



National College for
Teaching & Leadership

Ms Sandra Juliet Kennedy: Professional Conduct Panel outcome

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

April 2014

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Professional Conduct Panel decision and recommendations, and decision on behalf of the Secretary of State

Teacher: Ms Sandra Juliet Kennedy

Teacher date of birth:

NCTL Case ref no: 10519

Date of Determination: 14 April 2014

Former employer: Ringwood Waldorf School, Ringwood, Hampshire

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened in private meeting on Monday 14 April 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Ms Sandra Juliet Kennedy.

The Panel members were Mrs Kulvinder Sandal (Teacher Panellist – in the Chair), Mrs Fiona Tankard (Teacher Panellist) and Mr Tapan Debnath (Lay Panellist).

The Legal Adviser to the Panel was Mr Paddy Roche of Morgan Cole LLP Solicitors.

The meeting took place in private and the announced decision was recorded.

B. Allegations

The Panel considered the allegations set out in the Notice of Meeting dated 27 March 2014.

It was alleged that Ms Sandra Juliet Kennedy was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:-

1. Whilst employed at Ringwood Waldorf School on 19 March 2013 she:-
 - i. Failed to safeguard Pupils' health and well being.

C. Summary of evidence

Documents

In advance of the meeting the Panel received a bundle of documents which included:-

Section 1	Chronology.	Pages 1 to 2.
Section 2	Response Pro-forma and Notice of Meeting.	Pages 3 to 4b.
Section 3	National College Witness Statements	Pages 5 to 18.
Section 4	National College Documents.	Pages 19 to 76.

D. Panel's Decision and Reasons

The Panel announced its decision and reasons as follows:-

"We have now carefully considered the case before us and have reached a decision.

We confirm that we have read all the documents provided in the bundle in advance of the hearing.

This case concerns an allegation that whilst teaching a Year 9 Art History Class at Ringwood Waldorf School, Ms Kennedy allowed two female pupils in the class to paint with their own blood. She told the pupils how to snap off the retractable craft knife blades and told them to use a new blade for each pupil in order to avoid cross contamination. She demonstrated to the pupils how to draw blood from their finger tips by squeezing the skin and pricking the surface with the blade. She then left the room where this occurred and returned to the main classroom.

However more pupils left the main classroom and apparently decided to share blood with other pupils who had wanted to paint with it.

It is alleged that a number of other pupils apart from the two female pupils mentioned above also became involved and on return to the main classroom presented with shallow cuts to their forearms.

At the end of the lesson it is said that Ms Kennedy purchased some antiseptic salve for the pupils to put on their cuts and shortly afterwards volunteered information to two staff members of what had happened during the lesson. As a consequence she was suspended pending an investigation and ultimately tendered her resignation to the School before a Disciplinary Hearing could be held.

The case papers contain at Pages 6 to 10 a Statement of Agreed Facts.”

Findings of Fact

Our findings of fact are as follows:-

“We have found the following Particulars of the allegation against Ms Kennedy proved:-

1. Whilst employed at Ringwood Waldorf School on 19 March 2013 she:-
 - i. Failed to safeguard Pupils’ health and wellbeing.

Our reasons are that the facts of this case are admitted by the Teacher as set out in the Statement of Agreed Facts at Pages 6 to 10 of the case papers.

We are satisfied both from the Statement of Agreed Facts and the supporting documents in the case papers that what occurred in her Art History Class on 19 March 2013 did place pupils’ health and wellbeing at risk and amounted to a failure to safeguard the pupils in her class principally because the evidence demonstrates that the pupils were trusted to go into a separate room to draw blood without supervision.

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

Unacceptable professional conduct is defined as “misconduct of a serious nature, falling significantly short of the standard of behaviour expected of a Teacher”. The misconduct in this case has occurred in the education setting.

As mentioned above Ms Kennedy admits that the facts of this case amount to unacceptable professional conduct and our judgement is that she is right to do so.

We have given careful consideration to the written representations that she makes in relation to the incident contained in her letter at Pages 15 to 16 of the case papers.

We acknowledge that Ms Kennedy probably did not intend matters to develop in the way that occurred and her intention was only that the two female pupils who had asked to be allowed to paint with their own blood should be involved. The Statement of Agreed Facts indicates that thirteen pupils admitted that they had cut themselves with knives in the course of the lesson and that a further two pupils drew blood without the use of knives. Ms Kennedy knew that at least some of the pupils had craft knives and were at least pricking themselves in another room.

