



National College for  
Teaching & Leadership

# **Ms Cheryl Hill Professional conduct panel outcome**

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

**March 2018**

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

<b>Teacher:</b>	Ms Cheryl Hill
<b>Teacher ref number:</b>	7961615
<b>Teacher date of birth:</b>	3 September 1958
<b>NCTL case reference:</b>	15890
<b>Date of determination:</b>	1 March 2018
<b>Former employer:</b>	Nicholas Hammond Academy ('the Academy'), Norfolk, East of England

### **A. Introduction**

A professional conduct panel ("the panel") of the National College for Teaching and Leadership ("the National College") convened on 26 February to 1 March 2018 at the Ramada Hotel, The Butts, Coventry, CV1 3GG to consider the case of Ms Cheryl Hill.

The panel members were Ms Mick Levens (teacher panellist – in the chair), Mr Ian Hughes (lay panellist) and Mrs Karen McArthur (lay panellist).

The legal adviser to the panel was Mr James Danks of Blake Morgan LLP.

The presenting officer for the National College was Ms Melinka Berridge of Kingsley Napley LLP.

Ms Cheryl Hill was not present but was represented by Mr Tim Glover of ASCL.

The hearing took place in public and was recorded.

## B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 27 November 2017 (as amended).

It was alleged that Ms Cheryl Hill was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst Principal of the Nicholas Hammond Academy, between 1 November 2012 and 26 August 2016, she failed to maintain appropriate professional standards in that she:

1. Allowed Mr X (who had received a reprimand on 23 January 2013 relating to inciting a child under 16 into engaging in a sex act on 20 April 2012) to:
  - a) attend the Academy as a student from September 2013,
  - b) attend the Academy as a voluntary worker on unknown date in the period between November 2012 and March/April 2013,
  - c) undertake paid employment at the Academy from around March/April 2013,
2. Did not carry out adequate and/or timely recruitment and vetting checks for Mr X in advance of him joining the Academy
3. Failed to ensure that adequate supervision and/or monitoring arrangements for Mr X were in place whilst he was at the Academy
4. Failed to provide full information regarding the content of Mr X's DBS check to:
  - a) the Designated Safeguarding Officer at the Academy, and/or
  - b) Mr X's Line Manager, and/or
  - c) the Chief Executive of the Academy Transformation Trust, and/or
  - d) the Vice-Principal who undertook the risk assessment of Mr X in June 2013
5. Failed to report a serious Safeguarding incident involving Mr X and Pupil A in accordance with the Academy's policies and procedures;
6. Failed to disclose information relevant to her position as Principal regarding Mr X being placed on the Sex Offenders' Register in 2016 when it was known to her in March/April 2016;
7. By her actions set out above at paragraphs 2 above she failed to comply with the requirements of Safeguarding Children and Safer Recruitment in Education (March 2010);

8. Her actions set out at 4 and/or 6 above were dishonest;
9. Her actions set out above placed pupils at risk of serious harm.

In a signed Statement of Agreed Facts dated 20 February 2018, Ms Hill admitted allegations 1 to 4b, 5 and 7 and denied the remainder.

Ms Hill also admitted that those allegations admitted amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

## **C. Preliminary applications**

The panel considered an application by the presenting officer to amend allegations 1b, 1c and 7 to correctly reflect the factual evidence. This application was not objected to. The panel allowed the application as the amendments did not widen the allegations but clarified the College's position and it was in the interests of justice.

The panel also considered an application from Mr Glover that the hearing should be held in private. He explained that Mr X's relationship to Ms Hill was a critical factor running through the proceedings. Whilst he was not a blood relation to Ms Hill, they were incredibly close and had been for nearly all Mr X's life with Ms Hill providing care similar to that of a parent. Mr X was, however, incredibly vulnerable [REDACTED]. The College objected to the application on the basis there was an inherent principle of open justice and Mr X's name was anonymised in any event.

The panel was sympathetic to Mr X's position but determined that any prejudice that maybe suffered by him could be more than adequately mitigated by his anonymisation especially as Ms Hill and Mr X did not share the same surname.

It decided that the public interest required that the hearing should be public and Mr Glover's application was therefore refused.

