to be friends with each other and was discouraging this friendship.

Colleague S said that there was an occasion when she and Colleague H were due to attend a maths course. She said they decided to car share and sleep over at Colleague H's house so that they could leave together early in the morning. They then travelled back to school together later in the day. Colleague S said that, on arrival, Mrs Hart called them into her office to tell her about the course. In the course of providing feedback, Colleague S said that they had travelled together, and Colleague S had stayed the night at Colleague H's house. Colleague S said that Mrs Hart seemed shocked and raised her eyebrows but did not say anything more at that time. After going to her classroom, Colleague S was called back into Mrs Hart's office when Individual 50 was also present. Colleague S said that Mrs Hart enquired why Colleague S had stayed at Colleague H' house as she said she found this really odd. Colleague S said that she explained that it was out of convenience. Colleague S said that Mrs Hart started to become aggressive and said that she wanted to make it very clear that she did not want any 'bitching', and that 'backstabbing' was not tolerated. Colleague S said that, after this meeting, she was too scared to socialise with other members of staff.

Colleague F also said that Mrs Hart did not like staff members communicating with each other and she would discourage staff members from socialising together outside of the School if it did not involve Mrs Hart. Colleague F also recalled comments made by Mrs Hart to the effect that staff members were not allowed to mark books together. Mrs Hart gave the explanation that this was not good for the children as the teachers would not fully concentrate on the marking. However, Colleague F formed the impression that Mrs Hart had a fear of being left out and appeared to be worried that staff members would talk about her behind her back.

Mrs Hart denied this allegation. However, the panel was satisfied that the facts alleged in 5e had been proved on the balance of probabilities and that Mrs Hart's conduct was intimidating.

The panel found 5e proved.

**f. telling Colleague O you would report her to the Department for Education and/or give her a bad reference, after she told you she had considered leaving the school;**

Colleague O said that, in or around November 2015, she was very unhappy at the School and decided that she would hand in her resignation. Colleague O said that she had been called into Mrs Hart's office, when Teaching Staff 1 and Individual 50 were also present. The purpose of this was to ask her why a particular pupil had been unable to read his own work. Colleague O said that she thought that Mrs Hart's attitude changed when Colleague O told her that the pupil concerned had special educational needs. Mrs Hart then asked Colleague O how she was getting on. Colleague O said that she was very unhappy and was thinking of leaving the School.

Colleague O said that Mrs Hart's response was aggressive and she questioned why Colleague O would even think of leaving her job. Colleague O said that Mrs Hart told her that she needed to be prepared to put in a large number of hours to be a teacher and how dare Colleague O think of putting the children in a position to leave them. Colleague O said that Mrs Hart then said that she would give Colleague O a bad reference if she left the School and that she would report Colleague O to the Department for Education because she believed that Colleague O could not cope with the workload. Colleague O said that Mrs Hart said that Colleague O would never teach again as Mrs Hart knew other headteachers in the area.

Mrs Hart denied this allegation and said that she would not have threatened to report Colleague O to the Department for Education as she (Mrs Hart) was aware that this was not the procedure that should be followed.

The panel noted that Individual 22's evidence was that Colleague O's written grievance was submitted to him on 19 November 2015. Accordingly, the account recorded in that grievance about the meeting concerned must have been made within a short period of time after that meeting. It was acknowledged that Colleague O might not have accurately captured what Mrs Hart said about referral to the Department for Education. However, her account about the withholding of a reference was more likely than not to be true.

Accordingly, the panel was satisfied that the facts alleged in 5f had been proved to the extent that Mrs Hart threatened to give Colleague O a bad reference if she left the School.

The panel found 5f proved.