The accounts of the students and Ms Kennedy's own representations in relation to the lesson disclose that she permitted the two students to engage in a rather unusual and exceptional practice and that others joined in, in a way that put a number of the students at some risk. We have taken account of Ms Kennedy's observation that she was alarmed at what occurred and she acknowledges in her letter that the lesson had "veered into an unsafe situation" and "I had let it get out of control". In another letter dated 21 January 2014, exhibited at Page 17 of the case papers, Ms Kennedy acknowledges that "I was responsible for allowing this unfortunate situation to occur" and she goes on to say that when faced with the request from two pupils in the class if they could cut themselves, although she "didn't feel comfortable" she "still somehow didn't take the opportunity to say no".

Our view is that the safeguarding of pupils within the School environment is of paramount importance and in that regard, even on her own version of events, we consider that her decision to allow the pupils to "experiment" in the way described does constitute "misconduct of a serious nature falling significantly short of the standard of behaviour expected of a teacher".

In our judgement therefore unacceptable professional conduct is made out in this case. In view of our finding of unacceptable professional conduct we do not see any need to make a determination in relation to conduct that may bring the profession into disrepute."

E. Panel's recommendation to the Secretary of State

We find that the evidence in this case discloses a professional failing in the management of the class for which Ms Kennedy was responsible and that she demonstrated poor judgement in allowing events to develop as they did. Her actions were deliberate only to the extent that she did allow the pupils to go unsupervised into the room where they cut themselves. However she did not intend events to develop as actually occurred – she certainly was not deliberately intending that the pupils should be harmed. She did what she accepts she did to enhance their experience and understanding of her subject. No pupils were significantly harmed in the incident.

We are satisfied that Ms Kennedy was to some extent overtaken by events and that she was alarmed by the way in which the lesson had got out of control. She sought to mitigate the potential risk to the pupils by obtaining some antiseptic salve for them to put on their cuts and volunteered to two other members of staff what had happened with pupils painting with blood. She was immediately suspended. We believe this is a case where Ms Kennedy shows significant insight into her failings.

It is very clear to the Panel from the significant number of compelling testimonials which are exhibited in the case papers at Pages 54 to 76 inclusive that until this regrettable incident Ms Kennedy was regarded as an excellent Teacher of Art with exceptional professional skills. We have been very impressed by the many references that we have read and the apparently collective perception of Ms Kennedy as a valued and highly regarded member of the profession. Significantly most of the testimonials come from parents of pupils who were members of the class at the time of this incident. Many of the letters indicate this event to have been an exceptional incident.

We therefore give considerable weight to the regard in which she is held by many people who know her well and the impact of the finding of unacceptable professional conduct on her that we have made in this case. In short we think this was an isolated mistake which Ms Kennedy wholly regrets.

In the circumstances and in the absence of any previous matters known to Ms Kennedy's detriment we consider that this is not a case where a Prohibition Order needs to be made in the public interest either to maintain the reputation of the profession or for the protection of any pupils whom Ms Kennedy may teach in the future.

We consider that the finding of unacceptable professional conduct is a sufficient and proportionate outcome of itself in this case."

Decision and reasons on behalf of the Secretary of State

I have carefully considered the panel's findings and recommendations in this case.

The panel have found Ms Kennedy guilty of unacceptable professional conduct in that she failed to ensure the health and wellbeing of pupils by allowing them to cut themselves in order that they could paint with their own blood.

Ms Kennedy has co-operated with the process and has admitted the facts and that those facts amount to unacceptable professional conduct.

The panel have judged that the evidence discloses a professional failing in the management of the class for which Ms Kennedy was responsible and that she demonstrated poor judgement in allowing events to develop as they did. Her actions were deliberate only to the extent that she did allow the pupils to go unsupervised into

the room where they cut themselves. However she did not intend events to develop as actually occurred – she certainly was not deliberately intending that the pupils should be harmed. No pupils were significantly harmed in the incident.

The panel have considered a range of compelling testimonials describing Ms Kennedy as an excellent teacher with exceptional professional skills. The panel are clear that this is an isolated mistake which Ms Kennedy regrets.

In all these circumstances I agree with the panel's recommendation that it would not be in the public interest to impose a prohibition order and that the finding of unacceptable professional conduct is of itself a proportionate and appropriate outcome.

A handwritten signature in black ink, appearing to read 'P Heathcote', with a large, sweeping flourish at the end.

NAME OF DECISION MAKER: Paul Heathcote

Date: 15 April 2014

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