## **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 1 to 4

Section 2: Notice of Proceedings and Response – pages 5 to 20

Section 3: NCTL witness statements – pages 21 to 50

Section 4: NCTL documents – pages 51 to 597

Section 5: Teacher documents – pages 598 to 658

In addition, the panel agreed to accept the following:

a) an updated Statement of Agreed Facts, signed by Cheryl Hill on 20 February 2018, which replaced the existing Statement at pages 14 and 15.

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

## **Witnesses**

The panel heard oral evidence from:

- Witness A
- Witness B
- Witness C
- Witness D

The above witnesses were called on behalf of the College. The panel did not hear any live evidence on behalf of Ms Hill.

## **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.

Ms Hill had been employed at the Academy since November 2012 as a principal. In or around November / December 2012, Mr X, a teenager, began attending the Academy as a volunteer worker on a part-time basis. Whilst it is unclear Mr X's exact connection to Ms Hill [REDACTED].

When Mr X started his work at the Academy, no checks were undertaken in relation to his suitability. On 23 January 2013, he received a reprimand for conduct contrary to the Sexual Offences Act 2003. Despite this, his voluntary employment developed into paid in employment in or around March 2013 and he then began attending the Academy at the commencement of the academic year 2013-2014.

Despite Mr X's attendance at the Academy as an employee from possibly 2012, no DBS Certificate was received on him until June 2013. This Certificate stated the full wording of the section of the legislation for which the reprimand was issued but Ms Hill did not provide this wording to any other member of the Academy, including Witness C, who she asked to carry out a risk-assessment on Mr X.

Whilst a student at the Academy, Mr X and Pupil A developed some sort of relationship that was discovered by Ms Hill. Despite Mr X's employee position at the Academy, this issue was not reported to the relevant authority in accordance with the Academy's policies.

In March 2016, Mr X pleaded guilty to a further offence that led to him being placed on the Sex Offenders Register in July 2016. Ms Hill reported this to the Academy in August 2016, which led to an investigation and her suspension.

## **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. Allowed Mr X (who had received a reprimand on 23 January 2013 relating to inciting a child under 16 into engaging in a sex act on 20 April 2012) to:**

**a) attend the Academy as a student from September 2013**

It was an accepted fact between the parties that Mr X had been issued with a reprimand for the stem of allegation 1. The panel noted the reprimand document contained within its bundle at page 120, which was signed by Mr X, and has accepted that such a reprimand was issued.

The panel noted the unequivocal admission to this allegation set out in the Statement of Agreed Facts. The panel also heard uncontested evidence from Witness A that Mr X was on the Academy roll for the academic year 2013-2014. For these reasons, the panel finds this allegation proved.

**b) attend the Academy as a voluntary worker on unknown dates in the period between November 2012 and March/April 2013**

The panel noted the unequivocal admission to this allegation set out in the Statement of Agreed Facts. The panel also heard uncontested evidence from

Witness C on this fact albeit that he was unclear as to when exactly Mr X commenced his voluntary work. For these reasons, the panel find this allegation proved.

**c) undertake paid employment at the Academy from around March/April 2013**

The panel noted the unequivocal admission to this allegation set out in the Statement of Agreed Facts. The panel also noted the employment reference requests made by Ms Hill on Mr X's behalf dated March 2013, which provided corroboration as to when Mr X began employment. For these reasons, the panel finds this allegation proved.

**2. Did not carry out adequate and/or timely recruitment and vetting checks for Mr X in advance of him joining the Academy.**

The panel noted the unequivocal admission to this allegation set out in the Statement of Agreed Facts. The panel also noted that despite Mr X being present at the Academy from possibly November 2012 (as accepted above), as no reference checks were requested until March 2013, nor a DBS Certificate obtained or risk assessment undertaken until June 2013, the panel finds this allegation proved.

**3. Failed to ensure that adequate supervision and/or monitoring arrangements for Mr X were in place whilst he was at the Academy**

The panel noted the unequivocal admission to this allegation set out in the Statement of Agreed Facts. The panel also noted the reprimand from February 2013, but that only four monitoring sessions with Witness C took place between August to December 2013, as set out in Witness C's record of monitoring at page 138. In addition, only three Line Manager Meeting Records with Witness B are recorded between September and November 2013. The number of meetings and sessions was clearly inadequate and for this reason and the admission, the panel finds this allegation proved.

