

THE TEACHING AGENCY

Decision of a Professional Conduct Panel

Teacher: Ms Elizabeth Ann Sambrook

Teacher ref no: 0665714

TA Case ref no: 8142

Date of Determination: 23 May 2012

Former Employer: Hampshire County Council

A. Introduction

A Professional Conduct Panel ("the Panel") of The Teaching Agency convened on 23 May 2012 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3HH to consider the case of Ms Elizabeth Ann Sambrook.

The Panel members were Carolyn Robson (Teacher Panellist– in the Chair), Gail Goodman (Teacher Panellist) and William Brown (Lay Panellist).

The Legal Adviser to the Panel was Stephen Murfitt of Blake Laphorn Solicitors.

The Presenting Officer for The Teaching Agency was Dr Francis Graydon of Browne Jacobson Solicitors.

Ms Elizabeth Sambrook was not present and was not represented.

The hearing meeting took place in public and was recorded.

B. Allegations

The Panel considered the allegations set out in the Notice of Proceedings dated 13 March 2012.

It was alleged that Ms Elizabeth Sambrook was guilty of unacceptable professional conduct, in that:

Whilst employed at Yateley School between 1 September 2007 and the 31 October 2009 she:

- 1) Accepted and received an official caution from Hampshire Police on 29 September 2009 for "*sexual act with a male 13/17 offender does not believe victim 18+abuse of position of trust – institution on 01/12/08 – 20/06/09*"; and
- 2) Deliberately concealed a relationship between herself and a year 13 student.

Elizabeth Sambrook denied the alleged facts and that they amounted to unacceptable professional conduct.

C. Summary of Evidence

Documents

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

- Section 1 – Notice of Proceedings and Response with page numbers from 1 – 8
- Section 2 – Witness Statements and Agreed Facts with page numbers from 9 – 18
- Teaching Agency Documents with page numbers from 19 – 88

Document 88 was a pupil list provided by Dr Graydon on the morning of the hearing.

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

Brief summary of evidence given

The Panel heard evidence from Witness A who was the former head teacher of Yateley School. Witness A informed the Panel that in January 2009 he received notification from a colleague that a number of rumours were circulating concerning an alleged intimate relationship between Ms Sambrook and Pupil A, who was 17 years 8 months at the time. Witness A gave evidence of further occasions after January 2009 when rumours were reported to him. There were occasions when members of the school reported that they had seen Ms Sambrook and Pupil A in circumstances which indicated an intimate relationship. Witness A informed the Panel that he met with Ms Sambrook on a number of occasions. On the 13 January 2009 Ms Sambrook signed letter indicating that she was prepared to abide by conditions of contact as to her relationship with Pupil A. Witness A informed the Panel that he retired in August 2009 and on every occasion that he had raised the matter with Ms Sambrook she denied emphatically that there was any relationship between herself and Pupil A.

The Panel also heard evidence from Witness B who was a senior HR advisor at Hampshire County Council. Witness B gave evidence to the Panel that he became aware of the investigation into Ms Sambrook's conduct when he attended a strategy meeting called by Hampshire County Council when the police were present. Subsequently, it became clear that Ms Sambrook had received a caution from Hampshire Police on the 29 September 2009 for engaging in a sexual relationship with Pupil A, who was under 18 at the time the relationship occurred. Witness B then gave evidence to the Panel as to the procedures undertaken by the School following

that disclosure, and he reported the matter to the Independent Safeguarding Authority. Ms Sambrook resigned her position from the School with effect from the 31 October 2009, prior to the School's disciplinary procedures being concluded.

D. 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.

Ms Sambrook was employed as a music teacher at Yateley School by Hampshire County Council between 1st September 2007 and the 31st October 2009. The allegation against Ms Sambrook is that she engaged in an intimate relationship with Pupil A, who was under the age of 18 years at the relevant time.

Ms Sambrook did not appear at the hearing. We have given separate written reasons why we decided to proceed with the hearing in her absence.

Findings of fact

We have made the following findings of fact.

The Notice of Proceedings dated the 13th March 2012 made an allegation that Ms Sambrook was guilty of unacceptable professional conduct in that she:

1. Accepted and received an official caution from Hampshire Police on the 29th September 2009 for 'sexual act with a male 13/17 offender does not believe victim 18+ abuse of position of trust- institution on 01/12/08 -29/0609' and
2. Deliberately concealed a relationship between herself and a year 13 student.

We have heard evidence from Witness A the former Head Teacher of Yateley School, and Witness B HR Adviser at Hampshire County Council.

Ms Sambrook did not give evidence before us, but we have considered the hearsay evidence from her that appears in our hearing bundle. In particular we have considered the papers at pages 70 -77 which contain evidence from the police which led to Ms Sambrook accepting a police caution. Ms Sambrook was interviewed by the Police on the 29th September 2009 when she provided a written account of her relationship with Pupil A. She accepted that their relationship became intimate in or around December 2008 and that she had spent the weekend with Pupil A in a hotel in Middleton on Sea between the 12th and 15th April 2009. She also accepted that her mobile telephone contained intimate texts passing between them.

