



National College for
Teaching & Leadership

Mrs Jill Collins: Professional conduct panel outcome

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

February 2017

Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	5
D. Summary of evidence	8
Documents	8
Witnesses	9
E. Decision and reasons	9
Panel's recommendation to the Secretary of State	16
Decision and reasons on behalf of the Secretary of State	18

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

Teacher: Mrs Jill Collins

Teacher ref number: 9635583

Teacher date of birth: 27 May 1960

NCTL case reference: 14747

Date of determination: 7 February 2017

Former employer: Castledon School, Essex County Council

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 6 to 7 February 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mrs Jill Collins.

The panel members were Mr John Pemberton (former teacher panellist – in the chair), Mr Paul Hawkins (teacher panellist), and Ms Alison Platts (lay panellist).

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

The presenting officer for the National College was Mr Ben Rich of Counsel briefed by Nabarro LLP.

Mrs Jill Collins was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 9 November 2016.

It was alleged that Mrs Jill Collins was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that she failed to maintain appropriate professional standards while working as a teacher at Castledon School between 15 April 2013 and 23 October 2015;

1. On 18 May 2015 she was responsible for pupils whilst under the influence of alcohol;
2. When asked about the incident referred to at 1 above she said it was due to a bad reaction to migraine medication, or words to that effect, which she knew or ought to have known was untrue;
3. On 18 May 2015 she failed to comply with a management instruction to leave the school premises when instructed to do so;
4. She breached the terms of her suspension in that she contacted staff and/or parents and/or a pupil on:
 - a. 18,19 and 20 May 2015;
 - b. 5, 6, 13, 14 and 15 June 2015;
 - c. 14,15,19 and 20 September 2015;
5. On a date or dates unknown she viewed inappropriate websites whilst responsible for a class of pupils, on one or more occasions;
6. She used her work email account to send communications regarding inappropriate materials including on 7 February and/or 25 February 2015.

In the response to the Notice of Proceedings dated 7 December 2016 and in her response to the allegations dated 6 January 2017, Mrs Collins admitted the facts giving rise to allegations 1, 3, and 6. Mrs Collins also admitted the facts giving rise to allegations 4.a., 4.b., and 4.c., save for the contact with a pupil. Furthermore, Mrs Collins admitted that such actions amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

C. Preliminary applications

Decision on Excluding the Public

The panel has considered whether to exercise its discretion under paragraph 11 of the Teachers' Disciplinary (England) Regulations 2012 (the "Regulations") and paragraph 4.57 of the Teacher misconduct: Disciplinary procedures for the teaching profession (the "Procedures") to exclude the public from all or part of the hearing. This follows a request by the teacher that the hearing should be in private.

The panel has determined not to exercise its discretion under paragraph 11.3.b. of the Regulations and the second bullet point of paragraph 4.57. of the Procedures that the public should be excluded from the hearing.

The panel has taken into account the general rule that hearings should be held in public and that this is generally desirable to maintain public confidence in the administration of these proceedings and also to maintain confidence in the teaching profession. The panel has noted that there are concerns about confidential matters relating to the teacher's health being placed in the public domain. The panel note that no evidence has been adduced which give reasons as to why the public should be excluded from the hearing. The panel has balanced the reasons why the teacher has requested that the public be excluded against the competing reasons for which a public hearing is required.

The panel notes that any departure from the general rule has to be no greater than the extent reasonably necessary and that interference for a limited period of the hearing is preferable to a permanent exclusion of the public. The panel has therefore considered whether there are any steps, short of excluding the public, that would serve the purpose of protecting the confidentiality of matters relating to the teacher's health, and considers that to the extent it becomes necessary during the course of the hearing to discuss such matters, the panel can consider at that stage whether to exclude the public from that portion of the hearing only.

Admission of Documents

The presenting officer made an application to admit into the evidence an email and attached letter from the teacher.

The presenting officer stated that the National College had only recently received the email. The email and attached letter provide evidence that will assist the panel in reaching its decision when determining the application to proceed in the absence of the teacher.

