



National College for
Teaching & Leadership

Miss Eleanor Wilson: Professional conduct panel outcome

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

July 2017

Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	5
D. Summary of evidence	7
Documents	7
Witnesses	8
E. Decision and reasons	8
Panel's recommendation to the Secretary of State	15
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: Miss Eleanor Wilson

Teacher ref number: 1153927

Teacher date of birth: 12 April 1989

NCTL case reference: 15518

Date of determination: 11 July 2017

Former employer: [redacted]

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 10 July 2017 to 11 July 2017 at the Ramada Hotel, The Butts, Coventry, CV1 3GG to consider the case of Miss Eleanor Wilson.

The panel members were Miss Polly O’Malley (lay panellist – in the chair), Mr Ian Carter (teacher panellist) and Mr Tony Heath (lay panellist).

The legal adviser to the panel was Ms Surekha Gollapudi of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the National College was Ms Kayleigh Brooks of Browne Jacobson LLP solicitors.

Miss Eleanor Wilson 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 10 April 2017.

It was alleged that Miss Eleanor Wilson was guilty of unacceptable professional conduct and conduct that may bring the profession into disrepute, in that she:

1. Engaged in inappropriate physical conduct with Pupil A and/or other inappropriate conduct during a trip in July – August 2015 in that she:
 - a. consumed alcohol;
 - b. permitted pupils to consume alcohol;
 - c. kissed Pupil A on the plane on the way back from the trip on or around 2 August 2015;
 - d. had oral sex with Pupil A in the airplane toilet on the way back from the trip on or around 2 August 2015;
 - e. had sexual intercourse with Pupil A in the airplane toilet on the way back from the trip on or around 2 August 2015:
2. Engaged in an inappropriate relationship with Pupil A in 2015 and / or 2016 in that she:
 - a. met pupil A on a one to one basis in her office;
 - b. shared her personal mobile number with Pupil A;
 - c. regularly communicated with Pupil A outside of school;
 - d. disclosed personal details of her life to Pupil A;
 - e. took Pupil A on one or more outings;
 - f. consumed alcohol with Pupil A;
 - g. kissed Pupil A on one or more occasions;
 - h. touched Pupil A, including rubbing his leg;
3. Her conduct at allegations 1 and 2 as may be found proven was sexually motivated;
4. In or around May 2016 she informed the school's principal that:

- a. she had not been meeting Pupil A outside school when in fact she had been;
 - b. she had not had sexual intercourse with Pupil A when in fact she had;
5. Breached confidentiality in relation to allegations against her regarding her relationship with Pupil A, in that she discussed the allegations with Pupil A;
6. Asked Pupil A:
 - a. to keep their relationship secret;
 - b. to deny their relationship if asked about it;
7. In doing allegations 4, 5 and 6 as may be found proven she was dishonest in trying to conceal her relationship with Pupil A.

The allegations are taken to have not been admitted.

C. Preliminary applications

The panel considered an application from the presenting officer to proceed in the absence of Miss Wilson.

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

The panel was also satisfied that the Notice of Proceedings complied with paragraphs 4.11 and 4.12 of the Teacher misconduct: Disciplinary procedures for the teaching profession, (the "Procedures").

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

In making its decision, the panel noted that the teacher may waive her right to participate in the hearing. The panel took into account the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC.

The panel was satisfied that the Notice of Proceedings was addressed to an address provided by Miss Wilson. On observing that the Notice of Proceedings was not signed for by Miss Wilson, but was signed for by another individual, a tracing agent was instructed to locate Miss Wilson. The results of this trace identified that the postal address used for the Notice of Proceedings was current and also identified three different email addresses.

The NCTL made efforts to send the Notice of Proceedings to these email addresses for Miss Wilson, including one with which Miss Wilson had previously communicated with the NCTL.

The panel therefore considered that Miss Wilson waived her right to be present at the hearing in the knowledge of when and where the hearing is taking place.