**g. telling Colleague J that if she left the school before she had signed her contract you would "hunt her down like a dog with a bone and do her for breach of contract", or words to that effect;**

Colleague J said that, before receiving a contract of employment, she worked at the School on a voluntary basis, but quickly became aware that she did not like the way in which the School was run. She said that she then approached Mrs Hart and told her that she did not think that the School was right for her. Colleague J said that Mrs Hart's response was aggressive and she told Colleague J that if she left the School before

starting her employment, Mrs Hart would, 'hunt [her] down like a dog with a bone and do [her] for breach of contract'.

The allegation was denied by Mrs Hart. In the absence of any contemporaneous account or corroborating evidence the panel concluded that the evidence was not sufficient to find the allegation proved.

The panel found 5g not proved.

**h. telling Colleague F that she “was not a true Christian”, or words to that effect, when she refused to provide cover for a teacher who was off sick;**

Colleague F said that, when she returned from maternity leave in December 2013, she was working for two days per week, which had been agreed prior to her returning to work. She said that she did not have the means for childcare on a full-time basis. Colleague F said that, after she returned and was working for two days, another member of staff became hospitalised and there was a possibility that they could have been off work indefinitely. Colleague F said that Mrs Hart asked her to cover for this teacher by working every day. Colleague F said that she refused to provide this level of cover as it would have meant her working five days per week for at least two weeks and possibly longer. Colleague F said that she refused because of her own childcare arrangements and because she did not wish to spend that amount of time away from her daughter.

Colleague F said that, when she refused, Mrs Hart and Teaching Staff 1 said words to the effect that they had given her everything in the profession and that Colleague F should be giving back to them in their time of crisis. Colleague F said that Mrs Hart told her that she was not a true Christian because she had refused to provide cover. Colleague F recalled that Mrs Hart also said that if she was a true Christian, Colleague F would be a good Samaritan and help her in time of need. Colleague F said that she took these comments 'incredibly personally'. Colleague F explained that she has a very strong Christian faith of which Mrs Hart was aware and that she had recently been baptised.

Colleague F said that, just after Mrs Hart made the comment about her not being a true Christian, Mrs Hart also questioned Colleague F's [Redacted] support for the School and Mrs Hart said that this was a 'worry' for her. Colleague F explained that [Redacted] had been to the School on many occasions to give talks to classes and help with other School events. Colleague F said that she was very shocked by this comment and believed that Mrs Hart had made both comments deliberately to offend her as she felt she knew what was most important to her. Colleague F said she was so offended that she sent Mrs Hart a text that evening saying how hurt she had been by Mrs Hart's comments and that Mrs Hart responded with a short apology.

Mrs Hart denied that she had ever said the words '*not a true Christian*' as she said that the words were not in her vocabulary. Mrs Hart also drew attention to Colleague F's grievance document in which Colleague F used the words 'they' in relation to Mrs Hart

and Teaching Staff 1. Mrs Hart said that the comment on Christianity was one that was made by Teaching Staff 1 in what Mrs Hart thought was a light hearted manner. Teaching Staff 1 said in her evidence that she recalled that she made a comment about Christianity but it was not said in a threatening or derogatory way. Teaching Staff 1 said that Mrs Hart did not make any comment about Christianity. The panel noted that both Mrs Hart and Teaching Staff 1 denied that the alleged comment was made by Mrs Hart. However, they both accepted that a comment about Christianity was made but were unable to specify what that comment was. Furthermore, they were unable to explain how it was light-hearted or why it was relevant or appropriate in the context of a discussion in which they were seeking to persuade Colleague F to extend her working hours.

Colleague F was very clear in her oral evidence that it was Mrs Hart who said that she was not a true Christian and that she remembered the words very clearly. The panel found Colleague F's evidence on this issue to be compelling, in contrast to the evidence of Mrs Hart and Teaching Staff 1, which the panel felt lacked credibility.

The panel found 5h proved.

**i. threatening and/or inappropriately commenting to Colleague N that you would not provide her with a reference.**

Colleague N said in her grievance document that she had been threatened with a bad reference many times but no dates or further details were provided.

