



National College for
Teaching & Leadership

Ms Jane Porter: Professional conduct panel outcome

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

January 2017

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

Teacher:	Ms Jane Porter
Teacher ref number:	8766560
Teacher date of birth:	8 March 1966
NCTL case reference:	13514
Date of determination:	20 January 2017
Former employer:	King's Farm School (employed by Kent County Council, seconded to King's Farm School), Kent

A. Introduction

A professional conduct panel ("the panel") of the National College for Teaching and Leadership ("the National College") convened from 9 January 2017 to 20 January 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Ms Jane Porter.

The panel members were Ms Jean Carter (lay panellist – in the chair), Mr Anthony Greenwood (lay panellist) and Mrs Kathy Thomson (teacher panellist).

The legal adviser to the panel was Mr Parminder Benning of Eversheds LLP.

The presenting officer for the National College was Ms Samantha Paxman of Browne Jacobson LLP.

Ms Jane Porter was present on days 1 to 8 of the hearing and was represented by Mr Patrick Llewelyn 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 16 August 2016.

It was alleged that Ms Jane Porter was guilty of unacceptable professional conduct in that whilst employed as executive headteacher at King's Farm School between January 2014 and August 2014 she:

1. Failed to ensure that adequate health and safety and/or safeguarding procedures were in place at the school, including in respect to:
 - a. construction work being carried out without a risk assessment and/or consultation and/or planning for the safeguarding of pupils resulting in pupils accessing the work site;
 - b. one or more pupils being asked to move furniture without supervision, resulting in minor injury to at least one pupil;
 - c. making changes to safeguarding procedures and/or responsibilities without consultation and/or communication with relevant staff;
2. Failed to ensure the adequate provision of support for SEN pupils by compromising the provision agreement between Kings Farm School and Ifield School (which serves SEN pupils) by making changes to the nursery without consultation;
3. Displayed inappropriate and/or bullying behaviour towards staff, including in that she:
 - a. humiliated and/or undermined members of staff members on a number of occasions;
 - b. made one or more changes to staff roles and responsibilities without consultation or explanation;
 - c. carried out lesson observations in a way that was inconsistent and/or inaccurate and/or unfair on one or more occasions;
 - d. provided an unfair reference on one or more occasions;
 - e. undertook disciplinary action against one or more members of staff and/or imposed suspension and garden leave without appropriate communication and/or investigation on one or more occasions;
4. Failed to appropriately manage the overall running of the school, including in that she:
 - a. failed to ensure the availability of enough appropriately qualified and experienced staff;
 - b. failed to follow appropriate recruitment processes;
 - c. failed to arrange for a clearly appointed person in charge to be on site during an off-site inset day;
5. Engaged in the maladministration of EYFS assessments in that she:

- a. requested that these were changed after the local authority moderation;
- b. instructed staff to amend the data without consultation with the class teachers;
- c. provided data that was misleading and/or inaccurate in that it did not reflect the level of attainment for the cohort of pupils;
- d. failed to provide parents with a written report on their child's progress against EYFS ELG's as required in the assessment and reporting arrangements.

As stated in the response to the Notice of Proceedings dated 3 September 2016, the above allegations have not been admitted. However, at the beginning of the hearing, Ms Porter admitted the facts of allegations 5.a., b., c. and d., but did not accept that they amounted to unacceptable professional conduct.

C. Preliminary applications

Admission of Documents

The presenting officer made an application to admit two photographs, the first in replacement of the photograph at page 644 and the second photograph as an additional document. These photographs are a clearer version. The teacher's representative had no objections to the admission of these documents.

The teacher's representative made an application to admit into the evidence the witness statement of Individual A.

The teacher's representative stated that they had experienced delays in collating evidence, as Ms Porter is no longer within the employ of King's Farm School ("the School"). The document provides probative evidence that will assist the panel in reaching its decision when determining the allegations. Therefore, the document is relevant. Turning to the issue of fairness, it was submitted that the statement had been circulated previously. The presenting officer had no objections to the inclusion of this document.

The panel had regard to paragraph 4.18 of the Teacher misconduct - Disciplinary procedures for the teaching profession ("the Procedures") which provides the "*panel may admit any evidence, where it is fair to do so, which may reasonably be considered relevant to the case*". In view of the nature and seriousness of the allegations, the panel held that the documents were relevant and would assist in determining the allegations raised. Furthermore, the panel considered the need for fairness. The panel is comprised of experienced members, who will accordingly afford the document the appropriate weight in due course. The panel was minded to exercise its discretion and admit the documents.

Redaction

The teacher's representative made an application seeking to redact references to another investigation. These references are noted in pages 66, 94 and 615. It was submitted that references to allegations not forming part of these proceedings should be taken out.

Whilst the presenting officer had no objection to the proposed redaction on page 615, it was submitted that the other references were not prejudicial to the teacher and provided context to the allegations forming part of these proceedings.

The panel had regard to paragraph 4.22 of the Procedures which provides that "*where there is a dispute ... in relation to the relevance and/or admissibility of documents ... an application will be made to the panel for a determination...*" The panel also notes that pursuant to paragraph 4.18 of the Procedures, "*the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.*" The panel therefore considered it does have a discretion to decide whether to redact evidence from the bundle, as there is a dispute as to the relevance of the parts of the documents sought to be redacted.

The panel was minded to exercise its discretion and redact the reference at page 615 of the bundle.

Turning to the references at pages 66 and 94, the panel 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. Furthermore, the panel notes that these proceedings should be conducted in an investigative manner and that they must confine their deliberations to the allegations forming part of these proceedings. The panel considered that, on balance, these are serious allegations and the panel found that the evidence on pages 66 and 94 to be probative and relevant as it will provide context to the allegations raised in these proceedings and to the evidence given by the witnesses. Therefore, these references are not to be redacted.

Admission of further documents

The presenting officer made an application to admit into the evidence an organisation chart of the School at the relevant time. It was submitted that this was a relevant document which would assist the panel when they are determining the allegations as it provides context. The teacher's representative had no objections to the admission of this document.

The panel had regard to paragraph 4.18 of the Procedures which provides "*the panel may admit any evidence, where it is fair to do so, which may reasonably be considered relevant to the case*". In view of the nature and seriousness of the allegations, the panel

held that the document was relevant and would assist in determining the allegations raised. Furthermore, the panel considered the need for fairness. The panel is comprised of experienced members, who will accordingly afford the document the appropriate weight in due course. The panel was minded to exercise its discretion and admit the document as page 962a.

The presenting officer made a further application to admit into the evidence documents relating to the e-mails found at pages 663 to 666 of the hearing bundle. It was submitted that the additional documents provide clarification on the sequence of events, evidencing when the documents attached to the e-mail were created and sent to the recipient. The teacher's representative had no objections to the admission of this document.

The panel had regard to paragraph 4.18 of the Procedures which provides "*the panel may admit any evidence, where it is fair to do so, which may reasonably be considered relevant to the case*". In view of the uncertainty that had arisen concerning the creation and circulation of the documents at pages 663 to 666, the panel held that the additional documents were relevant. Furthermore, the panel considered it would be fair to admit these documents as they merely confirmed when the documents, which form part of the hearing bundle, were created and circulated. The panel was minded to exercise its discretion and admit the document as page 962b to 962h.

Proceeding in the absence of the teacher

Having attended the hearing for eight days and given evidence to the panel, Ms Porter indicated that for personal reasons she had to leave the hearing and did not propose to attend the remainder of the hearing.

The panel has determined to exercise its discretion under paragraph 4.29 of the Procedures to "*proceed with the hearing in the absence of the teacher*" from this point onwards.

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 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 heard submissions that Ms Porter's representative has full instructions and will be able to obtain instructions if required. The panel therefore considers that the teacher has waived her right to be present for the remainder of the hearing and that the teacher is fully aware of the upcoming stages in the proceedings.

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 5

Section 2: Notice of Proceedings and response – pages 6 to 17

Section 3: NCTL witness statements – pages 18 to 109

Section 4: NCTL documents – pages 110 to 962

Section 5: Teacher documents – pages 963 to 1024

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

In addition, the panel agreed to exercise its discretion afforded by the Teacher misconduct: Disciplinary procedures for the teaching profession and admit the following documents into the evidence:

Section 4: NCTL documents – page 962a to 962h

Section 6: Further witness statement – pages 1025 to 1026

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

Witnesses

The panel heard oral evidence from:

Witness A	Interim headteacher at King's Farm School on behalf of the NCTL
Witness B	Former Chair of Governors at King's Farm School on behalf of the NCTL
Witness C	Family Support Worker and Designated Child Protection Co-ordinator at Kings Farm School on behalf of the NCTL
Witness D	Former teacher at King's Farm School on behalf of the NCTL
Witness E	Former teacher at King's Farm School on behalf of the NCTL
Witness F	Former teacher at King's Farm School on behalf of the NCTL
Witness G	Teacher at Whitehill Primary School on behalf of the NCTL
Witness H	Former head of school at King's Farm School on behalf of the NCTL

Witness I Early Years Senior Improvement Advisor at Kent County Council on behalf of the NCTL

Ms Jane Porter Former executive headteacher on behalf of the teacher.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

The panel confirms that it has read all the documents provided in the bundle.