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

The panel had regard to the extent of the disadvantage to Miss Wilson in not being able to give her account of events, having regard to the nature of the evidence against her. The panel had the benefit of representations made by Miss Wilson during the school's investigation at the relevant time and was able to ascertain the lines of defence. The panel noted that witnesses relied upon were to be called to give evidence and the panel could test that evidence in questioning those witnesses, considering such points as were favourable to the teacher, as were reasonably available on the evidence. The panel did not identify any significant gaps in the documentary evidence provided to it and considered that should such gaps arise during the course of the hearing, the panel could 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 discharged the burden of proof. The panel considered it would also be 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 noted that there were a number of witnesses present at the hearing who were prepared to give evidence, and that it would be inconvenient and distressing for them to return again.

The panel had regard to the seriousness of this case, and the potential consequences for Miss Wilson and accepted that fairness to the teacher is of prime importance. However, it was considered 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 were serious allegations and the public interest was in this hearing proceeding within a reasonable time. The panel was therefore in favour of this hearing continuing.

The panel considered an application by the presenting officer to amend the allegations. The panel considered that under paragraph 4.56 of the Procedures, the panel has the power to, in the interests of justice, amend an allegation or the particulars of an allegation, at any stage before making its determination.

The panel applied the test of the interests of justice including a consideration of whether there was a risk that prejudice would be caused to the teacher if the amendments were to be allowed.

In making the determination the panel considered the matters to be amended to be typographical errors and determined that the allegations should be amended. The panel also considered that the teacher was notified of the amendments to the allegations by way of a letter dated 4 July 2017.

The panel considered an application from the presenting officer that the name of the relevant school not be disclosed in the hearing or at all. The presenting officer submitted that the name of the school, taken together with a number of unique factors, would make Pupil A easily identifiable.

The panel considered the matters laid out in *R v Legal Aid Board Ex p Kaim Todner* (a firm) [1999] QB 966. Additionally the panel considered the reasons why the school should be anonymised within the hearing and also within the recommendation to the Secretary of State.

The panel was satisfied that the claim for protection was reasonable as in light of the information provided by the presenting officer, Pupil A could be identified should the name of the school be published. Accordingly, the panel considered that the name of the school should be anonymised throughout the hearing and within the recommendation to the Secretary of State.

D. Summary of evidence

Documents

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

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

Section 2: Notice of Proceedings and response – pages 5 to 11

Section 3: NCTL witness statements – pages 13 to 22

Section 4: NCTL documents – pages 24 to 28

Section 5: Teacher documents – none submitted

In addition, the panel agreed to accept the following:

Letter dated 4 July 2017 – page 127

Trace report – pages 128 to 131

The panel members confirmed that they had read all of the documents in advance of the hearing and the additional documents referred to above.

Witnesses

The panel heard oral evidence from Pupil A and the headteacher of the school, called by the presenting officer.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing and the additional documents added to the bundle.

Miss Wilson had been employed by the school from 2013 as a physics teacher and head of Key Stage 4.

In July and August 2015, Miss Wilson accompanied a school trip. During this trip it is alleged that she became close to Pupil A and this relationship was inappropriate. On the return flight, it is alleged that she had oral sex and intercourse with Pupil A.

In the following months it is alleged that the relationship with Pupil A continued through text messages and meetings outside of school.

In September 2015, the headteacher of the school became aware of the allegations that Miss Wilson was having an inappropriate relationship with a pupil, although the identity of the pupil was not known at that time. Miss Wilson was interviewed about the allegations and following this interview, as there was no corroborating evidence, no further action was taken at that time.

In March 2016, Miss Wilson received a series of emails from Pupil C, in which he confirmed knowledge of a sexual relationship between Miss Wilson and Pupil A and in which he said he would inform the school unless she engaged in sexual conduct with him. These emails were reported to the school and the police.

The allegations of a relationship with Pupil A were further investigated by the school, and Miss Wilson was dismissed in May 2016.

