



National College for
Teaching & Leadership

Miss Sarah Black: Professional conduct panel outcome

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

September 2016

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

Teacher: Miss Sarah Black

Teacher ref number: 0360254

Teacher date of birth: 10 January 1983

NCTL case reference: 14411

Date of determination: 9 September 2016

Former employer: Southway Primary School, Bognor Regis

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 8 September 2016 – 9 September 2016 at the Ramada Hotel, The Butts, Coventry CV1 3GG to consider the case of Miss Sarah Black.

The panel members were Ms Jean Carter (lay panellist – in the chair), Mr Michael Lesser (teacher panellist) and Ms Hilary Jones (lay panellist).

The legal adviser to the panel was Ms Claire Bertram of Eversheds LLP.

The presenting officer for the National College was Mr Ian Perkins of Browne Jacobson LLP.

Miss Sarah Black was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 7 June 2016.

It was alleged that Miss Sarah Black was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed at Southway Primary School in West Sussex she:

1. Provided false and or misleading information about her personal circumstances, in particular that:
 - a. she had been assaulted by her father in or around June 2014;
 - b. her mother had been attacked by her father in or around June 2014;
 - c. her mother had died as a result of (1)(b) above in or around July 2014;
 - d. her father had been released with a tag to monitor his whereabouts in or around November 2014;
 - e. she was receiving threatening calls in or around November 2014;
 - f. her flat was broken into in or around November 2014;
 - g. her father attended her home with an associate who grabbed her in or around November 2014;
 - h. a brick was thrown through a window at her home in or around November 2014;
 - i. she received threatening notes in or around November 2014;
 - j. police were assisting her by:
 - i. staking out her home
 - ii. monitoring her phone
 - iii. installing a panic button at her home
 - k. her father was convicted of manslaughter in or around November 2014;
 - l. she was the victim of an attempted kidnapping and/or sexual assault after a Christmas party in December 2014;
2. She accepted approximately 32 days compassionate leave which was offered to her as a result of false information she provided to the school;

3. Formed an inappropriate relationship with Parent A, in particular:
 - a. allowed Parent A to believe her mother had been murdered by her father which was not true;
 - b. told Parent A that her father had raped her which was not true;
 - c. visited her home on one or more occasions where she:
 - i. drank alcohol;
 - ii. became drunk;
 - iii. cuddled Parent A;
 - iv. tried to touch Parent A's breasts;
 - v. asked Parent A's Partner if he wanted to see your breasts;
 - vi. refused to leave;
 - vii. woke Pupils A and/or B and/or C;
 - viii. punched and/or kicked Parent A;
 - d. asked Parent A to lie to the head-teacher of Southway Primary School;
 - e. invited Parent A to your home on one or more occasions and:
 - i. tried to prevent Parent A from leaving;
 - ii. tried to kiss Parent A;
 - iii. punched Parent A;
 - iv. knocked Parent A to the floor;
 - v. cut Parent A with your keys;
4. By doing (1) and/or (3) (a)-(b) above her actions were dishonest in that she presented false problems to elicit a sympathetic reaction.

C. Preliminary applications

As Miss Black was not present at the hearing, the presenting officer made an application to proceed in absence.

The panel has considered whether this hearing should continue in the absence of the teacher.

The panel is satisfied that NCTL has complied with the service requirements of paragraph 19 a to c of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations").

The panel is also satisfied that the Notice of Proceedings complies with paragraphs 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession, (the "Procedures").

The panel has determined to exercise its discretion under Paragraph 4.29 of the Procedures to proceed with the hearing in the absence of Miss Black.

The panel understands that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one.

In making its decision, the panel has noted that the teacher may waive his/her right to participate in the hearing. The panel has taken account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC1. The panel is satisfied that the notice was received by Miss Black as it was sent recorded delivery by courier to an address from which Miss Black has previously responded to correspondence. The panel also noted that Miss Black has declined to take part in any other hearings held at Southway Primary School. The panel therefore considers that the teacher has waived her right to be present at the hearing in the knowledge of when and where the hearing is taking place.

The panel has had regard to the requirement that it is only in rare and exceptional circumstances that a decision should be taken in favour of the hearing taking place. There is no indication that an adjournment might result in the teacher attending the hearing.