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 application, the panel held that the documents were relevant and would assist in determining the further application. Furthermore, the panel considered the need for fairness and noted that these are the teacher's documents. Therefore, the panel has decided to admit the documents as pages 247 to 251.

Proceeding in Absence

As Mrs Collins was not in attendance, the panel has considered whether this hearing should continue in her absence.

The panel notes that the National College initially served the Notice of Proceedings by DX courier on 26 September 2016 (pages 6 to 9 of the hearing bundle). Despite obtaining proof of delivery (page 10 of the hearing bundle), the Notice of Proceedings was then served by post to an alternative address on 9 November 2016, this being signed for by Mrs Collins (pages 15 to 20 of the hearing bundle). Mrs Collins responded to the Notice of Proceedings on 7 December 2016 (pages 21 to 24 of the hearing bundle) where she indicated that she did propose to attend the hearing.

Having considered the factual evidence before it, the panel is satisfied that the National College has complied with the service requirements of paragraph 19.a. to 19.c. of the Regulations. The panel is also satisfied that the Notice of Proceedings complies with paragraphs 4.11. and 4.12. of the Procedures.

The panel has determined to exercise its discretion under paragraph 4.29. of the Procedures to proceed with the hearing in the absence of the teacher.

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. The panel also understands the requirement that it be only in rare and exceptional circumstances that a decision should be taken in favour of the hearing taking place.

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*. As noted above, Mrs Collins has had more than 8 weeks' notice of the hearing date and in fact responded to the Notice of Proceedings on 7 December 2016. It is apparent to the panel that Mrs Collins is aware of these proceedings. In addition, the panel had regard to the correspondence between Mrs Collins' union representative and the NCTL's adviser's and the letter from Mrs Collins dated 2 February 2017, stating that she was "unable to attend the hearing" although no substantive reason was provided (pages 247 to 251 of the hearing bundle). Furthermore, there is no indication that an adjournment might result in Mrs Collins attending the

hearing at a later, indeed the letter from Mrs Collins requests that the hearing proceed in her absence. The panel therefore considers that Mrs Collins has waived her right to be present at the hearing in the knowledge of when and where the hearing is taking place.

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

The panel also notes that there was a vulnerable witness present at the hearing, who was prepared to give evidence, and that it would be inconvenient and distressing for them to return again.

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

Decision to amend the allegation

The panel has determined to exercise its discretion under paragraph 4.56. of the Procedures to amend the particulars of allegation 4, as requested by the presenting officer.

The panel accepted the legal advice, and noted that the test for it to consider is one of the interests of justice and that includes a consideration of whether there is a risk that prejudice would be caused to the teacher if the amendment was to be allowed.

The panel noted that the amendment does not alter the nature of the allegation nor does it make it more serious than before. Furthermore, the amendment does not change the factual basis upon which the allegation is founded. In addition, the panel noted that Mrs Collins has admitted the facts of allegation 4, save for any contact with pupils. The panel does not consider that Mrs Collins' case would have been presented differently if the amendment had been made at an earlier stage. Accordingly, the panel does not consider that the amendment would cause prejudice to the teacher.

The panel is minded to allow the amendments and the stem of allegation 4 will now read as follows:

“You breached the terms of your suspension in that you contacted staff and/or **one or more** parents and/or a pupil on **one or more of the following dates**”.

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 4

Section 2: Notice of Proceedings and Response – pages 6 to 24

Section 3: NCTL witness statements – pages 26 to 52

Section 4: NCTL documents – pages 54 to 207

Section 5: Teacher documents – pages 209 to 246

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 6: Email from teachers' representative – pages 247 to 250

Section 7: Letter from teacher – page 251

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

Witnesses

The panel heard oral evidence from:

Witness A	ICT Manager of Castledon School
Witness B	Headteacher at Castledon School
Witness C	Teaching Assistant at Castledon School

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

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

Mrs Jill Collins was employed at Castledon School (“the School”) from 15 April 2013 until her employment ceased on 23 October 2015.