Ms Porter was appointed as executive headteacher at King's Farm School (the "School") in January 2014. In April 2014, Witness H was appointed head of the School, taking over from Individual B. On 23 May 2014, work commenced on the EYFS outside area. Sometime in May/June 2014, concerns were raised by Witness C regarding alleged changes made to safeguarding procedures.

On 5 June 2014, phase leaders were informed that they would no longer hold posts as phase leaders.

On 9 June 2014, Kent County Council ("KCC") EYFS moderation was attended by staff from the School and later on 12 June 2014, staff from Whitehill Primary School visited the School to further moderate the EYFS assessment data. The revised data was submitted to KCC.

On 7 July 2014 staff from the School attended an inset day at Whitehill Primary School.

Between June and July 2014, a number of staff members were placed on garden leave and a collective grievance was sent to the Chair of Governors on 11 July 2014. A further individual grievance was received from another member of staff on 14 July 2014.

KCC commenced an investigation into the EYFS data on 23 July 2014. Ms Porter was formally removed from her post in August 2014 following receipt of the grievance and an investigation was commenced by KCC on 4 September 2014, concluding on 27 November 2014.

Findings of fact

Our findings of fact are as follows:

We have found the following particulars of the allegations against you to be proved, for these reasons:

- 1. Failed to ensure that adequate health and safety and/or safeguarding procedures were in place at the School, including in respect to:**

a. construction work being carried out without a risk assessment and/or planning for the safeguarding pupils resulting in pupils accessing the work site;

This particular of the allegation is denied by Ms Porter. It is accepted that discussions regarding changes to the outdoor area had taken place prior to Ms Porter joining the School. Ms Porter explained that in connection with the work she commissioned, she did not seek input from staff as there was limited work to be undertaken; it was her intention to clear the area, turning it into a “blank canvass” to allow further works to be undertaken in due course.

Ms Porter explained that whilst she did not discuss the work itself, before the works commenced discussions had taken place with Witness E concerning the practicalities including the pupils and parents. Such discussions took place at the phase leader meeting on Thursday 15 May 2014. As a phase leader, Ms Porter asserted that it was Witness E’s responsibility to ensure staff, parents and pupils were aware of the works and the impact. This was consistent with the account relayed by Ms Porter during the Gravesend Grammar School Trust investigation (536).

Witness E disagreed with Ms Porter’s version of events. In her oral evidence, Witness E said that she had no issue with the works, but had an issue with the lack of communication concerning the works. She stated that at the meeting on 15 May 2014, she was merely informed that Teaching Assistants (“TA’s”) from Whitehill Primary School would arrive on Friday 23 May 2014 to begin clearing the area and was given “minimal information about this work” (55). Witness E had planned to raise a number of queries concerning the practicalities at the phase leader meeting on Thursday 22 May 2014, however, this had been cancelled. As a result, Witness E emailed Ms Porter raising her queries (645). Furthermore, prior to their return from the half term break, Witness E sent another email on 1 June 2014, raising further queries concerning the practical impact of the works undertaken over the half term break (650). The assertion that Ms Porter only relayed that the works were taking place was supported by the evidence provided to the KCC investigation by Individual C (331).

On 23 May 2014, TA’s from Whitehill Primary School, assisted with clearing the outdoor area. Ms Porter explained that a cordon had been placed around the area to prevent children from accessing the area where the works were being completed. Witnesses stated that the cordon was made from crates and materials available in and around the nursery classrooms. Despite this, it is accepted that there were gaps in the cordon and that three children had breached the cordon, accessing the works area during the morning of 23 May 2014. Although Ms Porter states that this was due to a lack of supervision. As a precaution and to prevent further breaches, on 23 May 2014, one of the EYFS staff had to remain outside the cordon at all times when the children were in the outside area.

Ms Porter accepted that she, herself, did not complete a risk assessment (969). However, she asserted that Individual D, a Higher Level Teaching Assistant (“HLTA”) from Whitehill Primary School, had completed a risk assessment which was handed to Witness H on the morning the work took place (537, 970). Although in her statement to the investigation undertaken by Gravesend Grammar School Academies Trust (“GGAT”) dated 27 August 2015, Ms Porter does state that whilst she asked Individual D to undertake the risk assessment, she never checked whether it was completed at the time (537). The panel had regard to the GGAT investigation report which provides that “JP confirmed that a risk assessment had been performed for this work which was verified by the relevant staff at Whitehill Primary School” (471). Witness H does not recall seeing the risk assessment nor does Witness E, the EYFS phase leader or Witness B, the Chair of Governors, who in fact states that she had not seen the risk assessments at the time, or subsequently, as part of her role as the Health and Safety governor.

Once the area had been cleared by the TA’s, external contractors were appointed to undertake the works during the May half term break. Ms Porter stated that the contractors completed the risk assessment, which she read (969).

Witness H recalled that tools were left out in the outdoor area whilst the works were being completed (41). This was corroborated by the evidence of Individual E, the assistant headteacher. Witness E stated that on the first day back after half term a large piece of machinery was left on the pathway that the pupils and parents would normally use to access the reception classrooms. She said this was a hazard to the pupils (56). She explained that, as a result of the ongoing works, the fire exit from the reception classroom could not be used, creating a potential hazard in the case of a fire. Furthermore, all reception and nursery pupils were using one single entry point, which would become very congested causing safeguarding issues as it became difficult for staff to ensure that children were leaving with the correct parent (57).

Whilst Ms Porter stated that she informed the phase leaders of the works and consulted with them concerning the practical implications, it is the panel’s view that from the emails sent by Witness E on 22 May 2014 (645) and 1 June 2014 (650) that was not the case. The panel is of the view that had discussions taken place, beyond Ms Porter simply informing staff of the works, there would be no need for Witness E to raise the practical queries as outlined in her emails, which also indicates there was no plan in place to deal with the impact of the works. The panel notes that Ms Porter’s contemporaneous response to Witness E’s emails is informative of her unwillingness to address health and safety concerns. Therefore, on the balance of probabilities, the panel believes that Ms Porter failed to consult with staff or plan for the works.

Both Witness H and Witness E robustly affirmed that they did not see any risk assessment undertaken in relation to any works completed. This is at odds with Ms Porter’s evidence. The panel preferred the evidence of Witness E, who the panel found to be a credible, cogent and an honest witness. Her views were corroborated by Witness

H. Both witnesses have been consistent in their evidence throughout the various investigations. Furthermore, the panel had regard to the GGAT investigation and notes that the evidence attached to that report does not appear to contain any statement from Individual D or any other statement confirming that she carried out the risk assessment, as asserted by Ms Porter. Therefore, on the balance of probabilities, the panel believes that a risk assessment was not undertaken.

It is accepted that three children managed to breach the cordon and access the area where the works were being undertaken. The panel is of the view that the cordon, made from crates and any other resources found in the nursery on the day of the work, was insufficient and showed a lack of proper planning. Furthermore, the panel is mindful that as a result of the work, access to a fire exit had been blocked as well as access to the reception classroom posing a safeguarding risk to pupils. This, combined with the lack of any evidence to suggest a risk assessment had been completed, leads the panel to conclude that Ms Porter, as executive headteacher, failed to ensure that there were adequate health and safety and safeguarding procedures in place when this work was being undertaken. Therefore, the panel find this particular to be proved.

b. one or more pupils being asked to move furniture without supervision, resulting in minor injury to at least one pupil;

This particular of the allegation is denied by Ms Porter. In her evidence, Ms Porter stated that it was custom and practice for pupils to move chairs and furniture. Whilst Ms Porter accepted that some Year 6 pupils assisted her to move furniture, she stated they were, “supervised directly by [her] and Individual F (TA)”. She denied allowing pupils to move furniture whilst she was not there, stating that children only moved furniture under her supervision and at no point did she give the pupils her security fob (971/2). Ms Porter stated that she was not aware of any pupils requiring first aid as a result of them moving furniture under her supervision. The panel also considered the evidence of Witness H who stated that Ms Porter, “walked around with [the pupils],” (42) and that of Individual G who said that during an informal visit to the School’s nursery she witnessed “Jane Porter outside ... with Year 6 pupils who were moving outdoor furniture” (107).

The panel had regard to the evidence of Witness E, who witnessed Year 6 pupils carrying furniture, as they had walked past the nursery classroom. She stated that the children were unsupervised as they took the furniture to the skip located in the car park (58). This was corroborated by the evidence of Witness F who witnessed pupils carrying furniture through the car park and the security gate to the skip, she did not see anyone supervising the pupils (71). Witness D stated that pupils had informed her that they had been asked to move furniture to the skip and were not supervised. She recalled that pupils were also injured as a result. She was aware of these injuries as they were reported to her as the pupils’ class teacher (87). This evidence was consistent with the account relayed by these witnesses to the KCC investigation into the collective grievance in the Autumn term of 2014. The evidence of those members of staff were consistent

throughout and corroborated in their oral evidence. The panel found the evidence of these witnesses to be credible, honest and cogent. Furthermore, the evidence did not appear to be exaggerated in any way. Within the KCC investigation report, dated 27 November 2014, it is noted that Individual H had also witnessed Year 6 pupils moving furniture without supervision and was aware of one child injuring themselves, as she was asked about first aid (130). Furthermore, Individual I had also witnessed pupils taking furniture to a skip unsupervised and these pupils had a security fob. The panel notes that whilst the evidence of Individual H and Individual I is hearsay, it is consistent with the evidence of the other witnesses who the panel have heard from directly.

