

# THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

**Teacher:** Mrs Amanda Whitfield  
**Teacher ref no:** 7198355  
**Teacher date of birth:** 26 January 1953  
**TA Case ref no:** 004314  
**Date of Determination:** 26<sup>th</sup> March 2013  
**Former Employer:** St Stephen's Primary School, Launceston

## **A. Introduction**

A Professional Conduct Panel ("the Panel") of the Teaching Agency convened on 4<sup>th</sup>-6<sup>th</sup> February and 25<sup>th</sup>-26<sup>th</sup> March 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Ms Amanda Whitfield.

The Panel Members were Kathy Thomson (Teacher Panellist – in the Chair), Stan Szaroleta (Lay Panellist) and Aamer Naeem (Lay Panellist).

The Legal Adviser to the Panel was Nicholas Leale of Blake Laphorn Solicitors.

The Presenting Officer for the Teaching Agency was Sarah Knight of Bevan Brittain Solicitors.

Mrs Whitfield was present and was represented by Mr Angus Gloag of Counsel.

The hearing took place in public and was recorded.

## **B. Allegations**

The Panel considered the allegations set out in the Notice of Proceedings dated 24<sup>th</sup> October 2012.

It was alleged that Ms Amanda Whitfield was guilty of unacceptable professional conduct, in that whilst employed at St Stephen's Primary School, Launceston as a teacher in the school's Access Resource Base ('ARB'), between 2006-2008, she inappropriately handled pupils at the ARB including the following, in that she:

1. Pinched Pupil A, a 4 year old pupil, during Spring of 2007;
2. Hit Pupil A on the head with a plastic book on or about 13 March 2007;

3. Pulled Pupil A to his feet by his ear in or about Spring of 2007;
4. Made Pupil A, a 7 year old pupil, eat custard whilst he was crying and gagging during the Summer term of 2006;
5. Slapped Pupil E, a 7 year old pupil across the face in or about the Autumn term of 2006;
6. Roughly scrubbed the face of Pupil F, a 7 year old pupil, with a paper towel in or about March 2007;
7. Pinched the nose of Pupil G to force her to open her mouth on or about 14 March 2007;
8. Restrained Pupil J in an inappropriate manner on or about 24 November 2008;
9. Following the restraint of Pupil J (referred to at 8 above) failed to report the incident to a senior member of staff.

## **C. Preliminary Applications**

### Submission of Late/Additional Documents

The Presenting Officer applied to add the police statement of Witness C dated 4<sup>th</sup> December 2008. This application was not opposed. The statement was admitted in evidence at pages 150 (a)-(f).

Counsel for Mrs Whitfield applied at the end of day one of the hearing to admit various additional teacher documents (unit policy, physical contact policy, copy of Post-it note and note of disciplinary investigation meeting 4<sup>th</sup> September 2007) which were added to the bundle at pages 673-676 (pages 1-31) by agreement.

### Application to Amend Allegations

The Presenting Officer applied to withdraw allegation 2 on the basis that it added little to the overall case and would have no significant impact on the overall outcome even if the allegation were to be found proved. This application was not opposed. The allegation was withdrawn.

## **D. Summary of Evidence**

### Documents

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

Section 1 – Pupil List – page 2

Section 2 – Notice of Proceedings and Teacher's response – pages 3-10

Section 3 – Agreed facts and witness statements – pages 12-150 (further statement added as referred to above at pages 150 (a)-(f))

Section 4 – Teaching Agency Documents – pages 152-535

Section 5 – Teacher's Documents – pages 538-672.

The Panel Members confirmed that they had read all of the documents in advance of the hearing.

#### Brief summary of evidence given

The Presenting Officer called the following witnesses :

i) Witness A – statement at pages 122-125.

Witness A was a Teaching Assistant at the 'Unit' from October 2005 to March 2007, working throughout that time with Ms Whitfield. Witness A read her statement. She referred to a number of incidents of concern but particularly in her statement to the Teaching Agency to the matters involving pupil A and pupil D. Witness A had earlier made reference to a number of incidents in her exit interview on 15<sup>th</sup> March 2007 (and in a document prepared around the same time). She also produced a statement for the police dated 4<sup>th</sup> April 2007.

ii) Witness B – statement at pages 12-23.