The panel has had regard to the extent of the disadvantage to the teacher in not being able to give her account of events, having regard to the nature of the evidence against her. The panel has noted that the key witnesses relied upon are to be called to give evidence and the panel can test that evidence in questioning those witnesses, considering such points as are favourable to the teacher, as are reasonably available on the evidence. The panel has not identified any significant gaps in the documentary evidence provided to it and should such gaps arise during the course of the hearing, the panel may take such gaps into consideration in considering whether the hearing should be adjourned for such documents to become available and in considering whether the presenting officer has discharged the burden of proof. The panel is also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account.

The panel has had regard to the seriousness of this case, and the potential consequences for the teacher and has accepted that fairness to the teacher is of prime importance. However, it considers that in light of the teacher's waiver of her right to appear; by taking such measures referred to above to address that unfairness insofar as is possible; and taking account of the inconvenience an adjournment would cause to the witnesses; that on balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time is in favour of this hearing continuing today.

The panel also notes that there are a number of witnesses, including a vulnerable witness, present at the hearing, who are prepared to give evidence, and that it would be inconvenient and distressing for them to return again, particularly as they are travelling long distances.

The presenting officer provided the panel with a signed signature page for the witness statement of Parent A as an unsigned version had erroneously been included in the bundle. It was noted that as this was not a new document for which the panel needed to consider an application, and that the signed version of Parent A's statement was sent to Miss Black with the Notice of Proceedings dated 7 June 2016. The signed signature page replaced the unsigned version at page 18 of the bundle.

D. Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 2 to 3

Section 2: Notice of Proceedings and Response – pages 5 to 10

Section 3: NCTL witness statements – pages 12 to 18

Section 4: NCTL documents – pages 20 to 154

Section 5: Teacher documents – page 155 N/A

The panel members confirmed that they had read all of the documents in advance of the hearing.

Witnesses

The panel heard oral evidence from Parent A and Witness A, the Head of School, who were called by the presenting officer.

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.

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

Miss Sarah Black was employed as a teacher at Southway Primary School (“the school”) between 1 September 2013 and 5 June 2015. Between June and November of 2014 she informed the school about various serious issues relating to problems with her parents and her home life, including the statement that her father had murdered her mother. Furthermore, in 2014, Miss Black entered into a friendship with a vulnerable adult, Parent A, with whom she also shared information in relation to her parents and home life. It has since come to light that this serious information shared by Miss Black in relation to her parents and her home life may not have been true. On 5 June 2015, Miss Black was dismissed from the school.

Findings of fact

Our findings of fact are as follows:

The panel has found the following particulars of the allegations against you proven, for these reasons:

1. Provided false and or misleading information about your personal circumstances, in particular that:

a. you had been assaulted by your father in or around June 2014;

The panel has seen the following documents, which support this allegation:

- the Worth IDVA Services Referral Form completed by Witness A (pages 25-29) (and which the panel understands after hearing oral evidence from Witness A that Miss Black and Witness A completed together) (“the IDVA Form”);
- the school’s investigation report dated 1 May 2015 (pages 130-136) (“the School Investigation Report”);

The panel notes that the police have no record of the assault on Miss Black by her father (page 118).

The panel heard oral evidence from Witness A, which was supportive of this allegation and the allegations at points 1(b) –(l). The panel found the evidence of Witness A to be genuine and very persuasive. The panel also noted that the school appears to have done everything in its power to support Miss Black during what they understood to be an

extremely difficult time for her. These comments apply equally to points 1(b) – 1(l) below, but have not been repeated under each allegation.

On the balance of probabilities, the panel found this allegation proven.

b. your mother had been attacked by your father in or around June 2014;

The panel has seen the following documents, which, in addition to Witness A's oral evidence, support this allegation:

- emails from Individual B updating the school of her conversations with Miss Black (pages 20-21, 23, 30-32, 34) ("the JC Emails");
- the IDVA Form;
- notes of a conversation between Miss Black, Witness A and Individual C dated 7 January 2015 (page 24) ("the January Call Notes");
- the Initial Evaluation Meeting on Miss Black dated 26 February 2015 (pages 105-108) ("the Initial Evaluation Meeting"); and
- the School Investigation Report.

The panel notes that the police have found no record of the assault / murder / manslaughter of Miss Black's mother (pages 106, 118).