Ms Porter could not recall the skip or asking pupils to take furniture to the skip (537). Furthermore, she could not recall the pupil sustaining any injuries.

The panel considered all the evidence, and preferred the evidence of Witness E, Witness F, Individual I, Individual H and Witness D to that of Ms Porter. The panel felt that Ms Porter's explanation that the pupils had been supervised lacked credibility as there were numerous sources indicating pupils had moved furniture as several members of staff witnessed pupils moving furniture without supervision. Furthermore, it would have been unnecessary for the pupils to use the fob had there been supervision. The panel notes that Individual H and Witness D refers to pupils sustaining injuries, and noted that as the class teachers, they would be informed had a pupil from their class sustained an injury. The panel held, on the balance of probabilities, that at least one pupil moving the furniture received an injury. Therefore, on the balance of probabilities, the panel believed that Ms Porter failed to ensure that adequate health and safety procedures were in place as the pupils were asked to move furniture without supervision, resulting in minor injury. The panel is of the view that regardless of previous practice, it was wholly inappropriate for children to be moving furniture; consequently, the panel finds this particular to be proved.

c. making changes to safeguarding procedures and/or responsibilities without consultation and/or communication with relevant staff.

Ms Porter denied this particular of the allegation, stating that she did not make changes to the safeguarding procedures nor alter the responsibilities of staff.

The panel heard evidence that the Child Protection Policy had not been reviewed since May 2013. It was noted that the former headteacher, Individual J was named as the Designated Child Protection Co-ordinator (the "DCPC"). Ms Porter explained that before she assumed the role as Executive headteacher, she had attended a meeting with the Local Authority and the GGAT, who indicated that a recent Local Authority review had found no issues with safeguarding and therefore Ms Porter explained that she had no reason to consider the safeguarding procedures, particularly, when there were other pressing matters to attend to.

The panel considered the written evidence of Witness C, who was the Family Support Worker and also, at the time, practically performed the role of the DCPC albeit another member of the Senior Leadership Team (“SLT”) was officially the DCPC. Witness C stated that changes were introduced to the safeguarding procedures which were instigated by the introduction of a Behaviour Team which was formed in around Easter 2014 (28). It is accepted that this team was formed upon the instruction of Ms Porter and led by Individual A. Witness C recalled that, “safeguarding issues were thereafter mainly dealt with by the Behaviour Team” (29) and, “the team had no talks with the SENCO or [with her] to find out the students’ backgrounds”. She stated that Ms Porter had not discussed the introduction of the Behaviour Team with her or any potential impact upon her safeguarding role. This was consistent with her oral evidence relayed to the panel and the panel found her to be a honest witness.

Witness C went onto describe a safeguarding incident involving two pupils which was handled by the Behaviour Team without reference to her. She stated that the Behaviour Team had failed to follow safeguarding procedures, in particular, failed to complete the referral forms. Witness C had serious reservations about this approach as Individual A had not completed the relevant Child Protection training; she expressed her concerns to Ms Porter who confirmed that she was content for the Behaviour Team to deal with the incident. It was Witness C’s view, that the incident should have been reported to social services within 48 hours or at the very least a written record should be made of the incident. Witness C also raised her concern with the Chair of Governors on 28 May 2014 (663/666).

In addition to this, Witness C explained that changes were introduced to the way safeguarding forms used in Core Group meetings were completed. It is accepted that in May 2014, Ms Porter informed staff that if they had been given less than one weeks’ notice of a meeting, they did not have to complete the form. Witness C explained that at times it was not possible to provide such notice. This new instruction meant that at times Witness C was unable to provide information which had been requested at short notice, posing serious safeguarding and welfare concerns. Witness C stated that she was not informed of this change. Ms Porter explained that, despite having appointments scheduled weeks in advance, Witness C was providing staff with unnecessarily tight deadlines to complete the forms. It was her belief that these self-imposed deadlines compromised the information being provided. Ms Porter said that she spoke to Witness C about the change to this working practice and did not feel the provision of information would be jeopardised as Witness C could utilise SIMS and school reports (973).

On 2 July 2014, Witness C was informed by Ms Porter that she “would not be able to attend Core meetings unless they were held at the School,” and she was “informed that the only meeting [she] could attend outside of school were Child Protection Conference meetings”. Subsequently, concerns were raised by Social Services, as Witness C was no longer attending meetings, albeit she continued to provide the relevant information in advance of the meetings. Social Services felt that the School was no longer fulfilling its

statutory obligations. This prompted Ms Porter to write to Witness C on 10 July 2014 seeking to clarify the position (682). Ms Porter said that she was concerned about the financial and security implications of off-site travel which had led to her instruction (974).

The panel also had regards to the Safeguarding Audit carried out on 17 September 2014 by Individual K, the Area Safeguarding Adviser for West Kent, which highlights a number of concerns; these are listed at page 6 of that report, and include a failure to carry out its statutory duty. The report concludes that, “new processes were put in place for the management of safeguarding within the School” (656). The panel is aware that the outcome of Individual K’s investigation is not determinative of the facts before the panel and that it is required to turn its own independent mind to the issues before it. Nevertheless, the evidence collated during that investigation may be taken into account by the panel when assessing whether the facts of this case have been found proved. Whilst the panel notes that Ms Porter was not interviewed as part of this review, the panel was minded to attach weight to the evidence informing Individual K’s investigation, particularly as this was an independent investigation undertaken by the Local Authority Area Safeguarding Officer.

In light of the evidence above, the panel was of the view that there was clear evidence that changes were made to the safeguarding procedures and responsibilities. The panel considered all the evidence and preferred the evidence of Witness C, who they found to be an honest witness and a witness who had been consistent in her account of events. Therefore, on the balance of probabilities, the panel believed Ms Porter was more likely than not to have made the changes without consultation and/or communication with relevant staff. The panel held that through the implementation of these changes, Ms Porter failed to ensure adequate safeguarding procedures were in place, as the procedure for reporting concerns was not being followed. Issues were not always being handled by or passed to Witness C as the individual performing the role of DCPC. Furthermore, the panel considered that in response to an urgent request for information, Witness C could utilise SIMs and school reports, however, these alone were not sufficient and would not assist in providing up-to-date information about the pupil’s demeanour, appearance and attitude. The introduction of the deadline further hampered Witness C’s ability to fulfil her role. For all these reasons, the panel find this particular to be proved.

2. Failed to ensure the adequate provision of support for SEN pupils by compromising the provision agreement between Kings Farm School and Ifield School (which serves SEN pupils) by making changes to the nursery without consultation;

Ms Porter denied this allegation.

Several witnesses refer to the joint arrangement between the School and Ifield School, something which had been in place since 2007. Ifield School is a school for children with profound, severe and complex needs. Witness E stated that provision was made for 12 pupils from Ifield School (58). These children were on the School’s roll but Ifield School

provided funding for one teacher and three other members of staff (105). Ms Porter stated that she was not aware of any formal arrangement; she was of the view that it was an ad-hoc arrangement. Witness B described the arrangement as, “informal” and, “loose”.

Witness E outlined a number of changes that were implemented by Ms Porter including turning the nursery workroom previously used by Ifield School staff for one to one and small group work, into the play therapist room, swapping the locations of the nursery and reception classroom, moving the School’s afterschool club to the nursery and changing the times of the afternoon nursery lessons. Witness F said that the provision of a speech therapist from Ifield School who would support the School with specialist programmes and resources was ceased by Ms Porter (72). Both Witness E and Witness F said that these changes were made without consultation with Ifield School whereas previously, any changes linked to the nursery were always carried out after both schools were in agreement. This was corroborated by the evidence of Individual G, the headteacher of Ifield School and Individual L the nursery teacher employed by Ifield School but working at the School. Individual G was concerned that these changes compromised the provision as they would negatively impact the learning environment of the nursery pupils. She noted that the classroom contained specialist equipment such as sensory rooms and the changes deprived the SEN pupils of a valuable resources (106). Furthermore, the changes to the layout meant that Ifield School children were not able to join in whole class activities due to limits on their independence and access (107). These concerns were raised during a lesson observation undertaken by two members of staff from Ifield School on 2 April 2014 (692).

Ms Porter denies that she was comprising the provision; she was making the changes for the benefit of the pupils, stating that she, “acted in good faith to improve the learning environment and ensure that all children got the best education possible” (980). Furthermore, the play therapist had been moved due a leak in the roof and there were no other classrooms available (978). Ms Porter did however accept, in her statement to the GGAT investigation, that she did not consult staff on the changes (540).

The panel also had regard to the investigation undertaken by KCC into the collective grievance together with a contemporaneous note of the changes made to the nursery provision prepared by Individual L, the Ifield School nursery teacher (690). This supports the evidence relayed by Witness E, Witness F and Individual G.