Findings of fact

Our findings of fact are as follows:

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

1. You engaged in inappropriate physical conduct with Pupil A and / or other inappropriate conduct during a trip in July to August 2015 in that you:

- a. consumed alcohol;**
- b. permitted pupils to consume alcohol;**
- c. kissed Pupil A on the plane on the way back from the trip on or around 2 August 2015;**
- d. had oral sex with Pupil A in the airplane toilet on the way back from the trip on or around 2 August 2015;**
- e. had sexual intercourse with Pupil A in the airplane toilet on the way back from the trip on or around 2 August 2015.**

The panel heard evidence from Pupil A that during a school trip, he and Miss Wilson became close. During the flight home from the trip, Pupil A gave evidence that he and Miss Wilson were flirting at the back of the plane, whilst looking after another pupil who was unwell. Pupil A gave evidence that Miss Wilson was intoxicated and that he had himself drunk approximately 5 miniature bottles of wine on the flight.

Pupil A gave evidence that he and Miss Wilson entered the toilet, kissed and had oral sex and intercourse without using protection.

Miss Wilson denied this allegation in its entirety, as evidenced within the notes of the school's investigation.

[redacted]

The panel considered all of the evidence, and after hearing his oral evidence and having the opportunity to test it, preferred the evidence of Pupil A. The panel found Pupil A to be a credible, reliable witness. On the balance of probabilities it believed that the matters set out within allegation 1.a. to 1.e. were more likely than not to have occurred.

The panel therefore found allegations 1.a. to 1.e. proven.

2. You engaged in an inappropriate relationship with Pupil A in 2015 and / or 2016 in that you:

- a. met pupil A on a one to one basis in your office;**
- b. shared your personal mobile number with Pupil A;**
- c. regularly communicated with Pupil A outside of school;**
- d. disclosed personal details of your life to Pupil A;**
- e. took Pupil A on one or more outings;**
- f. consumed alcohol with Pupil A;**
- g. kissed Pupil A on one or more occasions;**
- h. touched Pupil A, including rubbing his leg.**

Allegations 2.a., 2.b., 2.c., 2.d. and 2.e. were admitted by Miss Wilson during the school's investigation. These allegations were further confirmed by the headteacher, and by Pupil A in both oral evidence before the panel and in written statements.

The panel has considered the oral evidence of the headteacher and Pupil A to be consistent with the evidence provided by Miss Wilson in the school's investigation, in which she admitted these allegations. The panel therefore believes that allegations 2.a to 2.e. were more likely than not to have occurred.

In relation to allegation 2.f., the panel considered evidence provided by Miss Wilson during the school's investigation in which she stated she could not definitely remember whether she drank alcohol with Pupil A on an occasion outside of school but thought that she had. The panel heard evidence from Pupil A that she had in fact drunk cider with him on one occasion when they met outside of the school environment and that he had shown the school his receipt for the drinks during the school's investigation.

Miss Wilson denied allegations 2.g. and 2.h., as evidenced within the notes of the school's investigation. Miss Wilson's evidence was that she had hugged Pupil A on occasion but nothing further had happened.

Pupil A gave evidence that he and Miss Wilson had met outside of school and engaged in behaviour which he did not consider to be sexual acts, but which did involve kissing and touching each other.

The panel considered that Pupil A's evidence was consistent and credible.

The panel considered all of the evidence, and preferred the evidence of Pupil A and on the balance of probabilities it believed that the matters set out within allegation 2.g. and 2.h. were more likely than not to have occurred.

The panel therefore found allegations 2.a. to 2.h. proven.

3. Your conduct at allegations 1 and 2 as may be found proven was sexually motivated.

As with all findings of fact, the Panel considered this question applying the balance of probabilities. The panel considered whether on the balance of probabilities reasonable persons would think the words and actions found proven could be sexual. The panel then considered whether, in all the circumstances of the conduct in the case, it was more likely than not that the teacher's purpose of such words and actions were sexual.

The panel considered whether, even in the absence of any direct evidence, sexual motivation should be inferred from all the circumstances of the case. The panel had in mind the evidence of the teacher's character and considered whether such evidence had any bearing on the teacher's credibility or propensity to have carried out the alleged facts or to the circumstances in which the teacher found herself.