On the balance of probabilities, the panel found this allegation proven.

c. your mother had died as a result of (1)(b) above in or around July 2014;

The panel has seen the following documents, which, in addition to Witness A's oral evidence, support this allegation:

- the IDVA Form;
- the messages between Parent A and Individual D, (pages 79-82, 89-96) (the "JR Messages") and the later messages between Parent A and Miss Black (pages 83-88, 97-104) (the "PA/SB Later Messages"), which call into question the truth of the stories put forward by Miss Black in relation to her parents;
- notes from the Initial Evaluation Meeting; and
- the School's Investigation Report.

The panel notes that the police have found no record of the assault / murder / manslaughter of Miss Black's mother (pages 106, 118).

On the balance of probabilities, the panel found this allegation proven.

d. your father had been released with a tag to monitor his whereabouts in or around November 2014;

The panel has seen the following documents, which, in addition to Witness A's oral evidence, support the above allegation:

- the JC Emails;
- the IDVA Form;
- the January Call Notes; and
- the School Investigation Report.

The panel notes that the police found no conviction record for Miss Black's father (pages 106, 118)

On the balance of probabilities, the panel found this allegation proven.

e. you were receiving threatening calls in or around November 2014;

The panel has seen the following documents, which, in addition to Witness A's oral evidence, support the above allegation:

- the JC Emails; and
- the School Investigation Report.

The panel notes that the police have no record of: the threatening anonymous letters and phone calls to Miss Black / the break in to Miss Black's house / the brick being thrown through Miss Blacks's window / the assault on Miss Black by her father in her flat (page 118).

On the balance of probabilities, the panel found this allegation proven.

f. your flat was broken into in or around November 2014;

The panel has seen the following documents, which, in addition to Witness A's oral evidence, support the above allegation:

- the JC Emails; and
- the School Investigation Report.

The panel notes that the police have no record of: the threatening anonymous letters and phone calls to Miss Black / the break in to Miss Black's house / the brick being thrown through Miss Blacks's window / the assault on Miss Black by her father in her flat (page 118).

On the balance of probabilities, the panel found this allegation proven.

g. your father attended your home with an associate who grabbed you in or around November 2014

The panel has seen the following documents, which, in addition to Witness A's oral evidence, support the above allegation:

- the JC Emails; and
- the School Investigation Report.

The panel notes that the police have no record of: the threatening anonymous letters and phone calls to Miss Black / the break in to Miss Black's house / the brick being thrown through Miss Blacks window / the assault on Miss Black by her father in her flat (page 118).

On the balance of probabilities, the panel found this allegation proven.

h. a brick was thrown through a window at your home in or around November 2014;

The panel has seen the following documents, which, in addition to Witness A's oral evidence, support this allegation:

- the JC Emails; and
- the School Investigation Report.

The panel notes that the police have no record of: the threatening anonymous letters and phone calls to Miss Black / the break in to Miss Black's house / the brick being thrown through Miss Blacks's window / the assault on Miss Black by her father in her flat (page 118).

On the balance of probabilities, the panel found this allegation proven.

i. you received threatening notes in or around November 2014;

The panel has seen the following documents, which, in addition to Witness A's oral evidence, support the above allegation:

- the JC Emails; and
- the IDVA Form.

The panel notes that the police have no record of: the threatening anonymous letters and phone calls to Miss Black / the break in to Miss Black's house / the brick being thrown

through Miss Black's window / the assault on Miss Black by her father in her flat (page 118).

On the balance of probabilities, the panel found this allegation proven.

j. police were assisting you by:

i. staking out your home

ii. monitoring your phone

iii. installing a panic button at your home

The panel has seen the following documents, which, in addition to Witness A's oral evidence, support the above allegation:

- the JC Emails; and
- the IDVA Form.

The panel notes that the police have no record of: the threatening anonymous letters and phone calls to Miss Black / the break in to Miss Black's house / the brick being thrown through Miss Black's window / the assault on Miss Black by her father in her flat (page 118).

On the balance of probabilities, the panel found this allegation proven.

k. your father was convicted of manslaughter in or around November 2014;

The panel has seen the following documents, which, in addition to Witness A's oral evidence, support the above allegation:

- the January Call Notes;
- the Initial Evaluation Meeting; and
- the School Investigation Report.