The panel notes that members of the School only recently obtained access to the formal agreement. Despite this, the panel is of the view that there was a sophisticated arrangement in place, which staff were aware of and which was evidenced through the nursery children being placed on the School’s roll, staff being seconded from Ifield School to the School and the School receiving funding from the Local Authority to enhance the provision; this was not an ad hoc arrangement. This arrangement had been in place since 2007. It is clear from the evidence that changes were introduced. Having

considered all the evidence, the panel finds that, on the balance of probabilities, Ms Porter failed to consult with nursery staff in connection with these changes, including Witness E and Individual L. Consequently, the panel finds that Ms Porter failed to ensure that these changes would result in an adequate provision of support for SEN pupils, as a removal of a specialist room, changes to the timetable and the potential changes of rooms, would result in the provision no longer being an inclusive environment for all pupils. Therefore, the panel find this allegation proven.

3. Displayed inappropriate and/or bullying behaviour towards staff, including in that you:

a. humiliated and/or undermined members of staff members on a number of occasions;

This particular of the allegation is denied by Ms Porter.

The panel had regard to the Fairness at Work Policy which defined workplace bullying as, “The abuse of power or position to coerce others by fear and causes chronic stress, anxiety, loss of confidence”. It goes onto provide examples of such behaviour which includes “public humiliation ... isolation, non-co-operation, withholding information ... and systematic undermining of confidence”. The policy does provide that “bullying is not managers making unpopular demands and asking for improvements in performance”.

The panel heard evidence of a number of situations where Ms Porter is alleged to have humiliated or undermined members of staff which are considered below in the context of this allegation.

Inset Day Quiz

It is accepted that during an Inset Day a quiz was handed out. This contained a number of scenarios under which were multiple choice answers seeking to elicit how staff should react to the scenario. It was accepted by Ms Porter that a number of these scenarios were based upon events that had taken place at the School. She explained that the quiz was an ice breaker exercise the, “aim of which was to highlight when behaviour was inappropriate and empower staff to challenge and report behaviour” (990). Ms Porter stressed that the, “exercise was not done to humiliate any one, but to give guidance to staff on how to handle such occurrences” (990).

The panel considered the evidence of Witness E who described the scenarios in the quiz as, “humiliating for the members of staff concerned” (62). This was corroborated by the evidence of Witness F who said that whilst, “none of these scenarios were relevant to me ... it felt like this was humiliating to anyone who was involved ... and most staff already had an awareness of these situations” (75). She stated that Ms Porter seemed to find this, “funny”. This was supported by the evidence relayed by Individual C to the KCC investigation who went further and stated that Ms Porter “delivered the quiz in a sarcastic manner” (336). The panel also considered the evidence of Individual M who believed one

of the scenarios related to her, stating that she felt like “walking out” (355). The panel noted that these views were corroborated by the evidence Individual N, Individual I and Individual O provided to the KCC investigation. The panel notes that, whilst the evidence provided to the KCC investigation is hearsay, it is consistent with the evidence of the other witnesses who the panel have heard from directly.

The panel considers that the evidence adduced by Witness E and Witness F, taken together with the other witness evidence obtained, supports the contention that the events are more likely than not to have occurred. The panel finds, on the balance of probabilities, that this incident occurred causing embarrassment. The panel found that using real scenarios was inappropriate and ill-advised. The panel scrutinised the quiz, and noted that reference to actual incidents may have caused, at the very least, embarrassment, and understandably, humiliation to those involved.

Class Reports

The panel heard evidence that the reports of Witness F were returned on a number of occasions due to various errors. Ms Porter stated that when the reports were returned she did not, “highlight or make a list of every single error” and instead provided comments on a post-it note.

It was Witness Fs’ evidence that the first time she received the reports she was called into Ms Porters’ office by Individual E who provided feedback. She went on to state that thereafter, when reports were returned, she only received a post-it note informing her to “re-do them”. The panel considered the evidence of Witness H who stated that after the first occasion the reports were returned she offered to, “go through the reports with Witness F and tell her what was wrong but Jane [Ms Porter] would not have that ... I recall Jane [Ms Porter] giving me the file and saying ... just leave it in the room” (39).

It is accepted that as the executive headteacher, it is right that Ms Porter ensure the reports are adequate. However, the manner in which Ms Porter went about addressing these corrections, including the failure to provide feedback, and to follow up on concerns, causes the panel to real concern; this is a sensitive manner in which such concerns can appropriately be addressed. The panel did not believe knowledge of Witness Fs’ [REDACTED] was a relevant consideration. It is accepted that the reports were returned several times and the sheer number of times the reports were returned, and manner in which they were returned without feedback, leads the panel to conclude that it would have the effect of systematically undermining and humiliating Witness F.

Leavers assembly

Ms Porter had implemented a policy whereby pupils and staff had to sit on the floor during assembly. Witness D was unable to attend assembly due to a medical condition which prevented her from sitting on the floor. It is accepted that Witness D sought permission to attend the last assembly of a fellow year group teacher; this assembly was

prepared by children in the joint year group. This permission was sought from and granted by Witness H. Upon learning of this, Ms Porter instructed Witness H to direct to leave the assembly. Ms Porter explained that Witness D standing at the back of room would contradict the newly implemented policy and would be, “detrimental to the system”.

The panel is of the view that Ms Porter’s actions clearly undermined the authority of Witness H to make low level decisions. The panel could see no logical reason for removing Witness D, particularly as she was already in the assembly. They considered that this abrupt removal would have been humiliating, as it would be before her colleagues and her own pupils.

Payment of fees for Master’s Degree

The panel heard evidence that Witness D was undertaking a master’s degree. It was her evidence that the former headteacher had agreed to fund the course in its entirety and the first year’s fees had been paid to the university. Upon the commencement of the second year, following the appointment of Ms Porter, the School refused to pay the fees. Witness D stated that she was “not aware that [Ms Porter] had refused to pay until the university contacted her”. Ms Porter explained that she was not a signatory and she could only make a recommendation to the School regarding the payment. Ms Porter explained that she was concerned about the lack of written evidence documenting the agreement to fund Witness D’s master’s. Furthermore, she thought it was unusual that the Governing Body and the School Bursar were not aware of this arrangement. She stated that it was her responsibility to ensure school funds were appropriately expended and she could not see any benefit of the master’s degree to the school or pupils.

Furthermore, Ms Porter noted that there was no provision compelling Witness D to stay with the School following completion of her master’s degree. Such concerns were shared by Individual P, the finance officer. Indeed, Witness D stated that Ms Porter acknowledged that if she could provide evidence then the School would pay.

The panel agrees that it would be prudent for Ms Porter to seek evidence before making payment of the university fees. However, the panel considers that it would have been appropriate to discuss the matter with Witness D rather than simply refusing to make payment of the fees. The panel held that it would be humiliating for Witness D to learn through the university that the fees had not been paid, particularly when Ms Porter could have discussed this; there was no communication.

General demeanour

In addition to these specific examples, the panel heard general evidence of Ms Porter’s demeanour from several witnesses from the School, Ifield School and Whitehill Primary School. These witnesses described Ms Porter as rude, and inappropriate, and provided examples of her choosing to ignore staff. For instance, Individual M states, “it was made very clear to me that she didn’t want me there” (346). These witnesses were consistent in

their evidence provided to the various investigations undertaken. Ms Porter denied such characterisation and described herself as “direct” and “confident”. Other witnesses, Individual Q, Individual R, Individual S, Individual T, Individual P, Individual E and Individual U spoke highly of Ms Porter. However, the panel had not heard any direct evidence from such witnesses.

The panel notes that a number of long standing members of staff, such as Individual N and Witness D, who had many years’ service at the School (in the case of Individual N, 15 years’ service), felt that they were forced to resign from their positions due to the “bullying” behaviour. In fact, in a Governing Body meeting held on 27 May 2014, Ms Porter advised that, “it was clear that staff were planning a mass exodus”. Furthermore, the panel notes that the Ofsted report dated October 2014 states that, “around two thirds of the teaching and support staff left the School in July 2014”.

Conclusion

The aforementioned examples, combined with the evidence on Ms Porter’s general demeanour and placed in the context of the volume of staff leaving, leads the panel to conclude that Ms Porter humiliated and undermined staff on a number of occasions. In view of the definition of bullying, as noted in the Fairness to Work policy, the panel considers this to be bullying behaviour towards staff. Consequently, the panel finds this particular of the allegation to be proved.

b. made one or more changes to staff roles and responsibilities without consultation or explanation;

Ms Porter denied this particular of the allegation.

The panel heard evidence that changes were made to a number of roles, including the role of the phase leaders, the role of Individual M as the assistant headteacher and Witness D’s role as the literacy lead. The panel considered these changes.

Phase Leaders

The panel considered the written evidence of Witness E, a phase leader, who explained that, “phase leaders had originally attended management team meetings but Ms Porter changed this ... we used to be involved in decision making ... whereas under Ms Porter it was clear that she made the decisions and told us ... She mainly used us as messengers”. This was supported by the evidence of Witness D. The panel notes that in their oral evidence, both Witness E and Witness D accepted that their role was still in line with the job description. In her written evidence, Ms Porter stated that, “whilst the phase leader may have felt their role had been changed, [her] recollection and Witness E’s description of how the role changed seems to fit with the job description” of a phase leader. In any event, it is accepted that following the removal of the role, the remuneration was unaffected.