**4. Failed to provide full information regarding the content of Mr X's DBS check to:**

**a) the Designated Safeguarding Officer at the Academy**

The panel noted the unequivocal admission to this allegation set out in the Statement of Agreed Facts. Whilst the panel did not hear any direct evidence from the DSO, the panel noted the evidence of Witness B that she was not aware of the full information despite being part of the Academy's Safeguarding Team who worked collaboratively. In light of this evidence and the admission, the panel find this allegation proved.



## **b) Mr X's Line Manager**

The panel noted the unequivocal admission to this allegation set out in the Statement of Agreed Facts. The panel also noted the uncontested live evidence from Witness B that she had not been told of the concern raised on the DBS check and therefore finds this allegation proved.

## **c) the Chief Executive of the Academy Transformation Trust**

The panel heard live evidence on this allegation from Witness D. Witness D stated that at the end of a meeting on an unrelated matter with Ms Hill, she informed him that the police had given Mr X a warning for being 'silly'. He asked Ms Hill if there was written confirmation of this warning and she had waved a sheet of paper in front of him that she had taken from a file.

Witness D specifically denied seeing the content of this piece of paper at the meeting with Ms Hill nor any other document from within this folder. The matter was raised at the end of the meeting and he was in a hurry to leave but had he been made aware of the offence on the DBS, he would have acted differently.

The panel noted the witness statement from Ms Hill that she had asked for Mr X's personal file to be brought into the meeting, from which she took his DBS certificate and showed it to Witness D at the meeting albeit only briefly before he handed it back to her.

The panel felt that Witness D gave evidence in a clear and consistent manner. He asserted that whilst he was unclear on specific dates, his memory of the sequence of events was accurate and he made concessions in favour of Ms Hill when appropriate.

For an allegation in which two persons' recollections of events is crucial but different, the panel gave more weight to the evidence that was able to be tested by questioning. On this basis, Witness D's recollection of the meeting was preferred over that of Ms Hill and the panel therefore finds this allegation proved on balance.

## **d) the Vice-Principal who undertook the risk assessment of Mr X in June**

2013

The panel heard live evidence on this allegation from Witness C who was vice-principal at the relevant time.

Witness C explained that he was asked by Ms Hill to undertake a risk-assessment on Mr X as concerns had been raised following her receipt of Mr X's DBS check. He was adamant that he was not shown the relevant certificate but Ms Hill explained to him that the concern raised by the check was in her view disproportionate to the specifics of the offence. In addition, Mr X and herself were taking independent legal advice on the wording used.

Witness C had no prior experience of undertaking risk-assessments but he said that had he been shown the DBS check, he would have raised the appropriateness of employing Mr X as the wording was more graphic than that which he had been told. Witness C's comments on the risk assessment were based on a combination of what he had been told by Ms Hill at their meeting and when he interviewed Mr X.

In cross-examination, Witness C accepted that it was reckless and negligent not to have asked for sight of the DBS check. Since 2013, he had undertaken Safer Recruitment Training and would now act in a different manner. He also accepted that he and Ms Hill had been good friends for a number of years, [REDACTED].

In Witness C's opinion, Ms Hill was a principled teacher who championed those less advantaged pupils and was 'creative and inspirational'. Nevertheless, he remained adamant that he had not seen the DBS check prior to undertaking the risk-assessment and was not shown it until a later investigation into these matters.

The panel noted the witness statement of Ms Hill, which categorically stated she and Witness C read and discussed the content of the DBS check prior to Witness C undertaking the risk assessment. However, the panel also noted the inconsistency in this statement when compared to an earlier statement of Ms Hill at page 460 of the bundle, which states *"On the advice of HR, I did not share the content of the DBS with anyone else...I outlined the circumstances of the crime for Witness C and that the circumstances of the crime can be less than the charge would imply..."*

The panel considered that Witness C was clear in his recollection of the meeting and admitted when he was unable to recall matters. He agreed with Ms Hill's evidence regarding the meeting save for being shown the DBS certificate.