On 7 February 2015 and 25 February 2015, Mrs Collins allegedly used her work email account to send communications regarding inappropriate materials and at dates unknown viewed inappropriate websites whilst responsible for a class of pupils.

On 18 May 2015, she was allegedly responsible for pupils while under the influence of alcohol. Further to this, she failed to comply with a management instruction to leave the school’s premises and was therefore suspended. It is alleged that on various dates Mrs Collins contacted members of staff, parents and a pupil, in breach of her suspension.

Findings of fact

Our findings of fact are as follows:

We have found the following particulars of the allegations against you proven, for these reasons:

- 1. On 18 May 2015 you were responsible for pupils whilst under the influence of alcohol;**

The facts of this allegation have been admitted by Mrs Collins in her signed response to the allegations dated 6 January 2017. The incident is also referred to in the witness statements of others, including Witness B, the headteacher, who stated that, “when I saw Mrs Collins it was apparent that she was under the influence of alcohol” and Individual A, the Business Manager, who recalled that following a morning meeting, “Mrs Collins stood

to leave the room I smelt a very strong smell of alcohol". This was corroborated by the letter from the police dated 26 July 2016 confirming that Mrs Collins was breathalysed on 18 May 2015 and "blew over the legal limit"; this being objective evidence.

The panel noted that the incident took place on a Monday, this being a teaching day, when Mrs Collins was responsible for pupils. The panel referred to the witness statements of Witness C, Individual B, and Individual C who were present when Mrs Collins was responsible for pupils on the morning of 18 May 2015 whilst intoxicated.

Therefore, on the balance of probabilities, the panel found the allegation proven.

3. On 18 May 2015 you failed to comply with a management instruction to leave the school premises when instructed to do so;

The fact that Mrs Collins refused to comply with a management instruction to leave the school premises is admitted by Mrs Collins in her signed response to the allegations dated 6 January 2017. It is also referred to in the witness statements of others, including Witness B and Individual D, who refer to Mrs Collins refusing to follow the instructions of Witness B, the headteacher and later Individual E, the assistant headteacher, leading to Mrs Collins being escorted off school premises by the police. This is corroborated by the contemporaneous notes taken at the time of the incident, including the signed note of Individual E and Individual F, dated 18 May 2015, who confirmed that Mrs Collins failed to leave following a request by Individual E. The panel also had regard to the police incident report where it was recorded that police officers escorted Mrs Collins from school premises.

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

4. You breached the terms of your suspension in that you contacted staff and/or one or more parents and/or a pupil on one or more of the following dates:

a. 18, 19 and 20 May 2015;

The facts of this allegation have been admitted by Mrs Collins in her signed response to the allegations dated 6 January 2017 save for the contention that she contacted a pupil.

The panel had regard to the letter of suspension dated 18 May 2015, which provides that, "during the period of suspension you should not contact any pupil, parent, governor or employee of the school other than those identified as contacts in this letter"; Witness B and Individual G were listed as the points of contact.

The panel noted from the report for the disciplinary meeting dated 23 October 2015, that the suspension letter was posted and emailed to Mrs Collins on 18 May 2015. Mrs Collins acknowledged receipt of the letter, sent via email, on 18 May 2015 at approximately 15:30 when she sent a text message to Individual F, the headteacher's

PA. This was corroborated by the chronology of the investigation report and the oral evidence of Witness B, together with the screenshot of the text message. Therefore, on the balance of probabilities, the panel held that Mrs Collins had notice from late afternoon on 18 May 2015 that she should not contact staff, parents or pupils.

The panel referred to the witness statement of Parent B who stated that on or around 20 May 2015, she received a text message from Mrs Collins. Following a brief exchange of text messages, Mrs Collins called Parent B that same day. In addition, the panel had regard to the witness statement of Witness C, who outlined the occasions in which Mrs Collins called her or sent her text messages between 18 and 20 May 2015. These incidents are corroborated by the mobile phone call history of Witness C and the contemporaneous notes taken following the incidents.