Witness B was Headteacher at the school at the relevant time. He undertook all initial investigations into Ms Whitfield's conduct before leaving the school in the summer of 2008, in advance of further allegations being made and Ms Whitfield resigning her post in September 2008.

iii) Witness C – statements at pages 146-150f.

Witness C was a Teaching Assistant at the school at the relevant time and from September to December 2007 was pupil J's dedicated TA. She witnessed the alleged inappropriate restraint of pupil J.

iv) Witness D – statement at pages 137-145.

Witness D has been Headteacher at the school since September 2008. Witness D provided evidence concerning his investigation into the incident relating to pupil J.

Mrs Whitfield called the following witnesses in support of her case :

i) Witness E – signed relevant documents at pages 552-557.

Witness E was Headteacher at the school until 2004 and commented on matters relating to how issues of concern were dealt with at the Unit.

ii) Witness F – signed statement at pages 584-586.

Witness F is a retired SEN teacher from the Camelford area with similar expertise to that of Ms Whitfield and who had experience of the ARB and its management.

iii) Witness G – signed statement at pages 569-571 and further signed document at pages 451-452.

Witness G is an independent adviser for ICT who had made a number of visits in the relevant time to the Unit.

iv) Witness H – signed documents at pages 560-562.

Witness H is the father of pupil F.

Mrs Whitfield then gave evidence in support of her own case. Her statement appears at pages 652-672 of the bundle.

## **E. Decision and Reasons**

The panel announced its decisions as follows:

### Findings of fact

1. The only direct first hand evidence of this event (other than that of Mrs Whitfield) put forward was the evidence of Witness A. She accepted in cross-examination that she had made an assumption that a pinch had taken place based on the reaction of the child. On the balance of probabilities we form the view that Witness A's evidence as a whole is insufficient for us to find this particular proved, as the behaviour she was able to describe clearly, the Makaton movement, is acceptable practice. Accordingly, we find this particular not proved.
2. Particular 2 was withdrawn at the start of the hearing.
3. We have heard Mrs Whitfield's account of this event tested by way of cross-examination and find her description to be credible. She denies pulling pupil A to his feet by his ear. The only other evidence that we have heard in relation to this incident is hearsay or double hearsay evidence of it to which we are unable to give significant weight when considered against the tested evidence of Mrs Whitfield under oath. We feel that the indirect accounts of the incident may be a product of interpretation of what the individuals were told and, on this occasion, are less reliable than Mrs Whitfield's account under oath. We are therefore not satisfied on the balance of probabilities that the conduct alleged occurred. Accordingly, we find this particular not proved.
4. We have heard a compelling first hand description of this event by Witness A which has been tested under cross-examination. Witness A remained adamant and consistent in relation to the issue of force having been used, when questioned. Witness A's evidence is corroborated by Ms

Medland who, importantly in our view, was feeding the child at the time, knew the child well and was highly experienced. It was plainly inappropriate to treat a child who was crying and gagging in this way. Accordingly, we find this particular proved.

5. Individual A, Individual B and Individual C are consistent in their description of this incident and that the physical action amounted to a slap. They were all present. Individual A was one metre away. Individual B, at Witness A's exit interview with Witness B, gave an account which was consistent with her police statement, offering further support for the contention that a slap across the face took place. Slapping a pupil's face is inappropriate. Accordingly, we find this particular proved.
6. On balance we have concluded that the evidence more likely points to an incident involving firm wiping of mouth with a paper towel. We find insufficient evidence available to conclude that any rough scrubbing took place. The witnesses to the incident (Individual B, Individual D and Individual A) all refer to 'rubbing'. We further note that the parents were content with a firm handling approach to their son in relation to this issue, in any event (evidence of Witness B). Accordingly, we find this particular not proved.
7. The written, but first hand, evidence of pinching of the nose in such circumstances is clear and consistent between Individual E, Individual C and Individual D. We are satisfied, on the balance of probabilities, that pupil G's nose was pinched in order to make her open her mouth. This was inappropriate in any event but even more so in these circumstances, as the evidence in the case indicates that even the touching of the nose in such circumstances went against the wishes of the parents and went against relevant clinical advice. Accordingly, we find this particular proved.
8. Pupil J required restraint for the safety of himself and others. Mrs Whitfield chose an inappropriate method of restraint. There are approved and tested procedures for managing such circumstances. The use of the chair and belt, which was not in dispute, was clearly in conflict with relevant policies. It was not designed for this purpose and should not, therefore, have been used. Accordingly, we find this particular proved.
9. The Cornwall Education Authority Policy made it clear that such an incident should be reported in compliance with paragraph 3.16 of the Guidelines for the Use of Physical Restraint (Positive Handling) in Schools. We are satisfied beyond doubt that this was an incident of physical restraint of a pupil. Mrs Whitfield was aware of the relevant policy. The Headteacher confirmed when giving live evidence that he would have expected such an incident to be reported, as required by the Policy. Accordingly, we find this particular proved.