The panel notes that the police have found no record of the assault / murder / manslaughter of Miss Black's mother (pages 106, 118).

On the balance of probabilities, the panel found this allegation proven.

l. you were the victim of an attempted kidnapping and/or sexual assault after a Christmas party in December 2014;

The panel has seen the following documents, which, in addition to Witness A's oral evidence, support the above allegation:

- the January Call Notes;
- the JR Messages; and
- the PA/SB Later Messages.

On the balance of probabilities, the panel found this allegation proven.

2. You accepted approximately 32 days compassionate leave which was offered to you as a result of false information you provided to the school;

The panel has seen the following documents, which support this allegation:

- the JR Messages;
- the PA/SB Later Messages;
- the Initial Evaluation Meeting; and
- the School Investigation Report.

In addition, the panel heard oral evidence from Witness A, who confirmed that Miss Black had taken 32 days of compassionate leave, which were taken over three stages; the first being whilst Miss Black claimed her mother was in hospital; the second when Miss Black claimed that her mother had died and the third when Miss Black claimed her father was on trial for the murder / manslaughter of her mother. Witness A also confirmed that Miss Black had taken additional days off over this period by self-certifying that she was unwell.

On the balance of probabilities, the panel found this allegation proven.

3. Formed an inappropriate relationship with Parent A, in particular:

a. allowed her to believe your mother had been murdered by your father which was not true;

The panel has seen the following documents, which support this allegation:

- the witness statement of Parent A (pages 14–18) (“Parent A’s Witness Statement”);
- the early messages between Miss Black and Parent A (pages 35-73) (“the PA/SB Early Messages”); and
- the note of a conversation with Parent A on 17 February 2015 (pages 76-78) (“the PA February 2015 Conversation Notes”).

The panel also heard oral evidence from Parent A, which was supportive of this allegation and the allegations at points 3(b) – (e). The panel found the evidence of Parent

A to be genuine, candid, open, persuasive and disarmingly honest. The panel found her evidence to be very helpful and credible. These comments apply equally to points 3(b) – (e) below, but have not been repeated under each allegation.

In terms of the inappropriateness of the relationship, the panel has seen all of the messages passing between Miss Black and Parent A and has read Parent A's witness statement. The panel notes that Parent A is a vulnerable parent and, we understand from the oral evidence of Witness A, that Miss Black would have been aware of that as she would have been told to review the safeguarding report relating to Pupil A, who was Parent A's child and a pupil in Miss Black's class. During her oral evidence, Witness A also described how, during a meeting with Miss Black and Individual C in January 2015, Individual C had explained to Miss Black that the relationship with Parent A could be damaging. This conversation is recorded in the January Call Notes. The panel noted that the January Call Notes recall the following advice from Individual C to Miss Black: "by contacting a parent whilst drunk and emotional could, even though outside of working hours, have undermined her status and credibility as a member of the teaching profession or at worst, bring the school into disrepute". Witness A recalled in her oral evidence how Miss Black had been in complete agreement with Individual C during this meeting and had agreed that there were professional boundaries that she needed to keep to. However, it is clear from Parent A's Witness Statement and the PA/SB Later Messages that Miss Black continued with her relationship with Parent A.

In her oral evidence, Parent A described her relationship with Miss Black as all consuming. She said that they had bonded over some feelings that Parent A experienced in her past. Parent A explained how she had not been believed in the past and that is why she continued to offer support to Miss Black, despite some reservations as "not being believed is the worst thing."

Parent A explained how, everytime she tried to pull away from Miss Black, Miss Black pulled her back in. She also explained how her relationship with Miss Black had had a significant impact on her children, who were pupils at the school. It pulled her away from her children and her children have since said that they hate Miss Black and how they hated her being at their house drunk all the time and sitting on their sofa cuddling their mother.

On the balance of probabilities, the panel found this allegation proven.

b. told her that your father had raped you which was not true;

The panel has seen the following documents, which, in addition to Parent A's oral evidence, support the above allegation:

- Parent A's Witness Statement;
- the JR Emails; and

- the PA/SB Later Emails.

On the balance of probabilities, the panel found this allegation proven.

c. visited her home on one or more occasions where you:

i. drank alcohol;

The panel has seen the following documents, which, in addition to Parent A's oral evidence, support the above allegation:

- Parent A's Witness Statement; and
- the PA February 2015 Conversation Notes.