The panel considered the evidence of Pupil A that he believed he was in a relationship with Miss Wilson and that he thought he loved her.

The panel considered that allegations 1 and 2 were proven. The panel considered that as sexual contact was proven within those allegations, sexual motivation was more likely than not to have been Miss Wilson's motivation and therefore on the balance of probabilities, was proven in relation to allegations 1.c. to 1.e. and in relation to the entirety of allegation 2.

The panel did not consider, on the balance of probabilities, that sexual motivation was proven in relation to allegations 1.a. and 1.b.

4. In or around May 2016 you informed the school's principal that:

a. you had not been meeting Pupil A outside school when in fact you had been;

b. you had not had sexual intercourse with Pupil A when in fact you had.

The panel considered the notes of the school's investigation which were found to be credible, contemporaneous notes of the meetings Miss Wilson had with the headteacher as part of the school's investigation. The panel made this determination on credibility having heard, and given weight to, the oral evidence of the headteacher.

The panel heard oral evidence from the headteacher in which the headteacher described Miss Wilson's behaviour during the interviews which took place as part of the school's investigation in March 2016. The panel found the evidence of Miss Wilson's evasive demeanour during the interview to be credible and reliable.

The panel also considered the letter from Miss Wilson to the school dated 20 May 2016 in which she confirmed she knew that contacting Pupil A in the way that she did was inappropriate. She also stated that “as the teacher in this situation it was my responsibility to be truthful and I wasn’t 100% in my interview with [the school].”

Having found that allegations 1.c. to 1.e. were proven, the panel went on to consider the evidence of Miss Wilson in the school’s investigation in which she denied having sexual intercourse with Pupil A and denied any other sexual contact with Pupil A.

The panel considered that, on the balance of probabilities, allegations 4.a. and 4.b. were therefore proven.

5. You breached confidentiality in relation to allegations against you regarding your relationship with Pupil A, in that you discussed the allegations with Pupil A.

The panel heard evidence that Miss Wilson confirmed during the school’s investigation in March 2016 that she did talk to Pupil A about the emails which she was sent by another pupil. Miss Wilson also confirmed that she spoke to Pupil A informing him that there was an investigation by the school and the police into both the allegations contained within the emails and that they were investigating the pupil who had sent them.

The panel heard oral evidence from the headteacher that Miss Wilson admitted talking to Pupil A about the police and school investigations.

The panel also heard oral evidence from Pupil A who confirmed Miss Wilson talked to him about the police and school investigations.

The panel found both witnesses to be credible, and considered their evidence to be consistent with the evidence provided by Miss Wilson during the school’s investigation.

The panel considered, on the balance of probabilities, that allegation 5 was proven.

6. You asked Pupil A:

a. to keep your relationship secret;

b. to deny your relationship if asked about it.

The panel had regard to the oral evidence of Pupil A in which he stated that he and Miss Wilson had a number of conversations instigated by her in which she impressed upon him the importance of keeping their relationship secret.

The panel considered that this was supported by the evidence of the headteacher who confirmed that during the investigation which took place in March 2016, Miss Wilson told Pupil A she thought it would be best for him to delete their text message history.

The panel also considered evidence from Miss Wilson's letter to the school dated 20 May 2016 in which she confirmed she knew that her actions in dealing with Pupil A were inappropriate and that she was sorry for any upset she had caused.

The panel considered all of the evidence and on the balance of probabilities, considered that allegations 6.a. and 6.b. were proven.

7. In doing allegations 4, 5 and 6 as may be found proven you were dishonest in trying to conceal your relationship with Pupil A.

The panel considered that where allegations of dishonesty are made, the starting point, as with all findings of fact in these proceedings, was for the panel to ask itself whether it was satisfied on the balance of probabilities that the facts of the allegation or allegations were proven.

