

THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Ms Catherine Rayne
Teacher ref no: 1383204
TA Case ref no: 0009372
Date of Determination: 8 May 2013
Former Employer: Michael Hall School, East Sussex

A. Introduction

A Professional Conduct Panel (“the Panel”) of the Teaching Agency convened on 8 May 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Ms Catherine Rayne.

The Panel members were:

Mr Mark Tweedle (Teacher Panellist– in the Chair);
Professor Helen Valentine (Lay Panellist); and
Mr John Pemberton (Teacher Panellist).

The Legal Adviser to the Panel was Mr Michael Williams, Barrister.

The National College for Teaching and Leadership (“the National College”) having determined, on the application of Ms Rayne and in accordance with paragraph 4.84 of the Disciplinary Procedures for the regulation of the teaching profession (“the Disciplinary Procedures”), that this matter be disposed of without a hearing, Ms Rayne was neither present nor represented.

The meeting took place in private. The Panel’s decision on the factual particulars and issues of ‘unacceptable professional conduct’ and ‘conduct that may bring the profession into disrepute’ was made in public and was recorded.

B. Allegations

The Panel considered the allegations set out in the Notice of Proceedings dated 29 January 2013 (‘the Notice’) and Statement of Agreed Facts signed by Ms Rayne on 12 April 2013.

It was alleged that Ms Rayne was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, whilst employed at Michael Hall School, East Sussex, she:

1. engaged in inappropriate behaviour towards Pupil A in that she;
 - a) between September 2009 and March 2011 communicated with him by text message;
 - b) between September 2009 and March 2011 communicated with him via the social networking website, Facebook;
 - c) between the Autumn term 2009 and Summer 2010, held private tuition with him, contrary to the School policy in relation to the same;
 - d) during the summer holiday 2010 sent a letter and gift to him;
 - e) on 6 September 2010 visited his bedroom and asked him whether he wanted to be “just friends”;
 - f) on a date unknown in September 2010 visited his home;
 - g) on a date unknown in September 2010 sent an inappropriate text message to him;
 - h) on a date unknown in September 2010 gave presents to him;
 - i) in March 2011 wrote an inappropriate letter to Pupil A, inviting him to engage in a romantic relationship with her;
 - j) on a date unknown after resigning from her post at the School, she sent a further Facebook message to him;
 - k) on a date unknown after resigning from her post at the School, she sent a further gift to him;

2. failed to act on previous concerns raised by colleagues in the academic year 2009 and the formal warning issued to her dated 13 September 2010 in relation to the expected professional boundaries between herself and students, in that:
 - a) on a date unknown during the Autumn term in 2009, individual warned her, informally, that her communication with students was inappropriate;
 - b) as a result of her conduct, referred to at 1. e) above, she was issued with a formal warning by letter dated 13 September 2010;
 - c) she communicated with students;
 - i. via Facebook;
 - ii. by letter;
 - iii. by text message; and

iv. in person

after being warned, informally, by Individual A that this conduct was inappropriate; and after receiving a formal warning from the School on 13 September 2010.

In her response to the Notice dated 29 Jan 13, Ms Rayne admitted the particulars of the allegations. She also accepted that her actions amount to unacceptable professional conduct and conduct that may have brought the profession into disrepute.

Ms Rayne requested that her case be disposed of without a hearing.

C. Summary of Evidence

Documents

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

Section 1	Anonymised Pupil List	pages 1 - 2
Section 2	Notice of Proceedings and Response	pages 1 - 7
Section 3	Statement of Agreed Facts	pages 1 - 9
Section 4	National College Documents	pages 1 - 92

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

Statement of Agreed Facts

On 12 April 2013, Ms Rayne agreed the following statement of facts (in the interests of preserving the anonymity of the pupil concerned, he is referred to hereunder as 'Pupil A', rather than as identified in the agreed statement, and the names of his parent and guardians have been redacted):

1. From September 2009, Catherine Rayne was employed at Michael Hall Steiner Waldorf School ("the School"), Kidbrooke Park, Forest Row, East Sussex, RH18'5JA. Catherine Rayne was employed to teach History and Geography to students aged 16 - 18 years. Prior to her employment at the School, she worked as a Contract Teacher for Academics Limited from November 2008 to July 2009. Catherine Rayne holds the following qualifications: BA (Hons) Classical Art and Archaeology (University College London) and a Graduate Diploma in Education (Secondary Monach [sic] University, Melbourne).