Similarly to Witness D, as well as being adamant as to what Ms Hill had not told him, Witness C was also ready to praise her skills as a teacher and that he was concerned her past good work would be overshadowed by these events.

Again, for an allegation in which two persons' recollections of events was crucial but different, the panel gave more weight to the evidence that was able to be tested with questioning especially when there was an apparent inconsistency in the evidence of Ms Hill. On this basis, Witness C's recollection of the meeting was preferred over that of Ms Hill and, on balance, the panel therefore finds this allegation proved.

#### **5. Failed to report a serious Safeguarding incident involving Mr X and Pupil A in accordance with the Academy's policies and procedures**

The panel noted the unequivocal admission to this allegation set out in the Statement of Agreed Facts. In addition, the panel noted correspondence between Pupil A and Mr X. Whilst the vast majority of this correspondence was from Pupil A to Mr X, there was some limited correspondence sent from Mr X to Pupil A, the content of which, the panel accepted, would cause safeguarding concerns.

The panel heard evidence from Witness B who confirmed Ms Hill told her in December 2013 that Mr X and Pupil A had been communicating by social media, which culminated in Mr X resigning from his position of technician albeit remaining on the role of students.

Witness B also confirmed that at a later date, she had been given the correspondence by Ms Hill but this information was not passed onto the Designated Safeguarding Lead by Ms Hill as per the Academy's policy.

On the basis of the live evidence and the unequivocal admission, the panel finds this allegation proved.

**7. By your actions set out above at paragraphs 2 above you failed to comply with the requirements of Safeguarding Children and Safer Recruitment in Education (March 2010)**

The panel noted the unequivocal admission to this allegation within the Statement of Agreed Facts. Chapter 3 of the Safeguarding Children and Safer Recruitment in Education (March 2010) document states that the school should "adopt the same recruitment measures as it would for paid staff". Therefore, a worker at a school, voluntary or otherwise, should be subject to checks prior to starting work or a regime put in place to mitigate any risk. In the absence of these and the admission, the panel finds this allegation proved.

**8. Your actions set out at 4 and/or 6 above were dishonest**

In respect of the proven particulars of allegation 4, the panel considered the evidence of Witness C and Witness D that, had they been told of the full information on the DBS Certificate, then their actions would have been different.

The panel acknowledged that the words of the offence as set out on the DBS were graphic. There was evidence from Witness C that in Ms Hill's opinion, the words were disproportionate to the seriousness of the offence and legal advice was being sought to have the wording reviewed. Nevertheless, the DBS certificate did accurately reflect the details of the reprimand given to Mr X, the reprimand confirmation being agreed and signed by him.

In the panel's view, Ms Hill, who was aware of the full information on the DBS certificate, chose to deliberately withhold a pertinent piece of information from those persons set out in allegation 4, who should have properly known the full details of the certificate, in order to assess the risk, which may have impacted on Mr X's employed position at the Academy.

Further, the panel determined that this would be seen as dishonest by ordinary and reasonable people and therefore find this allegation proved in respect of allegation 4.

For reasons set out further below, the panel does not find this allegation proved in respect of allegation 6.

### **9. Your actions set out above placed pupils at risk of serious harm.**

In the panel's view, the proven allegations above all set out clear and apparent safeguarding concerns in respect of a person who had been convicted of two criminal offences against children. At best, Ms Hill's failures to have appropriate procedures in place to manage or mitigate the risk, still clearly meant that pupils were exposed to an increased risk of serious harm and the panel therefore find this allegation proved in respect of allegations 2 to 5 and 7 to 8.

In respect of allegation 1, the panel's view is that it was Ms Hill's failures that flowed from Mr X's attendance at the Academy to be the real mischief and does not find allegation 9 proved in respect of allegation 1.

The panel does not find the following allegation proved for the following reasons.

### **6. Failed to disclose information relevant to your position as Principal regarding Mr X being placed on the Sex Offenders' Register in 2016 when it was known to you in March/April 2016**

It was accepted between the parties that in March/April 2016, Mr X pleaded guilty to an offence from January 2014 that resulted in him being placed on the Sex Offenders Register ('SOR'). Mr X was formally placed on the SOR at the time of his sentencing in July 2016.