In considering the issue of dishonesty, the panel was required to have regard to a two-stage test consisting of objective and subjective limbs that was first set out in the case of *R v Ghosh*. In order to adapt the test for professional discipline proceedings the case of *Kirschner v the GDC [2015] EWHC 1377* in May 2015 then confirmed the test as:

The tribunal should first determine whether on the balance of probabilities, a defendant acted dishonestly by the standards of ordinary and honest members of that profession.

If it finds that he or she did so, it must go on to determine whether it is more likely than not that the defendant realised that what he or she was doing was, by those standards, dishonest.

The panel considered that only if the answer to both of these questions was 'yes' could an allegation of dishonesty be established.

The panel considered the evidence of the headteacher in which she stated that during the initial investigation in September 2015, Miss Wilson denied having an inappropriate relationship with Pupil A, but in the subsequent investigation in March 2016, Miss Wilson admitted some elements of the allegation. This was also confirmed by Miss Wilson in her letter to the school dated 20 May 2016 in which she admitted a number of allegations which she had previously denied.

The panel also considered evidence that Miss Wilson admitted telling Pupil A she thought it would be best for him to delete her text messages.

The panel considered all of the evidence and having applied the relevant test, found the allegation of dishonesty 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 Miss Wilson in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Miss Wilson is in breach of the following standards

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position;
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

The panel has also considered whether Miss Wilson’s conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and the panel has found that the offences of serious dishonesty and sexual activity are relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual’s conduct would amount to unacceptable professional conduct.

The panel notes that the allegations 2.b., 2.c., 2.d., 2.e., 2.f., 2.g. and 2.h. took place outside of the education setting. The panel considered that this behaviour considerably eroded the boundary between Miss Wilson and Pupil A, and to Pupil A’s detriment.

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

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

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

The panel therefore finds that the teacher's actions constitute conduct that may bring the profession into disrepute.

Having found the facts of particulars 1, 2, 3, 4, 5, 6 and 7 proved, we further find that Miss Wilson's conduct amounts to both unacceptable professional conduct and 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 a punitive effect.

The panel has considered the particular public interest considerations set out in the Advice and having done so has found a number of them to be relevant in this case, namely the protection of pupils; the maintenance of public confidence in the profession; upholding proper standards of conduct; and the interest of retaining the teacher in the profession.

In light of the panel's findings against Miss Wilson, which involved an inappropriate sexual relationship with a pupil and dishonesty in covering up the relationship, there is a strong public interest consideration in respect of the protection of pupils given the seriousness of the findings. Similarly, the panel considers that public confidence in the profession could be significantly weakened if conduct such as that found against Miss Wilson were not treated with the utmost seriousness when regulating the conduct of the profession.

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

The panel considered the public interest consideration in retaining the teacher in the profession, since no doubt has been cast upon her abilities as an educator and she is capable of making a contribution to the profession.

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 Miss Wilson.

In carrying out the balancing exercise the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Miss Wilson. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours, those that are relevant in this case are:

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

Even though there were several 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 behaviours in this case. In light of the panel's findings, there was evidence that the teacher's actions were deliberate and continued for a significant length of time despite her understanding that her behaviour was inappropriate. There was no evidence to suggest that the teacher was acting under duress. The panel also considered evidence from the headteacher that Miss Wilson had up to date safeguarding training throughout her time at the school.

The teacher did have a previously good history and had no previous involvement with the NCTL. The panel considered the evidence of the headteacher who stated that Miss

Wilson was highly regarded as a teacher and that the headteacher had previously received unprompted emails and calls from parents of pupils praising Miss Wilson.

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 that publication of adverse findings is sufficient in the case would unacceptably compromise the public interest considerations present in this case, 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 Miss Wilson. The panel considered that the severity of the actions found proven were 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 to decide to recommend a review period of the order. The panel was 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. These behaviours include serious dishonesty and serious sexual misconduct. The panel has found that Miss Wilson engaged in sexual activity with Pupil A on one occasion, including oral sex and sexual intercourse. Additionally the panel has found that Miss Wilson encouraged Pupil A to hide their relationship and lied about it herself when an investigation into the allegations was undertaken by the school.