We have considered the details of the police Caution which appear at pages 86 - 87 of our bundle.

We have also carefully considered the evidence of a continuing relationship between Ms Sambrook and pupil A and that Ms Sambrook when asked by the school sought to conceal her relationship.

We make the following findings of fact by reference to the particulars set out in the Notice of Proceedings;

1. Accepted a Police Caution

We are satisfied on the evidence before us that Ms Sambrook accepted a police caution on the 29th September 2009 for the criminal offence set out in the caution. Ms Sambrook provided to the Police a detailed handwritten statement of the relationship with Pupil A and she has also signed the acknowledgement of Adult Caution which is in our papers at page 72 of the hearing bundle.

2. Deliberately concealed the relationship with Pupil A.

We found both Witness A and Witness B credible witnesses. Witness A had established with Ms Sambrook a list of requirements for her to observe in relation to pupil A. Ms Sambrook accepted those conditions on the 13th January 2009 at a time when it is now clear that she commenced an intimate relationship with Pupil A in December 2008. In the ensuing months Witness A raised with Ms Sambrook the continuing rumours as to her relationship with pupil A and eventually the evidence from members of the school who had observed what appeared to be an intimate relationship. Throughout this period Ms Sambrook denied that any relationship existed at a time when she continued to develop the relationship with pupil A in a wilful manner.

We are therefore satisfied that both allegations one and two have been proved.

Findings as to Unacceptable Professional Conduct

We are satisfied that the conduct of Ms Sambrook in relation to the facts that we have found proved involved a breach of the Code of Conduct for Registered Teachers (2009). We are satisfied that Ms Sambrook was in breach of Principle 1 (Putting the wellbeing, development and progress of children and young people first) and Principle 8 (Demonstrating honesty and integrity and upholding public trust and confidence in the teaching profession). We are also satisfied that Ms Sambrook breached Teachers' Standards and in particular part two, namely personal and professional conduct.

We are satisfied that the conduct of Ms Sambrook fell short of the standard expected of the profession.

Accordingly, we are satisfied that Ms Sambrook is guilty of Unacceptable Professional Conduct

Panel's Recommendation to the Secretary of State

In this case we have not been assisted by Ms Sambrook advancing any mitigating or personal circumstances. We have noted from our papers that Ms Sambrook did not appreciate that her actions amounted to the commission of a criminal offence, and that she appeared to be assisted by a Mental Health team at the relevant time.

In deciding whether to recommend to the Secretary of State the imposition of a Prohibition Order we have to consider the issue of public confidence in the profession, and furthermore public interest considerations. Prohibition Orders are not to be imposed to be punitive, or to apportion blame, although they may have that effect.

We have considered in relation to public interest:

- The protection of children and other members of the public,
- The maintenance of public confidence in the profession,
- Declaring and upholding proper standards of conduct.

Ms Sambrook in agreeing to accept a police caution accepted that she had committed what we consider to be a serious criminal offence. We consider it to be a serious offence because Ms Sambrook abused a position of trust, and in so doing committed a sexual act with a male person who was under eighteen years of age.

We have concluded that Ms Sambrook chose not to observe professional boundaries. There is therefore a risk she will do so in the future and therefore be a continuing risk to young people. She also abused the confidence placed in her by colleagues by misleading them over a number of months. Ms Sambrook now admits to an intimate relationship with Pupil A in December 2008, but for a number of months denied to colleagues that such a relationship existed.

We have considered the advice on Teacher misconduct in relation to the prohibition of teachers. We have concluded that the following factors are of relevance:

- A serious departure from the personal and professional conduct elements of teachers standards,
- Misconduct seriously affecting the well being of pupils and the existence of a continuing risk,
- Abuse of a position of trust,
- Serious criminal offence.

We are mindful of our obligation for the future protection of children. In carrying out the weighing of interests between Ms Sambrook and those of the public we have decided to recommend to the Secretary of State that a Prohibition Order should be imposed.

We have considered carefully whether we should make a recommendation as to a period of time when Ms Sambrook may apply for the Prohibition Order to be set aside. We have concluded that having regard to our determination as to the

seriousness of Ms Sambrook's conduct that we have found proved, we make no recommendation, since we have decided that such a right should be denied.

Secretary of State's Decision and Reasons

I have given careful consideration to this case. The panel found the facts in this case to be proven and have set out their reasons clearly. The panel have also found that the facts amount to unacceptable professional conduct and have set out their reasons for making that finding.

The panel have made a recommendation that Ms Sambrook be prohibited from teaching. I have considered that recommendation. In my view this is a serious case and the factors set out by the panel reflect the guidance published by the Secretary of State for prohibition. I therefore support the recommendation.

I turn then to the issue of a review period. The panel's recommendation on this matter is clear, and in my view the seriousness of the conduct found proven and the lack of insight shown by Ms Sambrook leads me to accept the recommendation that in this case there should be no review period.

This means that Ms Elizabeth Sambrook is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proved against her, I have decided that Ms Elizabeth Sambrook shall not be entitled to apply for restoration of her eligibility to teach.

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

Ms Elizabeth Sambrook 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: 24 May 2012**