Around this time, Mr X also temporarily moved in to live with Ms Hill. The panel heard live evidence from Witness A who confirmed that there was no legal requirement for Ms Hill to have disclosed that Mr X was on the SOR as Ms Hill was not teaching children aged under 8 and, in any event, this requirement only became relevant if Mr X was living with her.

The panel had consideration to Ms Hill's witness statement that confirmed all of the above including her understanding of the legal requirements. In addition, Ms Hill stated that for the vast majority of the time between the offence and Mr X being placed on the SOR, Mr X lived 120 miles away and had not returned to the Academy since he was removed from the roll for non-attendance.

The panel noted that at page 541, there was a note from the LADO stating that in April 2016, Ms Hill had called a police officer to state that Mr X had 'notification requirements' in relation to this offence. There was no clarification as to whether the required notification was because of Mr X's bail conditions or his future placement onto the SOR.

The panel did consider that there was a professional obligation, over and above any legal requirement, on Ms Hill to inform relevant people that Mr X had been placed on the SOR in light of her close relationship with him, his previous employment, being on the roll at the Academy at the time of the offence and the earlier safeguarding incident in respect of Pupil A. However, on the wording of the allegation, the panel did not find that the College had discharged their burden given the ambiguity as to what 'notification requirements' referred to. On this basis, the panel does not find the allegation proved.

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

Having found the majority 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 Ms Hill in relation to the facts found proven, involved breaches of the Teachers' Standards.

The panel considers that by reference to Part Two, Ms Hill 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

...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 Ms Hill amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel has also considered whether Ms Hill's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice.

The panel has found that the offence of serious dishonesty was present.

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.

Accordingly, the panel is satisfied that Ms Hill 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 and that her conduct also amounts to bringing 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, namely:

the protection of pupils;

the maintenance of public confidence in the profession; and

declaring and upholding proper standards of conduct.

In light of the panel's findings against Ms Hill, which involved concerns regarding safeguarding of pupils, failing to ensure that appropriate employment checks were undertaken in respect of a staff member and dishonest conduct by failing to provide necessary information to relevant people, there is a strong public interest consideration in ensuring that pupils are appropriately protected in the future.

Further the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Hill was 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 Ms Hill was outside that which could reasonably be tolerated.

The panel also considered, however, that there was competing public interest in retaining Ms Hill as a teacher within the profession. Both Witness C and Witness D, who gave evidence on behalf of the College, explained that Ms Hill was an exemplary leader who had "championed" the vulnerable and raised their self-esteem to believe that they could do more than they thought. Witness C in particular, who had known Ms Hill for a number of years, was in no doubt that Ms Hill had positively assisted hundreds of pupils to better lives.

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

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 Hill. 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 well-being of pupils, and particularly where there is a continuing risk;

abuse of position or trust;

dishonesty especially where there have been serious consequences, and/or it has been repeated.

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

There was no evidence that Ms Hill was acting under duress and, in light of the finding of dishonesty, the panel could only conclude Ms Hill's actions were deliberate. Nevertheless, the panel also acknowledged that Ms Hill had a previously good record for her entire, lengthy career. There was no suggestion of any previous concerns in any way regarding her conduct and, to the contrary, there was clear evidence from the College's witnesses that Ms Hill was an outstanding teacher and school leader. By way of example, under her leadership the Academy, within 5 terms, had progressed from being under Special Measures to being rated as Good.



The panel also had consideration to a number of lengthy and considered character references contained within the bundle. Individual A who was a professional colleague with Ms Hill at a number of schools over a number of years was witness to Ms Hill's positive impact on a huge number of pupils.

Nevertheless, 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 Hill. The teacher's dishonest conduct, which at the very least led to an increase of risk of harm to pupils by allowing Mr X to attend the Academy as an employee without the necessary checks being in place, was a significant factor in forming that opinion. The panel was also of the opinion that whilst the dishonest conduct was a relatively short-period, it was more than a one-off incident and was directed towards four different roles (albeit three people). However, whilst the panel also considered dishonest conduct to be inherently serious, on the spectrum the panel did not consider this to be the most serious dishonest conduct.