On the balance of probabilities, the panel found this allegation proven.

ii. became drunk;

The panel has seen the following documents, which, in addition to Parent A's oral evidence, support the above allegation:

- Parent A's Witness Statement; and
- the PA February 2015 Conversation Notes.

On the balance of probabilities, the panel found this allegation proven.

iii. cuddled Parent A;

The panel has seen the following documents, which support the above allegation:

- Parent A's Witness Statement; and
- the PA February 2015 Conversation Notes.

In Parent A's oral evidence, Parent A described Miss Black sitting on her sofa and cuddling her and how Parent A later learnt that her children hated this.

On the balance of probabilities, the panel found this allegation proven.

iv. tried to touch Parent A's breasts;

The panel has seen Parent A's Witness Statement, which, in addition to Parent A's oral evidence, supports this allegation.

On the balance of probabilities, the panel found this allegation proven.

v. asked Parent A's Partner if he wanted to see your breasts;

The panel has seen Parent A's Witness Statement, which, in addition to Parent A's oral evidence, supports this allegation.

On the balance of probabilities, the panel found this allegation proven.

vi. refused to leave;

The panel has seen Parent A's Witness Statement, which, in addition to Parent A's oral evidence, supports this allegation.

On the balance of probabilities, the panel found this allegation proven.

vii. woke Pupils A and/or B and/or C;

The panel has seen Parent A's Witness Statement, which, in addition to Parent A's oral evidence, supports this allegation.

On the balance of probabilities, the panel found this allegation proven.

viii. punched and/or kicked Parent A;

The panel has seen the following documents, which, in addition to Parent A's oral evidence, support the above allegation:

- Parent A's Witness Statement; and
- the PA February 2015 Conversation Notes.

On the balance of probabilities, the panel found this allegation proven.

d. asked Parent A to lie to the head-teacher of Southway Primary School;

The panel has seen Parent A's Witness Statement, which, in addition to Parent A's oral evidence, supports this allegation.

On the balance of probabilities, the panel found this allegation proven.

e. invited Parent A to your home on one or more occasions and:

The panel has seen Parent A's Witness Statement, which, in addition to Parent A's oral evidence, supports this allegation.

On the balance of probabilities, the panel found this allegation proven.

i. tried to prevent Parent A from leaving;

The panel has seen the following documents, which, in addition to Parent A's oral evidence, support the above allegation:

- Parent A's Witness Statement; and
- the PA February 2015 Conversation Notes.

On the balance of probabilities, the panel found this allegation proven.

ii. tried to kiss Parent A;

The panel has seen Parent A's Witness Statement, which, in addition to Parent A's oral evidence, supports this allegation.

On the balance of probabilities, the panel found this allegation proven.

iii. punched Parent A;

The panel has seen Parent A's Witness Statement, which, in addition to Parent A's oral evidence, supports this allegation.

On the balance of probabilities, the panel found this allegation proven.

iv. knocked Parent A to the floor;

The panel has seen Parent A's Witness Statement, which supports this allegation.

In her oral evidence, Parent A described how she was cowering on the floor after Miss Black had cut her with her keys and because she was afraid of being outside in the dark when Miss Black threw herself on top of Parent A.

On the balance of probabilities, the panel found this allegation proven.

v. cut Parent A with your keys;

The panel has seen the following documents, which, in addition to Parent A's oral evidence, support the above allegation:

- Parent A's Witness Statement; and
- the PA February 2015 Conversation Notes.

On the balance of probabilities, the panel found this allegation proven.

4. By doing (1) and/or (3)(a)-(b) above your actions were dishonest in that you presented false problems to elicit a sympathetic reaction.

In relation to the allegation of dishonesty, the panel noted that there was a 2 stage test: (1) did Miss Black act dishonestly by the standards of ordinary and honest members of the teaching profession (the "Objective Limb"); and (2) is it more likely than not that Miss Black realised what she was doing, by those standards, was dishonest (the "Subjective

Limb”). Upon receiving legal advice, the panel noted that there was some debate in respect of whether the Objective Limb was to be judged against the ordinary and honest person or the ordinary and honest teacher (if there is a difference). In this situation the panel did not consider it to make a difference.