#### Findings as to Unacceptable Professional Conduct

We find Mrs Whitfield guilty of unacceptable professional conduct. The proved facts, in our view, indicate misconduct of a serious nature and conduct that falls significantly short of the standard of behaviour expected of a teacher.

We recognise the challenging circumstances in which Mrs Whitfield was working and the complex needs of the children. However, the proved behaviour demonstrates various breaches of the GTC's Code of Conduct and the Department's Teaching Standards'. She failed to follow the School's policies when required.

Mrs Whitfield's actions of inappropriate restraint, slapping a pupil and inappropriate feeding methods jeopardised the safety and well-being of children under her supervision; on these occasions, she failed to understand and act upon her duty to safeguard children in her care.

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

In this case we recommend the imposition of a Prohibition Order by the Secretary of State.

We do not believe that Mrs Whitfield has demonstrated any element of malice. We believe that there was no intent to punish the children by her actions. She has enjoyed a long and excellent career until the events in question. Witness E speaks of Mrs Whitfield's integrity. She puts forward strong professional testimonials and positive comments from parents.

We, however, believe that a Prohibition Order is a proportionate measure in this case and required in order to protect pupils, to declare and uphold proper standards in the teaching profession and to maintain public confidence in the teaching profession.

The facts found proved, as we have previously stated, were incidents that jeopardised the well-being of young, and particularly vulnerable pupils.

Most significantly, however, Mrs Whitfield has had opportunities since the events in question to reflect on her behaviour and display insight. This has not happened, even when giving evidence before us. This lack of insight leads us to conclude that Mrs Whitfield has a deep seated attitude which has both led to harmful behaviour towards young pupils and, we believe, provides a strong continuing risk of repeated behaviour of the kind found proved by the panel. Mrs Whitfield has shown an inability to learn from this experience and adapt her practice accordingly.

Her lack of insight into the nature of her behaviour and the risk of that behaviour being repeated is, in our view, incompatible with a return to a teaching environment.

We recommend that Mrs Whitfield be able to apply for the Prohibition Order to be reviewed after a minimum period of two years.

### **Secretary of State's Decision and Reasons**

I have considered carefully the findings and recommendations of the Panel. There were a number of allegations relating to the inappropriate handling of young pupils between 2006 and 2008. The Panel found 5 of the allegation proved and that those facts amounted to unacceptable professional conduct.

The facts found proved have put the wellbeing of young and vulnerable pupils in jeopardy. Furthermore Mrs Whitfield has shown no real insight into her behaviour or the effects of that behaviour. The Panel has judged that there is a real risk that her behaviours will be repeated given her apparent inability to learn from her experience and adapt her practices accordingly. In all the circumstances, I support the Panel's recommendation that prohibition is the appropriate sanction.

The Panel next turned its attention to considering whether it was appropriate for Mrs Whitfield to have an opportunity to ask for the order to be reviewed in the future. The Panel judged that Mrs Whitfield did not demonstrate any element of malice, nor was there intent to punish the children by her actions. She was able to present positive professional testimonials and positive comments from parents. I therefore agree that Mrs Whitfield should have the opportunity to apply for the Prohibition Order to be reviewed after a minimum of 2 years.

This means that Mrs Amanda Whitfield 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 5 April 2015, 2 years from the date of this order at the earliest.** If she does apply, a panel will meet to consider whether the Prohibition Order should be set aside. Without a successful application, Ms Amanda Whitfield remains barred from teaching indefinitely.

This Order takes effect from the date on which it is served on the Teacher.

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

**NAME OF DECISION MAKER** Paul Heathcote  
**DATE:** 27 March 2013