The allegation was denied by Mrs Hart. In the absence of any contemporaneous account or corroborating evidence the panel concluded that the evidence was not sufficient to find the allegation proved.

The panel found 5i not proved.

**7. Told Colleague T that the reference received about her was unacceptable, when this was not the case.**

Colleague T is a teacher and [Redacted] at another school. Having completed her [Redacted], she applied for a position at the School to commence in September 2014, which would be her [Redacted] year. Colleague T said that she was interviewed for the post in June 2014 and was then asked by Mrs Hart to start immediately, although was subsequently informed that she would not be paid until September 2014. Colleague T said that, at that time, she was living about 1.5 hours' drive away from the School and she asked Individual 50 if she could attend the School three days a week instead of five. She said that Individual 50 said this would be acceptable. Colleague T said that Mrs Hart was on a School trip to [Redacted] when she had this conversation with Individual 50.

Colleague T said that when Mrs Hart returned to the School, she spoke to Mrs Hart to check with her that it was alright for her to come in three days a week instead of five.

Colleague T said that Mrs Hart was aggressive in her response and said that other people would be grateful for a job at the School. Mrs Hart told Colleague T that she should be grateful and show that she was dedicated. Colleague T said that she apologised and told Mrs Hart that she would come in for five days a week. Colleague T said that a day or so later she was called into the office and spoken to by Mrs Hart, Teaching Staff 1 and Individual 50. She said that they had her reference in front of them and said that it was not acceptable and that they no longer wished to employ her. Colleague T was told that there were horrible things in the reference, although she was not allowed to read it at that time. Colleague T said that [Redacted].

She said that she immediately went to [Redacted] where she had studied for her [Redacted]. She said that the receptionist told her that she would get a member of the faculty staff to ring her back. She also drove to the school where she had done her placement and asked to speak to the [Redacted]. She spoke to him and explained what Mrs Hart had said to her about the reference. She said that the [Redacted] told her that the reference provided was an outstanding one and he could see no reason why she would not be suitable to be employed at the School. Colleague T said that she subsequently received a call back from a member of the faculty at [Redacted] and was shown a copy of the reference provided by the University to the School. Colleague T said that it was a lovely reference and there were no horrible items in it. She believed that she had been misled by Mrs Hart about the reference.

On behalf of Mrs Hart, the panel heard evidence from Teaching Staff 1, Individual 25 and Mrs Hart herself. There were inconsistencies between the evidence of each of these witnesses. Individual 25 said that [Redacted] had referred the reference to him as Mrs Hart was away on a School trip and he had confirmed that the reference was not acceptable. This contradicted Mrs Hart's evidence as she said she had seen the reference on her return from [Redacted] and confirmed that it was not acceptable but did not have any conversation with Colleague T about this. Teaching Staff 1 said that Mrs Hart was not present when she stood in the doorway when [Redacted] explained to Colleague T that the reference was not acceptable. Teaching Staff 1 said that Colleague T did not seem upset, which the panel thought was an unlikely response.

The panel regarded Colleague T as a credible witness. However, the panel was informed that the TRA was unsuccessful in obtaining a copy of the reference to be included in the papers before the panel. The panel recognised that the essence of allegation 7 was that Mrs Hart had falsely told Colleague T that her reference was not acceptable when this was not the case. The panel did not have the opportunity to see the reference concerned to make its own determination as to whether or not it was acceptable. The panel was also conscious that allegation 7 was linked with allegation 9, which alleged dishonesty. In view of the associated allegation of dishonesty, the panel concluded that more cogent evidence was needed in order to find allegation 7 proved.

The panel found 7 not proved.

**8. Sent inappropriate text messages to Colleague S including:**

**a. “Colleague A such a twat”, or words to that effect;**

**c. describing Colleague B as a “15 tonnes whale”, or words to that effect.**

Colleague S worked at the School as a teacher from September 2010 until 23 January 2012, when she went on sick leave. She did not return to the School after she went on sick leave and she resigned in August 2012. Colleague S explained that she had completed a document entitled ‘Statement of Claim’ in 2012 with the assistance of her father. It was prepared in this way to seek advice from her union, the NASUWT. Colleague S said that she was advised that there was insufficient evidence to bring an employment claim and she accepted that advice.