In determining whether Miss Black acted dishonestly by the standards of the ordinary and honest person/teacher, the key piece of evidence for the panel was that the police could not find any records of the murder / manslaughter of her mother, the conviction of her father or any record of the police assisting her after the assault on her by her father, her harassment or the attack on her following the Christmas party in 2014. The only police record in relation to Miss Black is a missing persons report from a concerned friend in April 2014 who reported that he was concerned about Miss Black as there was a big trial going on in relation to Miss Black’s father murdering her mother (page 134). The panel noted that this report to the police about the trial of her father happened 2 months before her father’s attack on her mother was reported to the school and whilst, as far as the school was aware, her mother was still alive.

There is no corroborative evidence to support any of Miss Black’s allegations, to include the fact that there was no press coverage of any of the events alleged to have happened as set out in the Notice of Proceedings. The panel noted that the allegations, if true, should be very easy to prove, for example, by providing police reference numbers or death certificates etc. The panel also noted that Miss Black has failed to appear at this hearing and did the same in respect of the school’s disciplinary hearing, which does not appear to be the expected response of someone who is telling the truth about some truly horrendous incidents that happened to her and her family and who is being accused of making them up. The panel has also had the benefit of seeing the contemporaneous JR Emails, which appear to very naturally show two friends of Miss Black being very shocked and surprised when finding out the truth, or otherwise, about their friend. On the balance of probabilities, the panel found the Objective Limb to be proven.

In relation to the Subjective Limb and whether Miss Black knew what she was doing was dishonest, the panel noted that the stories told by Miss Black were complex, sustained for a significant period of time through 2014-2015 and extremely detailed in respect of the technical court process and also technical aspects of her mother’s time in hospital. It is clear that Miss Black either had some existing knowledge of these issues or had researched them. The panel notes that Miss Black went as far as to write a poem for her dead mother. The panel also notes that in the PA/SB Later Messages where Parent A is accusing Miss Black of lying, Miss Black states that she has no-one to blame but herself for the position she is now in (page 99, 100, 103). Furthermore, in the PA/SB Later Messages, Miss Black says “I feel awful because of what I’ve done.” On the balance of probabilities, the panel found the Subjective Limb to be proven.

Therefore, on the balance of probabilities, the panel found allegation 4 in relation to dishonesty to be proven.

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

Having found the allegations against Miss Black to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel has had regard to the document Teacher Misconduct: The Prohibition of Teachers, which the panel refers to as “the Advice”.

The panel is satisfied that the conduct of Miss Black in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Miss Black 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
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position;
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions;
 - 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, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel is satisfied that the conduct of Miss Black fell significantly short of the standards expected of the profession.

The panel has also considered whether Miss Black’s conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel has found that the offence of serious dishonesty is relevant. The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual’s conduct would amount to unacceptable professional conduct.

The panel notes that a number of the allegations took place outside of the education setting. However, these events took place in the home of one of Miss Black’s class pupils and 2 other pupils in the school. Miss Black entered their home and made them feel uncomfortable and behaved in an inappropriate manner being drunk and emotional and affectionate towards their mother, despite having been reminded by Individual C that this was inappropriate behaviour for a teacher.

Accordingly, the panel is satisfied that Miss Black is guilty of unacceptable professional conduct.

The panel has taken into account how 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 has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

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

The panel therefore finds that Miss Black's actions constitute 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/conduct that may bring the profession into disrepute, it is necessary for the panel to go on to consider whether it would be appropriate to 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 has to consider whether it is an appropriate and proportionate measure, and whether it is 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 has considered the particular public interest considerations set out in the Advice and having done so has found a number of them to be relevant in this case, namely: the protection of pupils/the protection of other members of the public/the maintenance of public confidence in the profession/declaring and upholding proper standards of conduct.

In light of the panel's findings against Miss Black, which involved serious dishonesty and an inappropriate relationship with a vulnerable parent, which also impacted on the parent's children who were pupils at the school, there is a strong public interest consideration in respect of the protection of pupils. Similarly, there is a strong public interest consideration in ensuring that public confidence in the profession is not seriously weakened, which it would be if conduct such as that found against Miss Black were not treated with the utmost seriousness when regulating the conduct of the profession.

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

Notwithstanding the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order taking into account the effect that this would have on Miss Black.