It is accepted that on 5 June 2014, the phase leaders were informed by Witness H that they, “would no longer have responsibility as phase leaders” and that Ms Porter would be willing to meet with them to answer any queries. Subsequently, Witness E sought to arrange a time for three of the four phase leaders to meet with Ms Porter, who responded by email stating that she was only willing to meet with the phase leaders individually. Witness E stated in her oral evidence that they were unwilling to meet with Ms Porter individually without a witness, although accepting that they had not sought to clarify whether they could be accompanied by a witness to the meeting. Ms Porter stated that as three of the four phase leaders had resigned, the management structure had been realigned. She explained that, “a contributory factor was that there was an increasing concern that the phase leaders were meeting in secret and being discordant and underhand”. It was this alleged behaviour that led to Ms Porter refusing to meet with the three phase leaders as a group, as she felt this would not result in a productive meeting. Consequently, a meeting to explain or discuss the removal of the phase leader role did not take place.

The panel heard evidence from Witness B, the Chair of Governors, that she had been told that the phase leader roles had been removed. She was informed after the event; at no stage was she, or the Governing Body, consulted about the removal of the phase leaders.

The panel held that the changes to the role of the phase leaders, which sought to align their practical responsibilities in line with their job description, were not inappropriate. The panel considered all the evidence, and held, on the balance of probabilities, Ms Porter removed the role of phase leader without consultation and explanation. They held that the removal of the role which was undertaken without consultation of the affected staff and the Governing Body was inappropriate. The failure to provide any explanation for the removal of the role further compounded the inappropriateness of these actions.

Literacy and Numeracy Leaders

Witness D was the literacy lead at the School. In addition to this, she was also a Year 5/6 class teacher and the phase leader for upper Key Stage 2. It is accepted that following her initial observation in Term 3, Ms Porter advised Witness D to focus on improving her teaching, explaining that she needed to place her literacy leader responsibilities “on the back burner for now”. In her oral evidence Witness D understood this to mean that she would still undertake the role as literacy lead, but for the time being, focus on her class teaching. Ms Porter accepted in her oral evidence that she did not clarify whether this role would be undertaken by another individual whilst Witness D focused on her teaching.

Subsequently, Individual V, a teacher from Whitehill Primary School joined the School, part of her role being the literacy lead at the School. Witness D first learned of this when Individual V introduced herself as the literacy lead. Witness D explained that she was, “completely shocked and felt humiliated, as Jane [Ms Porter] had not told me that the role

was being taken away from me”. In her evidence, Ms Porter stated that, “I did not intend to humiliate Witness D in this action, I intended to take some of the pressure off (sic) her”.

The panel considered all of the evidence, and on the balance of probabilities, held that Ms Porter changed Witness D’s role and responsibilities without explanation. Whilst the panel considers that Ms Porter may have been justified in appointing Individual V as the literacy lead, Ms Porter, out of courtesy and professionalism, should have informed Witness D that she had appointed another individual to the role. The panel considered that the circumstances surrounding Individual V’s introduction to Witness D would lead Witness D to feel humiliated and undermined.

The panel notes that Individual N who was the numeracy lead, found herself in a similar situation to Witness D. The panel referred to the notes of the interview with Individual N taken from part of the KCC investigation on 29 September 2014. Individual N stated that she was told to place her numeracy leader role “on the back burner” and to concentrate on her teaching. She said that several terms later, a paper with staff responsibilities had been posted in the staff room which listed Individual E as the lead numeracy co-ordinator; this was the first Individual N had heard of the change. It was her evidence that she had not been consulted or notified of this change (316). With no evidence to the contrary and given Ms Porter’s behaviour towards Witness D in her literacy role, the panel held, on the balance of probabilities, that this event was more likely than not to have occurred in the manner described by Individual N. For the reasons noted above, the panel considers Ms Porter’s actions to be inappropriate.

Individual M

The panel had regard to the notes of the meeting with Individual M prepared in connection with the KCC investigation 30 September 2014. During that meeting, Individual M stated that she was a member of the SLT, attending weekly meetings and engaging in the decision making. Following the appointment of Ms Porter, she stated that, “I never sat on a senior leadership team meeting, because it had been made very clear that [Ms Porter] didn’t really want me there”.

During her oral evidence, Ms Porter explained that it was her understanding that Individual M had been recruited to fulfil the specialist role. In order to attract a candidate of sufficient standing and experience, the role had been advertised as an assistant headteacher role, although Ms Porter’s understanding was that Individual M was not to be involved in senior leadership meetings.

Having considered the evidence, the panel felt that there was insufficient evidence to show that, on the balance of probabilities, Individual M’s role or responsibilities had been changed by Ms Porter.

Conclusion

The panel considers that the evidence adduced by Witness E and Witness D, taken together with the other witness evidence obtained, supports the contention that the roles and responsibilities were changed without consultation or explanation and this is inappropriate. The panel considers such an action to be inappropriate, as in the case of the phase leaders, Ms Porter should have provided an explanation, whether written or oral, outlining the reasons for removing the roles and also consulted with the governing body. Furthermore, Ms Porter's action, in failing to consult or notify the literacy and numeracy leads of the changes in their roles, was inappropriate and in view of the definition of bullying the panel considers this to be bullying behaviour towards staff. Having considered all the evidence, the panel notes that whilst Ms Porter had a mandate for change, the manner in which this was implemented was inappropriate, as demonstrated above. Consequently, the panel finds this particular of the allegation to be proved.

c. carried out lesson observations in a way that was inconsistent and/or inaccurate and/or unfair one or more occasions;

This particular of the allegation has been denied by Ms Porter.

The panel considered the evidence of Witness F who explained that she was formally observed by Ms Porter on 12 March 2014. However, she did not receive the written feedback until Easter when she learnt that she had been graded as "requiring improvement" (67). Witness F did not believe the reasons for this grading were justified. Following this, there were no further formal observations; instead there were a number of informal observations and Ms Porter never provided any further feedback. This account was consistent with the oral evidence relayed by Witness F and corroborated by the evidence of Witness D and Individual M also found themselves in a similar situation.

In her written evidence, Witness D asserted that following her first observation in January 2014, she received oral feedback but did not receive written feedback until Term 5. Ms Porter asserted that this observation had been undertaken in conjunction with Individual B, who she had tasked with providing the written feedback. It was only when she had learned that the teachers had not received the feedback from Individual B that Ms Porter provided the written feedback. The panel is of the view that this explanation lacked credibility, particularly as the teacher had been seeking feedback. Therefore, it would have become apparent, at an early stage that written feedback had not been provided. During her second observation, Witness D stated that Ms Porter only observed for seven minutes. This was not challenged by Ms Porter. Witness D is said to have received her feedback two days after the observation. Witness D felt that both observations were unfair.

The panel considered the notes of the KCC investigation with Individual M, where she stated that she received a lesson observation in January 2014. It was Individual M's evidence that Ms Porter was only in the class for 10 minutes (354). Following her second observation, Individual M did not receive any feedback, and her grading was orally relayed to her with no substantive feedback. Furthermore, in her interview as part of the KCC investigation, the panel notes that Individual N stated that she did not always receive written feedback (197). Whilst the evidence of Individual M and Individual N is hearsay, it is consistent with the evidence relayed by those witnesses the panel has heard from directly. The panel notes that hearsay evidence will usually carry less weight than evidence which has been tested. However, there is no rule of law that prevents the panel from relying upon hearsay solely or to a decisive degree, if it is satisfied with the strength of that evidence. The panel is satisfied with the evidence from these witnesses and attaches sufficient weight to it.

Finally, the panel referred to the evidence of Witness E who stated that during Ms Porter's time at the School she had not been formally observed; she had only been observed on one occasion by a teacher from Whitehill Primary School and she was not formally graded for this observation (62).

Whilst there was insufficient evidence for the panel to look behind the grading awarded to determine whether they were unfair and inaccurate, the panel did consider that based upon the evidence, there was no clear plan or structure to the lesson observations undertaken. The panel notes the evidence of Witness F, Witness D, Witness E and the corroborative evidence of other witnesses, which supports the contention that the events are more likely than not to have occurred. The panel considers that failing to provide feedback after every observation, failing to provide feedback shortly after the observation and failing to attend each observation for a set period of time, does amount to a failure to undertake lesson observations in a consistent manner. This is inappropriate behaviour. The evidence, combined with the lack of any credible explanation from Ms Porter, leads the panel to find that this particular of the allegation to be proved.

d. provided an unfair reference on one or more occasions;

Ms Porter denied this particular of the allegation.