The panel also considered the email sent by Mrs Collins on 19 May 2015. Mrs Collins stated that the email was sent in reply to one received from the parent, who had established contact with her in the first instance. It was the National College's case that the email was sent to the pupil in error, which explains the redactions to the email. The panel had regard to the content of the email and in particular, it was noted that Mrs Collins wrote "I wish [redacted] well". The panel held that it is more likely than not that Mrs Collins was responding to the parent, relaying to the parent her best wishes to the pupil. The panel did not consider that, on the balance of probabilities, the email was sent to a pupil and find that element of the allegation not to be proven.

Having considered all the evidence, the panel finds that Mrs Collins, having knowledge of the terms of her suspension, contacted a member of staff and parents, in breach of those terms. In light of the wording of this allegation, the panel finds this particular of the allegation proven.

b. 5, 6, 13, 14 and 15 June 2015;

The facts of this allegation have been admitted by Mrs Collins in her signed response to the allegations dated 6 January 2017, where she admits that she did contact staff and parents in breach of the terms of her suspension.

The panel referred to the witness statement of Parent B, who stated that Mrs Collins called her, left her voicemail messages, and sent her text messages on 5, 6, 13, 14 and 15 June 2015. She explained that the tone of the messages was, "annoyed and aggressive" and that the voicemail messages were in a, "high pitched and exaggerated voice". This is corroborated by the signed note of the meeting between Witness B, the headteacher and Parent B dated 24 June 2015.

Having considered all the evidence, the panel finds that Mrs Collins, having knowledge of the terms of her suspension, contacted a parent, in breach of those terms. Consequently, the panel finds this particular of the allegation proven.

c. 14, 15, 19 and 20 September 2015

The facts of this allegation have been admitted by Mrs Collins in her signed response to the allegations dated 6 January 2017, where she admits that she did contact staff and parents in breach of the terms of her suspension.

The panel referred to the witness statement of Witness C who stated that Mrs Collins sent her a text message on 14 September 2015. This was supported by the screenshot of the text message sent to Witness C on 14 September 2015. Furthermore, the panel considered the witness statement of Individual D, who stated that Mrs Collins called her and left voicemail messages on 15 September 2015. This was supported by the screenshot of the Individual D's messages together with the audio recordings of the voicemail messages of the same date. In addition, the panel had regard to the contemporaneous note of a meeting with Individual D signed and dated 16 September 2015, pertaining to telephone calls and voicemail messages left on 15 September 2015.

The panel also had regard to the note of the meeting with Individual H, a cleaner at the school, dated 21 September 2015, where Individual H stated that Mrs Collins had contacted her on 19 and 20 September 2015. The panel notes that Individual H's evidence is hearsay and such 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 of Individual H and attaches weight to it.

Having considered all the evidence, the panel finds that Mrs Collins, having knowledge of the terms of her suspension, contacted a member of staff and a parent, in breach of those terms. Consequently, the panel finds the particular of this allegation proven.

6. You used your work email account to send communications regarding inappropriate materials including on 7 February and/or 25 February 2015.

The fact that Mrs Collins used her work email account to send communications regarding inappropriate materials is admitted by Mrs Collins in her signed response to the allegations dated 6 January 2017. The panel had regard to the witness statement of Witness A who, during a review of the contents of Mrs Collins laptop, found inappropriate emails sent from Mrs Collins' work email account. This was corroborated by Witness A in her oral evidence, where she explained that she only reviewed Mrs Collins' work email account, as she would not have access to her personal emails. In addition, the panel considered the email between Mrs Collins and Individual I, Mrs Collins' partner, dated 7 February 2015 in which she sent the following link, www.annsummers.com/c/sex-toys. The panel also had regard to the emails between Mrs Collins and Red Tube dated 20 to 25 February 2015, where Mrs Collins sought to cancel her membership to a pornographic website.