2. During the 2009 Autumn term of Catherine Rayne's employment at the School, the School's College Chair, Individual A, discovered that Catherine Rayne was tutoring students in her home, which was on the School premises. Individual F reminded Catherine Rayne of the School's (informal, unwritten) policy in relation to private tutoring. That is, teachers are permitted to offer private tuition outside of School hours but not on the School premises. Individual F explained to Catherine Rayne that it was inappropriate for her to tutor students at home.
3. Towards the end of the Autumn term of 2009, Catherine Rayne's mentor, Individual B, raised concerns with Individual A that Catherine Rayne had been communicating with pupils via the social networking site, Facebook. Catherine Rayne was advised by Individual A to desist in this practice and to use the School's email systems in order to contact pupils.
4. During the Autumn term of 2009, Individual A received a complaint from tutors of pupils in relation to Catherine Rayne's behaviour in the classroom. Pupils reported to Individual A that Catherine Rayne's manner in the classroom was inconsistent. In response to this Individual A offered Catherine Rayne further support by assigning a different member of staff, Individual C, to be Catherine Rayne's mentor for the next academic year (2010 - 2011).

Pupil A

5. Pupil A was a male student, at the School, to whom Catherine Rayne taught Geography and English. He lived with his parents on a farm, near to the School.
6. Between September 2009 and September 2010, Catherine Rayne communicated with Pupil A via text message.
7. Between September 2009 and March 2011, Catherine Rayne communicated once with Pupil A via the social networking site, Facebook.
8. Once in January 2010, Catherine Rayne held private tuition with Pupil A in her home, on the School premises, contrary to School policy (which, at that time, had not yet been communicated to Catherine Rayne).
9. During the summer holiday, 2010, Catherine Rayne sent a gift to Pupil A to his holiday home in France.
10. On 6 September 2010, Catherine Rayne visited Pupil A in his bedroom and asked him whether he wanted to be "just friends".
11. On an unknown date in September 2010, Catherine Rayne visited Pupil A at home after which she sent him an inappropriate text message.
12. On an unknown date in September 2010, Catherine Rayne gave a gift to Pupil A.

13. Pupil A's parents reported to his School Guardians ... that Catherine Rayne was having a positive impact upon his learning. They were aware that Catherine Rayne was living alone on the School premises and so invited her over to their house socially between January and September 2010. The first time Individual A was made aware of this was after 9 September 2010 when she received a complaint from Pupil A's father,
14. On Monday 9 September 2010 ... , Pupil A's father, contacted the School in order to make a complaint against Catherine Rayne. [Pupil A's father] informed the School that Catherine Rayne attended their home whilst Pupil A was alone and during the time Pupil A tried to telephone his father three times informing him that he felt uncomfortable and compromised being alone with Catherine Rayne and further, that she subsequently texted Pupil A to say "the offer is still open". [Pupil A's father] also reported to ... Pupil A's Guardian, that Pupil A had been teased by his peers during the preceding academic year as a result of the attentions paid to him by Catherine Rayne. [Pupil A's father] requested that the School speak to Catherine Rayne and ask her to cease contact with their son.
15. Individual A met with Catherine Rayne on 10 September 2010. Catherine Rayne reported to Individual A that she had "dropped in" to give Pupil A the books for his A level course. Individual A informed Catherine Rayne that her behaviour was unprofessional and inappropriate. It was noted at that stage that Catherine Rayne appreciated that she had put Pupil A in a difficult position. The matter was passed to Individual D, Lower School Chair (now Joint College Chair) to deal with in line with the disciplinary procedure.
16. On 13 September 2010, Individual D issued Catherine Rayne with a formal warning in relation to her conduct as set out above.
17. After the meeting with Individual A on 10 September 2010, Catherine Rayne continued her friendship with Pupil A's parents which did not include visits to their home.
18. On 20 March 2011, Catherine Rayne provided Pupil A with a handwritten letter, inviting him to engage in a romantic relationship with her (Exhibit 8).
19. On 21 March 2011, Pupil A's father ... wrote to the School enclosing a copy of Catherine Rayne's handwritten letter and requesting an urgent meeting. On this date, Catherine Rayne did not attend School and so Individual A contacted her by telephone in order to request a meeting with her.
20. On 22 March 2011, Individual A met with Catherine Rayne in the evening when Catherine Rayne handed in her keys and collected her books and personal possessions before leaving the School premises. Also on this date, Catherine Rayne handed in a letter of resignation (Exhibit 9).
21. On 14 June 2012 a virtual disciplinary hearing was held during which it was concluded that had Catherine Rayne not resigned she would have been

dismissed on this date (Exhibit 10). Also on this date, Individual E, Child Protection Officer for the School, referred the matter to the Teaching Agency (Exhibit 11).