Colleague S explained that, after she was contacted by Individual 22 in 2015, she provided him with her document entitled ‘Statement of Claim’ and this became her grievance document. Colleague S explained that this document was accompanied by ‘unreasonable texts’. She explained that these were texts between herself and Mrs Hart which she had printed from her computer. The panel was provided with copies of screenshots of those texts.

The contents of the texts were also referenced in the ‘Statement of Claim’ document. The panel noted that the text messages included a text message alleged to have been sent by Mrs Hart to Colleague S on 31 August 2011 at 20:59 which read:

*‘Hiya Colleague S Am in bed + taken nytol but not tired at all. [Colleague A] such a twat-rang me at 2pm 2day sayin he got flight ok + gets in 2am 2nt wot did he expct me to say’*

Colleague S explained that Colleague A was a [Redacted] and a colleague of Colleague S. Colleague S said that she thought it was unprofessional as it used offensive language to describe Colleague A.

The text messages also included the following text message alleged to have been sent by Mrs Hart to Colleague S on 28 January 2012 at 21:55 which read:

*‘All I can say is – all I heard was – did u know, 15tonnes, whale + [Colleague B] SHOCK REALLY IS NOT THE WORD! Pissd myself Xx’*

Colleague S said that the background and context to this text were Mrs Hart's repeated comments relating to Colleague B's weight, which Colleague S said were made by Mrs Hart to other members of staff behind Colleague B's back.

Colleague S said that she had included reference to these text messages in her Statement of Claim as she felt that they were examples of Mrs Hart being abusive and bullying towards staff.



Mrs Hart denied sending these text messages. Colleague S accepted that there was no phone number on the screenshots of the messages, but it was Mrs Hart's phone that sent them and hers that received them. Colleague S confirmed that she had not altered the messages in any way.

The panel was satisfied that it was more likely than not that these text messages were sent by Mrs Hart and they were inappropriate.

The panel found 8 a and c proved.

#### **9. Your actions at 7 above were dishonest.**

Given that allegation 7 was not proved, the panel found 9 not proved.

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

Having found proved allegations 1(a),(b), (d), (e), (f), (g), (h), (i) and (j), 3 (a), (b), (c), (d), (e), (h), (n), (p) i to v, (q),(u) and (v), 4 (d), (f) and (g) ii, 5(a), (b), (c), (d) i, ii and viii, (e), (f) and (h) and 8(a) and (c), the panel went on to consider whether the facts of those proven 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”. However, the panel accepted the legal advice that it should have regard to the Teachers' Standards that were in force at the time of the conduct found proved. In that respect the panel had regard to the Teachers' Standards that came into force in 2011, although it was noted that the content of Part 2 of those standards were the same as the current Teachers' Standards. The panel also drew upon its own knowledge and experience of the teaching profession at the time of the conduct found proved.

The panel was satisfied that the conduct of Mrs Hart, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mrs Hart 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
  - ... building relationships rooted in mutual respect...
  - showing tolerance of and respect for the rights of others
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...



- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

With reference to statutory frameworks, the panel particularly had in mind the statutory frameworks relating to maternity and other employment rights.

The panel considered whether Mrs Hart's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice but found that none of these offences was relevant.

The panel was satisfied that, based on the particulars found proved in respect of each of the allegations 1, 3, 4, 5 and 8 the conduct of Mrs Hart amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. Accordingly, the panel found that Mrs Hart's conduct in each of the allegations found proved amounted to unacceptable professional conduct.