The School's Acceptable Use Agreement, signed by Mrs Collins on 13 September 2013, clearly includes the following provisions:

- I will only use the school's email ... for professional purposes.
- I will not browse, download, upload or distribute any material that could be considered offensive, illegal ...
- I will ensure that my online activity, both in school and outside school, will not bring my professional role into disrepute.

The School's Code of Conduct dated February 2012 indicates that the School's email must not be used for personal use if it brings the school or its employees into disrepute.

Having considered all of the evidence, the panel held that the contents of the emails sent from Mrs Collins' work email account were inappropriate and in breach of the relevant policies. Therefore, on the balance of probabilities, the panel found this allegation to be proven.

We have found the following particulars of the allegations against you not proven, for these reasons:

2. When asked about the incident referred to at 1 above you said it was due to a bad reaction to migraine medication, or words to that effect, which you knew or ought to have known was untrue;

Mrs Collins denied this allegation. In her written response dated 6 January 2017, Mrs Collins explained that when answering a question from Witness B, she confirmed that she had taken migraine medication. She asserted that the migraine medication combined with the intake of alcohol the night before, i.e. 17 May 2015, and other medication she had previously taken, led to her behaviour as described by various members of staff on 18 May 2015. Mrs Collins refuted any assertion that her initial response was untrue or that she ought to have known it was untrue.

The panel considered the contemporaneous note of the conversation between Witness B and Mrs Collins on 18 May 2015 where Witness B asks if Mrs Collins has taken any medication noting, "people are concerned that you [Mrs Collins] appear drunk". Mrs Collins responded stating, "I have taken migraine tablets". The panel were informed by Witness B, during her oral evidence, that she had prepared this note promptly, within an hour or so, of the conversation taking place. In her oral evidence to the panel, Witness B stated that Mrs Collins sought to link the fact that she appeared drunk to her taking migraine tablets; she believed that Mrs Collins' response was untrue and that she was "lying" to her and Mrs Collins knew this to be the case.

Whilst the panel accept that Mrs Collins informed Witness B that she had taken migraine medication, the panel held that there is insufficient evidence in the context of the recorded conversation of 18 May 2015 to conclude that, on the balance of probabilities, Mrs Collins was deliberately untruthful or ought to have known she was untruthful in her response. Consequently, the panel finds this allegation not proven.

5. On a date or dates unknown you viewed inappropriate websites whilst responsible for a class of pupils, on one or more occasions;

Mrs Collins denied this allegation. In her response to the allegations dated 6 January 2017, she accepted accessing inappropriate websites from her school laptop, but stated she only did so when using the device at home.

The panel had regard to the witness statement of Witness C, which stated that Mrs Collins would view inappropriate websites whilst responsible for a class of pupils. This was corroborated by her oral evidence, where she explained that during class time, whilst pupils were present, Mrs Collins would call her over to her laptop screen and show her the websites in question. This account was consistent with the note of Witness C's meeting with Witness B shortly after the 18 May 2015 incident. However, the panel noted that this allegation was reported sometime after the incidents had taken place; it being alleged that she accessed the site in the academic year 2013/14.

The panel also considered the witness statement of Witness A, the ICT Manager, who stated that a search of Mrs Collins web browsing history revealed that she had visited dating sites. The panel considered the browsing history, noting that the sites were accessed mainly on a weekend, or during the evenings. On the one occasion it was during a weekday, i.e. Friday 1 May, there is no evidence as to the time the website was accessed. Based upon the pattern of behaviour, in accessing such sites during the evening or at weekends, the panel infers that Mrs Collins is likely to have accessed the website on Friday evening.

Witness A explained that it would be possible for Mrs Collins to access such sites from her home Wi-Fi only as, "the Wi-Fi filter at the School should have prohibited access to such material". In her oral evidence, Witness A unequivocally stated that it would not be possible for Mrs Collins to have accessed dating sites, such as those alleged to have viewed, whilst connected to the School's Wi-Fi during the relevant period.