22. On 27 December 2011, Catherine Rayne sent Pupil A a Facebook message which was inappropriate in content and included the phrase "I hope that you are not still mad at me". Within this message, Catherine Rayne told Pupil A that she hoped he liked the present", referring to a Christmas present which she said that she had sent to Pupil A.

E. Decision and Reasons

The Panel announced its decision and reasons as follows:

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

Findings of fact

Our findings of fact are as follows:

Ms Rayne has admitted, that, whilst employed at Michael Hall School, East Sussex, she:

1. engaged in inappropriate behaviour towards Pupil A in that she;
 - a) between September 2009 and March 2011 communicated with him by text message;
 - b) between September 2009 and March 2011 communicated with him via the social networking website, Facebook;
 - c) between the Autumn term 2009 and Summer 2010, held private tuition with him, contrary to the School policy in relation to the same;
 - d) during the summer holiday 2010 sent a letter and gift to him;
 - e) on 6 September 2010 visited his bedroom and asked him whether he wanted to be "just friends";
 - f) on a date unknown in September 2010 visited his home;
 - g) on a date unknown in September 2010 sent an inappropriate text message to him;
 - h) on a date unknown in September 2010 gave presents to him;

- i) in March 2011 wrote an inappropriate letter to Pupil A, inviting him to engage in a romantic relationship with her;
 - j) on a date unknown after resigning from her post at the School, she sent a further Facebook message to him;
 - k) on a date unknown after resigning from her post at the School, she sent a further gift to him;
2. failed to act on previous concerns raised by colleagues in the academic year 2009 and the formal warning issued to her dated 13 September 2010 in relation to the expected professional boundaries between herself and students, in that:
- a) on a date unknown during the Autumn term in 2009, Individual A warned her, informally, that her communication with students was inappropriate;
 - b) as a result of her conduct, referred to at 1. e) above, she was issued with a formal warning by letter dated 13 September 2010;
 - c) she communicated with students;
 - i. via Facebook;
 - ii. by letter;
 - iii. by text message; and
 - iv. in person

after being warned, informally, by Individual A that this conduct was inappropriate; and after receiving a formal warning from the School on 13 September 2010.

The Panel was satisfied that no evidence had been presented that would require it to go behind Ms Rayne's admission. Accordingly, the Panel had found the factual particulars of the allegations proved.

Findings as to Conduct

Ms Rayne has accepted that the facts as admitted amount to both unacceptable professional conduct and conduct that might have brought the profession into disrepute. Whilst that is a factor to which the Panel has had regard, ultimately those are matters for the Panel alone, applying its own judgement.

The preamble to the Teachers' Standards ("the Standards") which came into effect in 2012 but which, nonetheless, the Panel is entitled to take into account, provides, inter-alia, that "[t]eachers make the education of their pupils their first concern ...". Part Two of the Standards provides, inter alia, that "[t]eachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside the school by treating pupils with dignity, building relationships rooted in mutual respect and at all times observing proper boundaries appropriate to a

teacher's professional position'. By seeking to establish a personal relationship with a pupil, Ms Rayne blatantly violated those principles

As early as the Autumn term of 2009, Ms Rayne was given an informal warning regarding her inappropriate contact with pupils. She was told that she should use the school email system for any contact that she had with her pupils. However, she disregarded that warning.

It is a well-accepted and understood principle, teachers must not establish or seek to establish social contact with pupils, children or young people for the purpose of securing a friendship or to pursue or strengthen a relationship. However, from September 2009, Ms Rayne sent text and Facebook messages to Pupil A, gave him gifts, visited him at his home and gave him tuition at her home.

Her conduct was compounded by the fact that it ought to have been apparent to her, at least from September 2010, that the pupil found her attentions "uncomfortable" and that his relationships with his peers were affected because of them. Moreover, in the latter stages, her conduct took place in the face of not only a clear indication from the pupil's father that she was to have no further contact with him but also a formal warning issued on 10 September 2010, after her relationship with Pupil A first came to light.

By acting as she did, Ms Rayne demonstrated a serious lack of professional judgement that had the very real potential not only to damage her own professional reputation but also the reputation of the school and the profession as a whole.