The panel received legal advice as to the possibility of findings being cumulated in accordance with guidance given in the judgment of *Schodlok v General Medical Council* [2015]. However, as the panel concluded that each of the allegations 1, 3, 4, 5 and 8, based on the particulars found proved in respect of each allegation, amounted to unacceptable professional conduct, the panel did not need to determine whether it would be appropriate to cumulate any of those allegations.

As regards conduct that may bring the profession into disrepute, the panel considered 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 that they behave.

The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on Mrs Hart's status as a teacher, potentially damaging the public perception.

The panel therefore found that Mrs Hart's actions constituted conduct that may bring the profession into disrepute.

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

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it should 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 a necessary 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 protection of members of the public (including staff), the maintenance of public confidence in the profession, declaring and upholding proper standards of conduct and the public interest in retaining Mrs Hart in the profession.

The public interest consideration relating to the safeguarding and wellbeing of pupils was not engaged. However, in the light of the panel's findings against Mrs Hart, which involved bullying, intimidating, mocking, mimicking and making inappropriate comments towards staff, the need to protect the rights and interests of staff was a relevant consideration.

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

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

The panel also decided that there was a public interest consideration in retaining Mrs Hart in the profession as her contributions to pupil achievements have been highly significant. As the panel has already determined, there was little dispute relating to Mrs Hart's commitment to improving the lives of pupils. The panel found the evidence of parents to be particularly compelling about the significant impact that Mrs Hart had on the lives of their children.

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

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mrs Hart. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- abuse of position of trust ...;

- sustained or serious bullying..., or other deliberate behaviour that undermines ..., the profession, the school and colleagues;
- a deep-seated attitude that leads to harmful behaviour;

The panel has found that Mrs Hart was guilty of bullying, intimidating, mocking, mimicking and making inappropriate comments towards staff over a number of years. This represented a pattern of behaviour that was incompatible with being a teacher.

Furthermore, in her capacity as Headteacher, the panel found that Mrs Hart was guilty of abusing her position of trust towards staff. By way of example, Mrs Hart sent abusive text messages to junior staff about other members of staff, including a member of the SMT. This was in the context of instructing a member of staff to gather information about a colleague who was absent due to sickness and report back to her.

The panel was satisfied by the evidence presented that Mrs Hart had displayed a deep-seated attitude that led to harmful and bullying behaviour towards staff. There were numerous examples of Mrs Hart being abusive about members of staff to other members of staff, both verbally and in text messages. The panel has found that Mrs Hart said on occasions that sickness was not acceptable and also bullied staff in relation to the exercise of their maternity rights and access to a reference for future employment. The panel has also found that Mrs Hart put unreasonable pressure on staff, including Colleague C and Colleague F, to increase their working hours. The panel heard evidence from Colleague C that, when she was part of the SMT, Mrs Hart openly discussed the strategy the SMT used to pressurise teaching staff. In the panel's view, this persistent behaviour and a willingness to openly discuss this within the SMT, demonstrated a deep-seated attitude that led to harmful behaviour.

The panel heard from several teachers and former teachers that Mrs Hart's behaviour or treatment of them had a significantly negative impact, which resulted in some teachers not wanting to stay in the profession.

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 necessary or proportionate.

There was evidence that Mrs Hart's actions were deliberate. There was no evidence to suggest that Mrs Hart was acting under duress.

Mrs Hart has not been the subject of any previous disciplinary finding. Furthermore, the panel took account of a large number of very positive testimonials and character references. These included the following:

- Individual 33- Parent *“My son was treated badly by his previous school, no one wanted him. He was diagnosed with epilepsy. Mrs Hart was the only person who*

*accepted him. I rang the school after all schools rejected him, he had been excluded and we were told he had to earn his place back and he was only allowed in one day a week. They were going to erect a fence around the school. When Mrs Hart took him he thrived, if it was not for her we do not know where we would be. As parents you just want someone to say they will take your child and she did that. The school was safe, you knew your children came out properly educated. The children wanted to be there. It was a deprived area. School made things better. She went above and beyond. She was at every event. She led by example. She worked hard played hard ethos. She made it fun to learn. At no point did I have any concerns. To hear this process is taking place is infuriating. She helped so many people. The effect on her [Redacted]. I think this is madness. We should be putting Mrs Hart back in the system, she made children's lives unbelievable. She was too kind to people in my opinion and always defended her staff, sometimes overly supporting them."*