The panel considered all of the evidence, and noted that the evidence was directly contradictory. This conflict coupled with the browsing history, which showed that Mrs Collins only accessed such sites outside of School hours, led the panel to conclude there was insufficient evidence to suggest that, on the balance of probabilities, Mrs Collins accessed inappropriate websites whilst responsible for pupils. Consequently, the panel finds this allegation not proven.

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

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

In doing so, the panel has had regard to the document Teacher misconduct: The prohibition of teachers, which the panel refers to as “the Advice”.

The panel is satisfied that the conduct of Mrs Collins in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mrs Collins 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.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards.

Mrs Collins’ actions, in attending the School and being responsible for pupils, whilst under the influence of alcohol undermined the trust parents place in teachers, and jeopardised the reputation of the School. Mrs Collins failure to adhere to school policies and her persistent breach of the terms of her suspension, by contacting staff and parents on numerous occasions, was highly inappropriate. Furthermore, Mrs Collins sent inappropriate communications through the School network, on more than one occasion. Mrs Collins knew, or ought to have known, that this was in breach of the School’s IT policy. Mrs Collins was responsible for ensuring she understood the School’s IT policy and how to use remote access correctly. In light of these actions, the panel is satisfied that the conduct of Mrs Collins fell significantly short of the standards expected of the profession.

Further, the panel finds it persuasive that Mrs Collins admits, in the her response to the allegations dated 6 January 2017, that her conduct, in relation to allegations 1, 3, 4.a., 4.b., 4.c. and 6 did amount to unacceptable professional conduct.

The panel has also considered whether Mrs Collins conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and the panel has found that none of those offences are relevant.

The panel notes that allegation 4 took place outside of the education setting and in such circumstances misconduct will only amount to unacceptable professional conduct if the conduct affects the way the person fulfils their teaching role or may lead to pupils being exposed to or influenced by the behaviour in a harmful way. The panel notes that the facts surrounding allegation 4 did not impact the manner in which Mrs Collins fulfilled her role as a teacher, as she was suspended by this point. However, there is evidence that Mrs Collins’ conduct did lead to pupils being exposed to or influenced by the behaviour in a harmful way; not least, the panel noted that one pupil was affected by the numerous contacts made with their parent.

Accordingly, the panel is satisfied that Mrs Collins is guilty of unacceptable professional conduct.

The panel has taken into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

Mrs Collins accepts that the facts of allegations 1, 3, 4.a., 4.b., 4.c. and 6, which the panel have found proven, amount to conduct that may bring the profession into disrepute.

The findings of misconduct in relation to all the allegations found proven are serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception. The panel therefore finds that Mrs Collins' actions constitute conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it is necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel has to consider whether it is an appropriate and proportionate measure, and whether it is in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel has considered the particular public interest considerations set out in the Advice and having done so has found a number of them to be relevant in this case.

The panel's findings against Mrs Collins involved a failure to adhere to management instructions, including a breach of the terms of her suspension, and holding responsibility for pupils whilst under the influence of alcohol. The panel considered that public confidence in the profession could be seriously weakened if conduct, such as that found against Mrs Collins, was not treated with the utmost seriousness when regulating the conduct of the profession. Furthermore, the panel considered that there was a strong public interest consideration in declaring proper standards of conduct in the profession. Similarly, the panel considers that Mrs Collins conduct was outside that which could reasonably be tolerated. In particular, the panel notes that underlying facts giving rise to the allegations found proven, in particular allegation 4, were not isolated incidents. The allegations involved multiple incidents where Mrs Collins, breached the terms of her suspension and contacted staff and parents.

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

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 Mrs Collins. 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 Mrs Collins' conduct involved serious departures from the personal and professional conduct elements of the Teachers' Standards, as the panel has already detailed.

- A deep-seated attitude that leads to harmful behaviour.

The panel considered that Mrs Collins' conduct arose from a persistent condition. As noted above, the underlying incidents giving rise to allegations were not isolated incidents and involved several events over a period of time; this is a repeated pattern of behaviour.

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.