In all of the circumstances, the Panel is satisfied that Ms Rayne's conduct fell well short of the standard expected of the profession and which was compounded by the fact that it continued in the face of a formal warning. Ergo, the Panel finds that it amounted to 'unacceptable professional conduct'.

Moreover, it was conduct that betrayed the trust that a parent or guardian is entitled to place in a teacher and which failed to demonstrate the high standards of ethics and behaviour expected of a teacher. Accordingly, the Panel is satisfied that it amounted to conduct that might have brought the profession into disrepute.

Panel's Recommendation to the Secretary of State

The Panel heard advice from the Legal Adviser that the primary object of imposing a sanction in proceedings such as these is not to be punitive but is to protect pupils and maintain the standing of the profession and the confidence of the public in the profession. The impact of an order on the teacher is also relevant, because the Panel must act proportionately but, as the primary objectives concern the wider public interest, such impact has been said not to be 'a primary consideration'.

In deciding whether to recommend the imposition of a prohibition order, the Panel has applied the principle of proportionality, weighing the interests of the public with those of the teacher.

The Panel considers this to be a case where a Prohibition Order should be imposed.

This case involves a serious and sustained departure by Ms Rayne from the standards expected of a teacher, which took place, in part at least, in the face of both informal and formal warnings as to her inappropriate contact with pupils, and after her resignation from her post. By acting as she did, Ms Rayne demonstrated a serious lack of professional judgement that had the very real potential not only to damage her own professional reputation but also the reputation of the school and the profession as a whole. In those circumstances, the Panel cannot be satisfied that, were she to be allowed to continue teaching, that she would not repeat her offending behaviour.

Although Ms Rayne has not provided any mitigation or professional testimonials to the Panel, it has had regard to the fact that Ms Rayne is a person of previous good character. However, that does not mitigate the nature of her sustained and blatant offending behaviour and its potential consequences.

Teachers are required to demonstrate consistently high standards of personal and professional conduct. They are expected to uphold public trust in the profession and maintain high standards of ethics and behaviour, within and without the School. Parents who entrust the safety and well-being of their children to teachers are entitled to expect that professional boundaries are maintained. By acting as she did, Ms Rayne breached that trust. Potentially, her behaviour was detrimental not only to the personal and academic development of Pupil A but also to those other pupils who were aware of the attention that Ms Rayne was giving to Pupil A.

In coming to its decision, the Panel has had regard to the fact that the public interest includes the retention of a well-qualified and otherwise competent teacher, who was in the early stages of her career. However, in this case the Panel is satisfied that the public interest, including the maintenance of proper standards of conduct and behaviour, can be met only by the imposition of a prohibition order.

The Panel has noted that Ms Rayne directed her attention towards a pupil whom, at the outset, was only 15 years of age. She herself was over twice that age.

Apart from her admissions and the consequent fact that Pupil A was not required to give evidence, the Panel has had no evidence of Ms Rayne's insight into her behaviour. Nonetheless, the Panel is of the view that the underlying behaviour that has been evidenced could, given time, be addressed.

Accordingly, having had regard to the principle of proportionality the Panel is of the view that Ms Rayne should be allowed to apply to have the order reviewed after a period of five years. Such a period will allow Ms Rayne to develop further insight into her unprofessional conduct and will send out a sufficiently strong signal to the profession as to the unacceptability of such behaviour.

Secretary of State's Decision and Reasons

I have given very careful consideration to the recommendations made to me by the panel in this case, both in respect of sanction and review period.

The conduct and behaviour of Ms Rayne, as set out in the evidence in this case, falls significantly short of that expected of a teacher. Ms Rayne deliberately pursued a course of action which was evidently well outside the behaviours that are acceptable, and despite informal and formal warnings.

In pursuing that course of action, Ms Rayne failed to treat Pupil A with dignity or respect. Her actions fell short of the standards expected by the public and risked bringing the profession into disrepute.

I have considered the public interest, as well as the need to be proportionate. On balance I consider that a prohibition order is a proportionate response to the misconduct that has been found in this case.

I have also given consideration to the issue of a review period. Ms Rayne does not appear to have shown significant insight into her behaviour, although she has admitted the misconduct and admitted that it does amount to unacceptable professional conduct. I support the recommendation of the panel that, given time, Ms Rayne might be able to evidence insight and so I support the recommendation that a 5 year review period should apply.

This means that Ms Catherine Rayne 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 15 May 2018, 5 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 Catherine Rayne remains barred from teaching indefinitely.

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

Ms Catherine Rayne 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: Alan Meyrick

Date: 8 May 2013