The panel considered the written evidence of Witness F and the notes from the KCC investigation supporting her version of events. Ms Porter's reference indicated that Witness Fs' quality of work and time keeping was "fair", recording that "teaching generally graded at 3", thus indicating "requires improvement". Furthermore, Ms Porter indicated that she would not employ Witness F. In her written evidence, Ms Porter stated that the reference was "accurate to the best of my knowledge at the time". The panel scrutinised the reference provided by Ms Porter and that provided by Witness Fs' second referee, Witness E. The panel noted that the two references were at odds in nearly all respects. This, in the view of the panel, is an unusual occurrence, indicating that one of the references is inaccurate and therefore unfair. As noted above, in the formal observation

undertaken by Ms Porter, Witness Fs' teaching was graded as "requires improvement". It is Witness F's evidence that, neither before or after this one observation has she been graded as "requiring improvement". This evidence has not been challenged by Ms Porter. Therefore, the panel considers that the statement indicating that "teaching generally graded at 3" was misleading. Upon applying the ordinary meaning of "generally", it would suggest that Witness F's teaching had been assessed as 3 on more than one occasions, which was not the case. Therefore, the panel concludes that this reference was unfair, and having regard to the duty to provide a fair reference, finds Ms Porter's actions to be inappropriate.

In addition, the panel had regard to the evidence of Witness D who stated that she listed Individual M as a referee. However, at the time the reference was sought, Individual M had been placed on garden leave and consequently Ms Porter provided an unsolicited reference. Witness D stated that following receipt of the reference, she was called into a meeting with her new employer as the reference from Ms Porter was "at variance to other references received". The panel scrutinised the reference provided by Ms Porter and notes that the majority of "skills and attitudes" were scored as either "Requiring Improvement" or an "Area of Concern". In her oral evidence, Ms Porter stated Witness D had been formally observed by many people and her teaching was judged as requiring improvement. Indeed, the concerns had been such that Witness D had been placed on "informal capability". Having said this, the panel notes that the targets set as part of the "informal capability" are limited in scope, and largely relate to Witness D's teaching abilities, whereas the skills marked as "Requires Improvement" or as "Area of Concern" cover a wider skillset which extends beyond the concerns resulting in the instigation of the "informal capability" and forming the targets. Furthermore, Ms Porter accepted that she had not discussed all these areas of concern with Witness D. The panel also notes that the reference was dated 13 June 2014, and therefore provided 10 days after the "informal capability" process was halted. Therefore, in this context, the panel found that a reference indicating that Witness D was failing in a number of areas was unfair. The panel also finds that it is ill-advised to provide an unsolicited reference. Consequently, the panel concludes that this reference was unfair, and having regard to the duty to provide a fair reference, finds Ms Porter's action to be inappropriate.

For the reasons outlined, the panel find this allegation to be proved.

e. undertook disciplinary action against one or more members of staff and/or imposed suspension and garden leave without appropriate communication and/or investigation on one or more occasions;

Ms Porter denied this particular of the allegation.

The panel heard evidence that disciplinary action was taken against Witness F and that the setup of initial investigation was inappropriate and flawed. The panel heard that Ms Porter left the School in or around 19 July 2014. It was submitted that despite her absence, Ms Porter was still directing staff. The panel had regard to the letters sent to

Witness F concerning her garden leave and subsequent investigation, noting that they were signed by Witness H. Furthermore, the panel had regard to Ms Porter's evidence and that of Witness H who explained that whilst it was Ms Porter who directed her to liaise with the Local Authority Designated Officer (the "LADO") and the Local Authority HR team, thereafter Witness H was directed by the LADO. Having considered all the evidence, the panel finds that, on the balance of probabilities, Ms Porter was not involved in the decision to place Witness F on garden leave or involved in the disciplinary process beyond directing advice be sought from the LADO and HR, which was an appropriate course of action.

It was submitted that Ms Porter had imposed suspension and garden leave without appropriate communication and/or investigation and that such an action was inappropriate and bullying towards staff. In this regard, the panel considered the evidence of Witness D who explained that at the end of Term 5 she tendered her resignation, and around this time, on 18 June 2014, [REDACTED]. On 19 June 2014, Witness D called the School saying she would return to work the following week. Shortly thereafter Witness D received a letter from Ms Porter placing her on garden leave for the remainder of her notice period, this being from mid-June until the end of the summer term towards the end of July. In her oral evidence, Ms Porter stated that she had sought advice from the Local Authority HR team before placing Witness D on garden leave. This assertion is supported by the evidence of Witness H. Having said that, the panel refer to the KCC investigation which was undertaken by a member of the Local Authority HR team who stated that Ms Porter "placed a number of staff on [garden] leave without any prior conversation and these members of staff were not given any explanation for the reasons why".

In addition, the panel considered the evidence of Individual M. It was accepted that there was a verbal exchange between Individual M and Ms Porter following which, Individual M had a number of days off work. Having returned to work, Individual M was subsequently signed off for two weeks. The day before she was due to return to work she received a letter placing her on garden leave. Ms Porter explained that she had placed Individual M on garden leave following advice from the Local Authority HR team as she was concerned about Individual M's health.

The panel also referred to the KCC investigation report and the notes of the meeting with Individual O which states that Individual O was also placed on garden leave. It was noted that Individual O received a letter explaining that she had been placed on garden leave, "as it was not necessary or beneficial to either her or the children for her to be in school". Individual O could not think of what would have triggered this course of action.

The panel had regard to a guidance document, which provides that "ideally the arrangement of garden leave will be by mutual consent" but accepted that "if mutual agreement cannot be reached ... KCC may wish to enforce garden leave". The panel has

noted that matters pertaining to garden leave were not discussed with the Governing Body.

The panel had regard to the context, noting that the School was a vulnerable school, already stretched as many staff had resigned and left. Furthermore, the panel notes that there are a number of alternative options available to deal with the circumstances outlined above, with garden leave being considered as a very unusual option in these circumstances. Consequently, this exacerbated the staff shortages. Having said that, Ms Porter robustly asserted that she followed the advice as relayed by the Local Authority HR Team. Whilst the panel questioned the credence of this explanation, there was insufficient evidence for the panel to conclude that it was more likely than not that Ms Porter acted upon her own initiative. Furthermore, in all of the above cases, it is accepted that whilst there was not a conversation with the staff discussing the potential for them to be placed on garden leave, they were in fact informed by letters of the decision to place them on garden leave and the reasons for that decision. Due to the limited evidence presented to the panel, it found this particular of the allegation not proven.

4. Failed to appropriately manage the overall running of the school, including in that you:

a. failed to ensure the availability of enough appropriately qualified and experienced staff;

This particular of the allegation is denied by Ms Porter.

The panel considered the job description for the executive headteacher and noted that Ms Porter was totally responsible for the “appointment of all staff” and for “recruiting, retaining and deploying teaching staff appropriately”.

The panel heard evidence from Witness F and Witness E that due to staff resignations, the number of nursery staff was reduced from five to three. The nursery provision was unable to provide one to one support to the SEN pupils with statements. Furthermore, due to conflicts within the timetabling the staff deployed to provide assistance in the nursery did not arrive until 45 minutes after the pupils had arrived. In addition, Witness E stated that some of the staff deployed to the nursery did not have EYFS experience. This was corroborated by the evidence of Individual L, the Ifield School nursery teacher at the School. Ms Porter did not allow the use of supply staff. It was Ms Porter’s evidence that whilst the situation was far from ideal, the number of staff fell within the legal limits required.

The panel also heard evidence that the two Year 5 classes were merged together as were the two Year 6 classes. This was without notice to the pupils, parents and with limited consultation with staff. The panel considered the evidence of Witness D who stated that the merger of the two Year 6 classes in Term 6 resulted in 36 pupils being in one classroom and being taught by one teacher who was supported by an HLTA. It was

her evidence that following her departure on garden leave, an HLTA was left to teach these pupils. As a result of the merger, Witness D was of the view that the SEN pupils with statements were “denied their legal entitlement” to one to one support. This was supported by the statement of Individual W, the SENCO, to the KCC investigation. Ms Porter stated that a clear programme was developed with Witness H whereby the pupils were split into six syndicates and carried a carousel of activities in different classrooms. Witness H made no reference to this programme in her evidence. The panel found the evidence of Witness D to be clear and credible.

It was accepted that the two Year 5 classes were also merged, leaving an NQT to teach over 30 pupils. Ms Porter instructed that the SEN pupils be taught solely Maths and English by the TAs. Witness D described the TAs as “very inexperienced” whilst Ms Porter described them “highly experienced” stating that one of the TAs had a degree, although Ms Porter was unable to recall whether that degree was in either Maths or English. Ms Porter explained that the TAs simply executed and delivered the lesson plan which was prepared by the NQT. Whilst the panel was unable to make any factual determination of the qualifications and experience of the TAs, it did have grave reservations around TAs teaching SEN pupils such fundamental and core subjects without the relevant qualifications.

Ms Porter stated that she had ensured that the School would be fully staffed for September 2014. Whilst there is a dispute over the number of qualified teachers, the NQT’s appointed and due to start in September 2014 accounted for a third of the qualified teaching staff. Furthermore, these NQT’s would have a statutory reduced timetable and require frequent induction mentoring throughout the year. In view of the challenging and vulnerable circumstances in which the School found itself, the panel is of the view that it would not be appropriate to recruit such a high proportion of NQT’s.