- Individual 32– Parent – [Trinity] *"Was a positive school. ... [Mrs Hart] knew all the children's names. It was a lovely place, never any closed doors ... The Fathers Friday meant the world just to eat fish and chips on the grass with your kids. The events you looked forward to them. I met inspirational people because of her. I met Individual 47 and shook her hand. People like her don't come to our community and Mrs Hart made that happen. ... The school meant the world to everybody. That woman sat to your left changed my kids lives."*
- Individual 35– Parent – [Trinity was] *"[w]arm happy, never forget it. ... It was two years of brilliantness. The standard of Trinity was higher than other schools. She gave uniform to children, no one was made to feel different. She was all for the children. The standard was not unrealistic. She showed respect by the way she spoke to others. Children learnt through fun. I am here today because children have lost out. I didn't want to be a person who hid away. So many children will not get the benefit of Mrs Hart. If I could bottle and sell it, I would buy it!"*
- Individual 48 (former pupil) *"I remember fun activities like a big water game, flying in Trinity plane to Lapland and grounds day which was gardening activities. We also had a school farm and the rabbits and chicken made me feel happy."*

There were other very positive testimonials from a range of professionals from the education sector, most of whom had experience of working with Mrs Hart.

The panel considered other potential mitigating factors such as any expression of remorse or insight into the harm that her behaviour caused. The panel noted that there was evidence that this conduct was prevalent over a number of years without any recognition on Mrs Hart's part of the negative impact on others. Mrs Hart denied all of the allegations against her, as was her right. However, throughout the hearing and despite the findings of the panel, Mrs Hart has failed to make any expression of remorse or

demonstrate any insight. In the view of the panel, her absence of insight has prevented Mrs Hart taking any steps to address her harmful behaviour.

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

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

The panel was of the view that prohibition was both necessary and proportionate. The panel decided that the public interest considerations of the protection of members of the public (including staff), the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct outweighed both the public interest in retaining Mrs Hart in the profession and Mrs Hart's own personal interests.

Significant factors in forming that opinion were the seriousness of the allegations found proved, the length of time over which they continued and the numbers of staff negatively impacted. Given the repetitive pattern of the conduct found proved and the absence of any remorse or insight the panel felt that there was a significant risk of the behaviour being repeated. The panel recognised that, whilst the conduct took place in her capacity as Headteacher, a prohibition order would prevent her undertaking any teaching work. However, given the findings relating to negative deep-seated attitudes leading to harmful behaviour, the panel concluded that these behaviours could persist in any teaching role. The panel, therefore, determined that a prohibition order is both necessary and proportionate.

Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. The panel found that none of these were present.

The panel decided that the findings indicated a situation in which a review period would be appropriate. The panel decided that it would be proportionate, in all the circumstances, for the prohibition order to be reviewed after a period of two years. Given

the seriousness of the findings, the panel would have considered recommending a longer period than two years. However, the panel had regard to the Mrs Hart's ability to make an exceptional contribution to the education of pupils and felt that she should have the earliest possible opportunity to demonstrate clear and unequivocal insight into the misconduct that led to the prohibition and a clear commitment to adhere to and exhibit the Teachers' Standards.

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

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

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

In this case, the panel has found some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven and has set that all out. I have therefore put all of those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mrs Mahzia Hart should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Mrs Hart 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
  - ... building relationships rooted in mutual respect...
  - showing tolerance of and respect for the rights of others
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel also state that, "With reference to statutory frameworks, the panel particularly had in mind the statutory frameworks relating to maternity and other employment rights."