In carrying out the balancing exercise the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Miss Black. 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 proven. In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- a deep-seated attitude that leads to harmful behaviour;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up;
- deliberate behaviour that undermines pupils, the profession, the school or colleagues; and
- sexual misconduct, eg involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position.

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case.

The panel noted that, although no mitigation evidence was offered by Miss Black, she does appear to have had a previously good record at the school until these events, as explained by Witness A in her oral evidence. Witness A also explained how Miss Black had taught in another local primary for approximately 8 years before joining the school and her impression was that her previous school was sorry to see her leave. However, the panel found that the documentary and oral evidence that they have seen and heard suggests that Miss Black's actions were deliberate and that she was not acting under duress.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Miss Black. In forming this opinion, the following were significant factors that were taken into account:

- the actions of Miss Black have had a clear and lasting impact on Parent A and her family, including young children who were pupils at the school. The actions of Miss Black went to the core of the vulnerability of Parent A. Parent A describes in her statement how the actions of Miss Black “destroyed” her;
- the actions of Miss Black had, and continue to have, a significant impact on the school, to include the financial costs, the time spent with Miss Black supporting her and making the relevant referrals (e.g. to Victim Support) and the emotional cost of the colleagues who believed her stories and tried to support her;
- Miss Black knew that Parent A was a vulnerable parent and the panel considers that she used this sensitive information that she was privy to as a result of her teaching role to target deliberately and manipulate Parent A;
- the panel found that Miss Black had constructed an edifice of untruths sustained over a period of time to elicit feelings of sympathy and attention from others. This network of untruths has seriously strained trust within the school and wider community;
- the telling of such elaborate lies is an extremely poor example to set to children, particularly those in a primary school and in key stage 1, where Miss Black was teaching; and
- by not appearing at the hearing or the school disciplinary hearing (or even sending any written representations), Miss Black has failed to accept or explain what she has done and why she did it. On this basis, the panel considers Miss Black to be an ongoing risk.

Accordingly, the panel makes 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 that a review period of the order should be considered. The panel was mindful that the Advice advises 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 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include fraud and/or serious dishonesty, violence and serious sexual misconduct. In relation to fraud, the panel found that Miss Black’s actions in obtaining paid compassionate leave as a result of false representations is analogous to fraud. The panel found that Miss Black was violent towards Parent A. The panel has found that Miss Black has been responsible for serious

dishonesty in the elaborate lies that she told to the school and Parent A. The panel also noted that there had been sexual misconduct in Miss Black's unsolicited sexual advances towards Parent A.

Miss Black has refused to engage with the process and, so far as the panel is aware, has shown no remorse or insight into her actions.

The panel felt the findings indicated a situation in which a review period would not be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provisions for a review period.

Decision and reasons on behalf of the Secretary of State

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

The panel has considered all of the allegations in this case with great care and has found them all proven.

The panel has also found that Miss Black is guilty of both unacceptable professional conduct and conduct that may bring the profession into disrepute. Those findings of fact include a finding of dishonesty.

The panel has found that the conduct of Miss Black involved breaches of the Teachers' Standards. By reference to Part Two of those standards, Miss Black 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
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
 - 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, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

I have considered carefully the advice relating to the prohibition of teachers when considering this case. I have also taken into account the need to balance the interest of Miss Black with the wider public interest. I have taken into account the need to be proportionate. The proven behaviours of Miss Black indicate that a prohibition order may be appropriate. The relevant behaviours in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- a deep-seated attitude that leads to harmful behaviour;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up;
- deliberate behaviour that undermines pupils, the profession, the school or colleagues; and
- sexual misconduct, eg involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position.

In balancing all of these issues I support the recommendation of the panel that a prohibition order is necessary and proportionate.

I have also gone on to consider the issue of a review period and I have taken the advice of the panel into account. Miss Black has not engaged in this process and appears not to have engaged with the school's procedures.

I have noted that Miss Black appeared to be of previous good character. However, there is no evidence of remorse and no evidence of insight.

For these reasons, I believe that it is proportionate to allow no review period in this case.

This means that Miss Sarah Black 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 Miss Sarah Black 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.

Miss Sarah Black 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.

Al C M

Decision maker: Alan Meyrick

Date: 13 September 2016

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