The panel considered all the evidence, and preferred the evidence of Witness E, Witness F, and Witness D who had been consistent in their accounts. Furthermore, the panel considered them to be credible witnesses. Therefore, on the balance of probabilities, the panel believed that Ms Porter failed to ensure the availability of enough suitably qualified and experienced staff. The panel considered the role of the executive headteacher with reference to the job description. Therefore, the panel found that Ms Porter’s actions amounted to a failure to appropriately manage the overall running of the School. Consequently, the panel finds this particular of the allegation to be proved.

b. failed to follow appropriate recruitment processes;

This particular of the allegation is denied by Ms Porter.

The panel considered the job description for the executive headteacher and noted that Ms Porter was responsible for the “appointment of all staff” and for “recruiting, retaining and deploying teaching staff appropriately”.

Whilst there was no recruitment policy referenced, the principles of safer recruitment were not disputed. Furthermore, it is anticipated that such principles would be known and understood by an executive headteacher, and as an experienced executive headteacher Ms Porter would be aware of these principles and procedures.

Appointment of Witness H

Ms Porter explained the circumstances leading up to the appointment of Witness H, noting Individual B resigned on her penultimate day of the required term of notice, and in order to avoid a lengthy delay between Individual B's departure and the appointment of a new head of school, an appointment had to be made within one day. Accordingly, it is accepted that the relevant procedures were not followed. Ms Porter asserts that despite this, she had consulted with the Governing Body, who were generally aware of Individual B's desire to leave.

However, Witness B stated in her written evidence that "as far as the Governors were concerned, [Witness H] had been brought in by the backdoor as we were not consulted in relation to this at all". This view was supported by Witness B's oral evidence, who, while acknowledging the unique circumstances and the time pressure, stated that she would have expected a formal interview to have been undertaken following which references would be obtained and the Governing Body consulted.

In relation to the references, it was asserted that successful references for Witness H were not sought. Ms Porter stated in her written evidence that she "would be very surprised if Witness H ... did not have to provide a reference". In her evidence, Witness H could not recall being asked to provide details of her referees. However, Ms Porter asserted that Witness G, a teacher from Whitehill Primary School, had been asked to provide a reference. During her oral evidence, Witness G denied ever being asked to provide a reference, however, she does recall a brief conversation with Ms Porter where she was asked to comment upon whether Witness H was "strong enough" to fulfil the role.

Having considered all the evidence, the panel accepted the clear and consistent evidence of Witness B and Witness H to that of Ms Porter, who was at times confused and vague. In general, the panel throughout found Ms Porter's evidence to be evasive, and even obfuscatory. Therefore, on the balance of probabilities, the panel believed that Ms Porter was more likely than not to have failed to follow appropriate recruitment processes in the appointment of Witness H. Whilst the panel is sympathetic to the situation Ms Porter found herself in, there are other mechanisms in place to address a gap in the senior leadership team, such as secondments, which does not involve a failure to follow the basic principles of safer recruitment. Having considered the role of the executive headteacher with reference to the job description, the panel therefore, considers that Ms Porter's actions amounted to a failure to appropriately manage the

overall running of the School. Consequently, the panel finds this particular of the allegation to be proved.

Recruitment of NQTs

The panel heard evidence that the NQTs from Ireland were appointed without formal interviews and references had not been obtained. Furthermore, concerns were expressed at the pay grade on which these NQTs were due to commence. It is accepted that Ms Porter attended the interviews in Ireland with members from KCC. She asserted that the entire process had been developed and driven by KCC. Furthermore, in response to the concerns around the pay grade, Ms Porter stated that she had awarded this grade upon the advice of KCC.

The panel is strongly of the view that the recruitment process followed in Ireland was not appropriate. However, there is insufficient evidence to demonstrate that, on the balance of probabilities, it was Ms Porter who failed to follow appropriate recruitment processes.

Appointment of Individual X

Individual X was appointed as a class teacher and it is alleged also as the temporary assistant headteacher. In her written evidence, Ms Porter states that “I can’t remember the interview process ... the position wasn’t (sic) advertised, this was due to the time sensitive nature of filling the position, as all the phase leaders (except Individual E) had resigned”. She stated that Individual X’s appointment was discussed with the “personnel subcommittee of the governors”. In her oral evidence, Witness B said that the Governing Body was not consulted about Individual X’s appointment as assistant headteacher; she expected the Governing Body to be involved in any appointment to the SLT.

In addition to this, concerns were raised that only one reference had been obtained and, in any event, this was not one that could be classed as a successful reference, not least because it was not on headed paper, failed to name the author of the letter, failed to respond to the specific question posed by the School and nor was it signed. The panel noted the oral evidence of Witness A, the consultant headteacher at the School who had succeeded Ms Porter, stating that she would find the reference, “suspicious”. Furthermore, it was noted that a prohibition check had not been undertaken; Ms Porter stated that she did not know this was a requirement.

The panel considered the evidence and accepted the evidence of Witness B to that of Ms Porter and held that Ms Porter did not consult with the Governing Body regarding the appointment of Individual X to the position of assistant headteacher. The panel considered the process followed by Ms Porter was inadequate and in breach of the principles of safer recruitment. As an experienced executive headteacher, the panel held

that Ms Porter ought to have applied these fundamental principles. Therefore, the panel finds that Ms Porter's actions amounted to a failure to appropriately manage the overall running of the School. Consequently, the panel find this particular of the allegation to be proved.

c. failed to arrange for a clearly appointed person in charge to be on site during and off-site inset day;

This particular of the allegation is denied by Ms Porter, who stated that she believed either Witness H or Individual E were arranging cover. Ms Porter believed that Witness H had appointed Individual P, the office manager, to be in charge.

The panel considered the written evidence of Witness H who stated that "I was not responsible for organising this inset day or for arranging cover". She believed that Individual E had been instructed by Ms Porter to arrange cover and appoint a person to be in charge. When asked about the cover for the inset day as part of the KCC investigation, Individual E stated that, "Witness H was coming back during the day and was contactable by phone". It was stated that Individual P was in charge, but upon her own evidence, she was not aware as to whether she had been left in charge, making a joke out of the situation.

The panel referred to the job description for the executive headteacher and the head of school. It is accepted that the head of school would be responsible for arranging day-to-day cover. However, this incident epitomises the confusion and the lack of clarity around job roles and responsibilities between the executive headteacher and the head of school. This was further exacerbated through the lack of clear channels of communications. Whilst it would usually fall to the head of school to arrange cover, if this does not happen, then Ms Porter, as the executive headteacher, has overall responsibility for ensuring this takes place. Therefore, the panel finds that Ms Porter failed to arrange for a clearly appointed person to be in charge and to be onsite during the inset day. Given the potential consequences, including safeguarding and health and safety implications, the panel considers, with reference to her overarching duties and obligations, that Ms Porter failed to appropriately manage the overall running of the School. Consequently, the panel finds this particular of the allegation to be proved.

5. Engaged in the maladministration of EYFS assessments in that you:

- a. requested that these were changed after the local authority moderation;**
- b. instructed staff to amend the data without consultation with the class teachers;**
- c. provided data that was misleading and/or inaccurate in that it did not reflect the level of attainment for the cohort of pupils;**

d. failed to provide parents with a written report on their child's progress against EYFS ELG's as required in the assessment and reporting arrangements.

Ms Porter admitted the facts of these allegations and also admitted the stem of the allegation. However, during her oral evidence, Ms Porter offered a further version of events, which was inconsistent with her account relayed in her written evidence.

In any event, it was accepted that a teacher, on behalf of the School attended a EYFS moderation held by the Local Authority on 9 June 2014. Following this moderation, Ms Porter instructed two teachers from Whitehill Primary School, Witness G and Individual Y to review the EYFS assessments as graded by the two reception teachers at the School. Witness G explained the manner in which they undertook the moderation, explaining that she, together with her colleague, visited the School on three occasions and discussed the scores at length with the two reception teachers, Witness F and Individual I viewing the evidence to support the assessments. On the final visit the four teachers agreed the EYFS scores. This was corroborated by the evidence of Witness F.

The agreed scores were presented to Ms Porter and the panel heard evidence that Ms Porter instructed Witness G to lower the scores further. This instruction was given without reference to specific evidence and without reference to the class teachers, but rather based upon the views of Ms Porter. It was this amended data that was submitted to the Local Authority.

Several witnesses attested to the fact that the submitted data was not representative of the attainment of the cohort. This view was further corroborated by the investigation undertaken by the Local Authority in July 2014 (844 to 846). However, Ms Porter disagreed asserting that in her opinion and knowledge of the children, the data was not representative of the cohort as it was much higher than that of Whitehill Primary School. Having said this, in her oral evidence Ms Porter accepted that she did not know the children by name but had formed general views of their behaviour as they played outside her office.

It has been accepted that there was no provision of a written report to parents reporting on their child's progress against the EYFS ELGs. The panel considered the EYFS Assessment and Reporting Arrangements for 2014 and the Early Years Foundation Stage Profile Handbook and found that there was a requirement to provide details of how a child was performing against each of the ELGs, whether that involve stating the child was 1,2, or 3 or whether it was phrased as "emerging", "expected" or "exceeding".