The panel also, "considered whether Mrs Hart's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice but found that none of these offences was relevant."

The panel was satisfied that, “based on the particulars found proved in respect of each of the allegations 1, 3, 4, 5 and 8 the conduct of Mrs Hart amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. Accordingly, the panel found that Mrs Hart's conduct in each of the allegations found proved amounted to unacceptable professional conduct.”

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

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed, “The public interest consideration relating to the safeguarding and wellbeing of pupils was not engaged.”

Rather the panel state, “However, in the light of the panel’s findings against Mrs Hart, which involved bullying, intimidating, mocking, mimicking and making inappropriate comments towards staff, the need to protect the rights and interests of staff was a relevant consideration.”

I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “The panel considered other potential mitigating factors such as any expression of remorse or insight into the harm that her behaviour caused. The panel noted that there was evidence that this conduct was prevalent over a number of years without any recognition on Mrs Hart's part of the negative impact on others. Mrs Hart denied all of the allegations against her, as was her right. However, throughout the hearing and despite the findings of the panel, Mrs Hart has failed to make any expression of remorse or demonstrate any insight. In the view of the panel, her absence of insight has prevented Mrs Hart taking any steps to address her harmful behaviour.” In my judgement, the lack of full insight means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of staff. 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 observe, “As regards conduct that may bring the profession into disrepute, the panel considered 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 that they behave."

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 on Mrs Hart herself. The panel comment "Mrs Hart has not been the subject of any previous disciplinary finding. Furthermore, the panel took account of a large number of very positive testimonials and character references." The panel also say, "There were other very positive testimonials from a range of professionals from the education sector, most of whom had experience of working with Mrs Hart."

A prohibition order would prevent Mrs Hart from teaching 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, "The panel was of the view that prohibition was both necessary and proportionate. The panel decided that the public interest considerations of the protection of members of the public (including staff), the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct outweighed both the public interest in retaining Mrs Hart in the profession and Mrs Hart's own personal interests."

I have also placed considerable weight on the following comment by the panel, "Significant factors in forming that opinion were the seriousness of the allegations found proved, the length of time over which they continued and the numbers of staff negatively impacted. Given the repetitive pattern of the conduct found proved and the absence of any remorse or insight the panel felt that there was a significant risk of the behaviour being repeated. The panel recognised that, whilst the conduct took place in her capacity as Headteacher, a prohibition order would prevent her undertaking any teaching work. However, given the findings relating to negative deep-seated attitudes leading to harmful behaviour, the panel concluded that these behaviours could persist in any teaching role."

I have given less weight in my consideration of sanction therefore, to the contribution that Mrs Hart has made to the profession. In my view, it is necessary to impose a prohibition



order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by full 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 a two-year review period.

I have considered the panel's comments "The panel decided that the findings indicated a situation in which a review period would be appropriate. The panel decided that it would be proportionate, in all the circumstances, for the prohibition order to be reviewed after a period of two years. Given the seriousness of the findings, the panel would have considered recommending a longer period than two years. However, the panel had regard to the Mrs Hart's ability to make an exceptional contribution to the education of pupils and felt that she should have the earliest possible opportunity to demonstrate clear and unequivocal insight into the misconduct that led to the prohibition and a clear commitment to adhere to and exhibit the Teachers' Standards."

I have considered this carefully. I agree with the recommendation of the panel and its clearly set out reasons. In this case, a two-year review period achieves a proportionate balance, in the public interest, between the serious findings that the panel has made and the exceptional contribution that Mrs Hart has made to the profession.

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

**This means that Mrs Mahzia Hart 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 23 November 2024, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mrs Mahzia Hart remains prohibited from teaching indefinitely.

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

Mrs Mahzia Hart has a right of appeal to the King's Bench Division of the High Court within 28 days from the date she is given notice of this order.

Mela Watts

**Decision maker: Mela Watts**

**Date: 17/11/2022**

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