Given the pattern of behaviour, the panel held that Mrs Collins actions were deliberate, and has seen no evidence to suggest that she was acting under duress. However, the panel has had regard to the context of the period in question and noted that it was a difficult time for Mrs Collins, and that she was dealing with personal and health issues. The panel also considered the extensive evidence provided which attests to the steps taken by Mrs Collins following her suspension to address her medical condition; this being a significant factor in reaching its overall recommendation.

The panel noted that, in her role as a teacher, Mrs Collins had not been subject to any formal disciplinary proceedings. The panel has also noted the evidence provided in support of Mrs Collins' good character, her abilities as a teacher and her professionalism. In particular, the panel notes the evidence of Parent B who described Mrs Collins as having a good reputation noting that, "she did an excellent job" in teaching her son and, "really got the best out of him". Furthermore, the panel notes that Mrs Collins has shown remorse for her actions and has continually apologised for the impact of her actions, thereby showing insight.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel is sufficient. The panel is of the view that applying the standard of the ordinary intelligent citizen recommending no prohibition order is not a proportionate and appropriate response. Recommending the publication of adverse findings is insufficient in this case, as it would unacceptably compromise the public interest considerations present, despite the severity of consequences for the teacher of prohibition.

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 Mrs Collins. The fact that Mrs Collins attended School whilst under the influence of alcohol and was responsible for pupils with learning difficulties, potentially leading to safeguarding issues had her behaviour not been reported promptly, was a significant factor in forming that opinion. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for them to decide to recommend that a review period of the order should be considered. The panel were mindful that the Advice states 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. Such behaviours were not present in this case.

The panel noted that Mrs Collins has taken steps to address the medical issues, which resulted in her attending School whilst intoxicated. It is noted that Mrs Collins has been involved in a recovery programme for 17 months, although it is not clear whether Mrs Collins is fully recovered. Furthermore, Mrs Collins has expressed remorse for the impact of her actions upon staff, parents and pupils, showing insight into her actions. In light of the seriousness of her actions and the steps taken to date to address the issues, the panel held that the findings indicate a situation in which a review period would be appropriate. The panel decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review after 2 years.

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.

I have also taken into account the careful way in which the panel has approached the medical condition/issues in this case.

The panel has found a number of the allegations in this case proved. Where the allegations have not been found proved, I have put these from my mind. Of the allegations found proved, the panel has found the behaviours amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel has found that Mrs Collins was 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.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards.

I have considered the public interest in this case, and I have taken into account the need to balance the individual teacher's interests with the wider public interest. I agree with the panel that recommending the publication of adverse findings is insufficient in this case, as it would unacceptably compromise the public interest considerations present, despite the severity of consequences for the teacher of prohibition.

These are serious findings, and the panel is of the view that prohibition is both proportionate and appropriate. I agree with the panel. The fact that Mrs Collins attended School whilst under the influence of alcohol and was responsible for pupils with learning difficulties, potentially leading to safeguarding issues had her behaviour not been reported promptly, was a significant factor in forming that opinion.

I now turn to the matter of a review period. I have noted the panel's consideration on the pattern of Mrs Collins' behaviour, and that the panel held that Mrs Collins actions were deliberate, and has seen no evidence to suggest that she was acting under duress. I am also aware of the regard the panel has given to the context of the period in question and noted that it was a difficult time for Mrs Collins, and that she was dealing with personal and health issues.

The panel has taken into account the particular circumstances of this case and considered the extensive evidence provided which attests to the steps taken by Mrs Collins following her suspension to address her medical condition. I see this evidence is a significant factor for the panel in reaching its overall recommendation for a review period.

In conclusion, I agree with the panel's recommendation.

This means that Mrs Jill Collins is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. She may apply for the prohibition order to be set aside, but not until 16 February 2019, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will

meet to consider whether the prohibition order should be set aside. Without a successful application, Mrs Collins remains prohibited from teaching indefinitely.

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

Decision maker: Jayne Millions

Date: 9 February 2017

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