The panel was of the view that Ms Porter was unclear in her evidence. When compared with the clarity of the evidence provided by the other witnesses, who had been consistent in their evidence, this led the panel to conclude that Ms Porter requested the EYFS assessments be changed following the Local Authority moderation, and instructed staff to

amend the data without reference to the class teachers, and this led to the provision of misleading and inaccurate data which did not reflect the attainment of the cohort.

Having considered the EYFS Assessment and Reporting Arrangements for 2014, the Early Years Foundation Stage Profile Handbook and having heard evidence from Witness I of the Local Authority, the panel considered that Ms Porter's actions amounted to a maladministration of the EYFS assessments. Therefore, the panel finds this allegation to be proved.

Findings as to unacceptable professional conduct

Having found a number of the allegations to have been proved, the panel has gone on to consider whether the facts of those proved allegations amount to unacceptable professional conduct.

In doing so, the panel has had regard to the document Teacher misconduct: The prohibition of teachers, which we refer to as "the Advice".

The panel is satisfied that the conduct of Ms Porter in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Ms Porter 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:
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions; and
 - showing tolerance of and respect for the rights of others.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

Ms Porter's wide-ranging actions resulted in key failures to ensure adequate health and safety and safeguarding procedures were in place. Her consistent and sustained actions towards certain members of staff were at best inappropriate and in the panel's view, constituted bullying. Ms Porter failed to ensure that the School was appropriately managed resulting in a shortage of suitably qualified and experienced staff, which had a detrimental impact upon the pupils, particularly the SEN pupils. Furthermore, Ms Porter engaged in the maladministration of the EYFS assessment data, acting in breach of her statutory obligations. At times, it was clear that Ms Porter did not always have a clear understanding of her duties and responsibilities, for instance, she was unaware that a prohibition of teachers check was required.

It is evident that throughout her time at the School, Ms Porter had a cavalier disregard of key rules and procedures. Consequently, the panel is satisfied that the conduct of Ms Porter fell significantly short of the standards expected of the profession.

The panel has also considered whether Ms Porter's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel has found that none of these offences are relevant.

Accordingly, the panel is satisfied that Ms Porter is guilty of unacceptable professional conduct.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct, 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.

In light of the panel's findings against Ms Porter, which involved a failure to ensure adequate health and safety and safeguarding procedures and practices were in place and by failing to provide adequate support for SEN pupils, there is a strong public interest consideration in respect of the protection of pupils given the serious findings. Furthermore, 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 Ms Porter was outside that which could reasonably be tolerated.

In particular, the panel noted that the underlying facts giving rise to the allegations proven were not isolated incidents. The allegations involved multiple incidents where Ms Porter, a senior and experienced headteacher, failed to adhere to basic key policies and comply with her statutory obligations. Her persistent actions amounted to bullying resulting in the resignation of several staff. In the panel's view Ms Porter failed to manage the School in an appropriate manner adding to the further detrimental effect on an already vulnerable school. Such actions would clearly have had a detrimental impact upon the school and the wider community.

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

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 Ms

Porter. 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;

The panel has found that Ms Porter's conduct involved serious departures from the personal and professional conduct elements of the Teachers' Standards, as the panel has already detailed.

- misconduct seriously affecting the education and/or well-being of pupils;

The panel considered that Ms Porter's conduct seriously affected the education and well-being of the pupils concerned. As noted above, the underlying incidents giving rise to the allegations were not isolated incidents and involved several events over a period of time; this is a repeated pattern of behaviour. The panel notes that Ms Porter's actions resulted in SEN pupils being deprived of their legal entitlement and inflating the size of class, particularly in Year 6, would have a negative impact upon the education of these pupils.

- sustained or serious bullying, or other deliberate behaviour that undermines pupils, the profession, the school or colleagues;

The panel found that Ms Porter had acted in a consistently undermining and bullying manner. As noted above, the underlying incidents were not isolated incidents and occurred over a period of six months; there is a clear repeated pattern of behaviour. This behaviour has had a longstanding detrimental impact upon the staff affected. The behaviour was such that many staff chose to resign, and in one case, contemplated leaving without a job to go to.

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 Ms Porter had not been subject to any formal disciplinary proceedings, prior to the events underlying these allegations. The panel has noted the evidence provided in support of Ms Porter's good character and her professionalism. Ms Porter did have a previously good history and notes that by virtue of Ms Porter's position, she had been considered by the Local Authority as having a specific skillset for dealing with difficult circumstances. Having said that, the panel found that the majority of Ms Porter's actions were deliberate. There was no evidence to suggest that she was acting under duress, and in fact the panel found Ms Porter's actions to be calculated and motivated.

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 Ms Porter. The fundamental shortfalls and failings in light of Ms Porter's experience as an executive headteacher was a significant factor in forming that opinion. The integrity of moderated assessments, such as the EYFS EGLs and the important role headteachers play in these are of fundamental importance to the profession. Ms Porter's actions have undermined the confidence in these assessments. Furthermore, there has been no evidence that Ms Porter has shown any meaningful insight into her actions despite having had several years to reflect. 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 it would be appropriate for them to decide to recommend that a review period of the order should be considered. The panel were 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. Although no such behaviours were present in this case, the panel considered that Ms Porter showed no awareness or insight into her actions, despite having nearly three years to consider her action and the effect thereof. In relation to those allegations admitted, Ms Porter failed to acknowledge the impact upon the teachers and parents. In relation to those allegations denied, Ms Porter did not recognise the effect of her action upon the pupils, staff and parents. Throughout these proceedings, Ms Porter showed no remorse for her actions and demonstrated a lack of compassion. The panel found that Ms Porter engaged in sustained and serious bullying, whilst failing to manage the running of the school the results of which included breaches in health and safety and safeguarding. For these reasons, 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 recommendation made by the panel in respect of both sanction and review period. I have found the panels thorough narrative regarding their findings to be very comprehensive and helpful.

The panel has found a number of the allegations proven. Where the panel has not found the allegations proven, I have put these from my mind. Of the allegations found proven, the panel has found Ms Porter guilty of unprofessional conduct. The panel considers that Ms Porter 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:
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions; and
 - showing tolerance of and respect for the rights of others.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel has gone on to take into account the Advice published by the Secretary of State. That advice 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;
- sustained or serious bullying, or other deliberate behaviour that undermines pupils, the profession, the school or colleagues.

I have taken into account the guidance published by the Secretary of State. I have also taken into account the need to be proportionate and to balance the interests of the teacher with the interests of the public. I agree with the panel that there is a strong public interest consideration in respect of the protection of pupils given the serious findings. Ms Porter failed to ensure adequate health and safety and safeguarding procedures and practices were in place; and failed to provide adequate support for SEN pupils. I also agree with the panel that there is a strong public interest consideration in declaring proper standards of conduct in the profession. The conduct found against Ms Porter was outside that which could reasonably be tolerated.

The underlying facts giving rise to the allegations proven were not isolated incidents. The allegations involved multiple incidents where Ms Porter, a senior and experienced headteacher, failed to adhere to basic key policies and comply with her statutory obligations. I agree with the panel that her persistent actions amounted to bullying. Ms Porter failed to manage the School in an appropriate manner and her actions would clearly have had a detrimental impact upon the school and the wider community.

I have taken into account the mitigating factors considered by the panel. I note that the panel found that the majority of Ms Porter's actions were deliberate. There was no evidence to suggest that she was acting under duress, and the panel found Ms Porter's actions to be calculated and motivated.

The panel is of the view that prohibition is both proportionate and appropriate, and that the public interest considerations outweigh the interests of Ms Porter.

I agree with the panel that the fundamental shortfalls and failings in light of Ms Porter's experience as an executive headteacher was a significant factor in forming the opinion to recommend prohibition. Ms Porter's actions have undermined the confidence in the integrity of moderated assessments, such as the EYFS EGLs.

There has been no evidence that Ms Porter has shown any meaningful insight into her actions despite having had several years to reflect.

I support the recommendation made by the panel. This was a serious case and it is proportionate and in the public interest that Ms Porter be prohibited from teaching.

I now turn to the matter of a review period. I have taken into account the Advice which indicates that there are behaviours that, if proven, would militate against a review period being allowed. Although no such behaviours were present in this case, the panel considered that Ms Porter showed no awareness or insight into her actions. Ms Porter failed to acknowledge the impact of her conduct upon teachers and parents. In relation to those allegations denied, Ms Porter did not recognise the effect of her action upon the pupils, staff and parents. The panel considered that throughout these proceedings, Ms Porter showed no remorse for her actions and demonstrated a lack of compassion. Having engaged in sustained and serious bullying, whilst failing to manage the running of the school, the results of which included breaches in health and safety and safeguarding, the panel felt the findings indicated a situation in which a review period would not be appropriate.

Having considered the panel's recommendation, and for the reasons set out above, I agree with the panel's conclusion.

This means that Ms Jane Porter 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 Porter 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 Porter 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.

A handwritten signature in black ink, appearing to read 'J. Millions', with a small dot at the end of the signature.

Decision maker: Jayne Millions

Date: 30 January 2017

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