The panel did not consider that Miss Wilson demonstrated insight into the consequences of her actions. Whilst she did express remorse as to the impact of her actions on Pupil A and his family, Miss Wilson demonstrated herself to be more concerned with the impact of her dismissal from the school on her own career and personal life.

The panel also considered Miss Wilson's lack of engagement with the process of investigation into these allegations and this hearing.

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 provision 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 of the panel in respect of sanction and review period.

In considering this case I have given very careful attention to the advice that is published by the Secretary of State concerning the prohibition of teachers.

In this case the panel has found the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. I have also noted that in respect of allegation 3, the panel did not find this proven in respect of allegations 1a and 1b. The panel has made a recommendation to the Secretary of State that Miss Wilson should be the subject of a prohibition order, with no provision for a review period.

In particular the panel has found that Miss Wilson is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

The panel has also considered whether Miss Wilson's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and the panel has found that the offences of serious dishonesty and sexual activity are relevant.

These findings of misconduct are particularly serious as they include findings of both serious dishonesty and sexual misconduct.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself whether or not a less intrusive measure, such as the published

finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Miss Wilson, and the impact that will have on her, is proportionate.

In this case I have considered the extent to which a prohibition order would protect children. The panel has observed “that this behaviour considerably eroded the boundary between Miss Wilson and Pupil A, and to Pupil A’s detriment.” A prohibition order would therefore prevent such a risk of from being present in the future. I have also taken into account the panel’s comments on insight and remorse which the panel sets out as follows, “The panel did not consider that Miss Wilson demonstrated insight into the consequences of her actions. Whilst she did express remorse as to the impact of her actions on Pupil A and his family, Miss Wilson demonstrated herself to be more concerned with the impact of her dismissal from the school on her own career and personal life.”

In my judgement the lack of insight means that there is some risk of the repetition of this behaviour and this risks future pupils’ well-being and safety. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “the conduct displayed would inevitably have a negative impact on the individual’s status as a teacher, potentially damaging the public perception.” I am particularly mindful of the findings of both dishonesty and sexual misconduct in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that failure to impose a prohibition order might be regarded by the public as a failure to uphold those high standards. In weighing these considerations I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Miss Wilson herself. The panel has said, “The teacher did have a previously good history and had no previous involvement with the NCTL. The panel considered the evidence of the headteacher who stated that Miss Wilson was highly regarded as a teacher and that the headteacher had previously received unprompted emails and calls from parents of pupils praising Miss Wilson.”

A prohibition order would prevent Miss Wilson from continuing her teaching work. A prohibition order would also clearly deprive the public of her contribution to the profession.

In this case I have placed considerable weight on the panel's comments concerning the lack of insight as well as the findings of dishonesty and sexual misconduct.

I have given less weight in my consideration of sanction therefore, to the contribution that Miss Wilson has made and is making to the profession. In my view it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision that is not backed up by insight does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the aims which a prohibition order is intended to achieve.

I have gone on to consider the matter of a review period. In this case the panel has recommended that there should be no review period.

I have considered the panel's comments "there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include serious dishonesty and serious sexual misconduct. The panel has found that Miss Wilson engaged in sexual activity with Pupil A on one occasion, including oral sex and sexual intercourse. Additionally the panel has found that Miss Wilson encouraged Pupil A to hide their relationship and lied about it herself when an investigation into the allegations was undertaken by the school."

I have considered whether allowing for no review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, there are three factors that in my view mean that a no review period is proportionate and in the public interest, maintaining public confidence in the profession. These elements are the dishonesty found, the sexual misconduct found and the lack of insight.

I consider therefore that a prohibition order with no review period is required to satisfy the maintenance of public confidence in the profession.

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

This order takes effect from the date on which it is served on the teacher.

Miss Eleanor Wilson 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 blue ink, appearing to read 'Alan Meyrick', with a checkmark at the end.

Decision maker: Alan Meyrick

Date: 18 July 2017

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