The panel considered whether the finding of unacceptable professional conduct and conduct that may bring the profession into disrepute was sufficient in these circumstances. However, the proven allegations indicate clear safeguarding issues, including an actual incident that took place, which Ms Hill failed to manage, mitigate or deal with in any appropriate manner. 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 a review period would be appropriate. The panel was mindful that the Advice advises that a prohibition order applies for life, but there may be circumstances in any given case that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. The panel acknowledged that there had been a finding of serious dishonesty, which in normal circumstances would indicate there should be no review period.

In this matter, Ms Hill's conduct appeared to be for the benefit of Mr X and, in keeping with the exemplary references from Witness C and Witness D, was to ensure that he felt included during an extremely vulnerable period of his life [REDACTED].

In the panel's view, Ms Hill's conduct was completely out of character and she allowed her professional judgement to be swayed by her personal wish to assist a person with whom she had an incredibly close relationship for a great number of years. There was no evidence of any similar lapse of professional judgement during Ms Hill's long and exemplary career.

All of the allegations proved against Ms Hill arose as a result of her relationship with Mr X who was no longer of school age. The exact circumstances that Ms Hill found herself in were therefore unlikely to reoccur in the future but in the absence of any live evidence from Ms Hill, the panel could not be convinced that there was no risk that in a similar situation her personal judgement may outweigh her professional obligations.

The panel also acknowledged the admissions by Ms Hill to the majority of allegations at a reasonably early stage of proceedings and the cooperation she had given to the College. In the panel's view this indicated some insight into her actions albeit the panel also considered work was required to develop this further. The panel also considered the witness statement of Ms Hill provided some appreciation of the possible risk in which she had placed pupils.

Whilst the panel acknowledged the Advice states that in matters of serious dishonesty no review period should be recommended, in light of the circumstances set out directly above, the panel was convinced the findings indicated a situation in which a review period would be appropriate. It would be proportionate in all the circumstances for the prohibition order to be recommended with a provision for a review period after 5 years, which should be sufficient time for Ms Hill to fully reflect on her conduct and come to a mature understanding as to why her professional standards were compromised.

## **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 five year review period.

In considering this case, I have also 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 majority of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. Where the panel did not find the facts proven, I have put these matters from my mind. The panel has made a recommendation to the Secretary of State that Ms Hill should be the subject of a prohibition order, with a review period of five years.

In particular the panel has found that Ms Hill 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

...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 finds that the conduct found proven of Ms Hill fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of dishonesty and a failure to ensure safeguarding issues were reported.

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 Ms Hill, 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 behaviours which raised, "concerns regarding safeguarding of pupils, failing to ensure that appropriate employment checks were undertaken in respect of a staff member and dishonest conduct by failing to provide necessary information to relevant people, there is a strong public interest consideration in ensuring that pupils are appropriately protected in the future". A prohibition order would therefore prevent such risks from being present. I have also taken into account the panel's comments on insight and remorse which the panel say Ms Hill showed, "some insight into her actions albeit the panel also considered work was required to develop this further. The panel also considered the witness statement of Ms Hill provided some appreciation of the possible risk in which she had placed pupils." In my judgement the lack of full insight means that there is some risk of the repetition of this behaviour and this risks pupils safety in the future. 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, "that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Hill was not treated with the utmost seriousness when regulating the conduct of the profession. I am particularly mindful of the finding of dishonesty 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 Ms Hill herself. The panel made reference to clear evidence of Ms Hill being, “an outstanding teacher and school leader.”

A prohibition order would prevent Ms Hill from continuing in the teaching profession. A prohibition order would also clearly deprive the public of her contribution to the profession for the period that it is in force.

In this case I have placed considerable weight on the panel’s comments concerning the lack of insight or remorse. The panel has said, “in the absence of any live evidence from Ms Hill, the panel could not be convinced that there was no risk that in a similar situation her personal judgement may outweigh her professional obligations.”

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Hill has made 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 full remorse or 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 a 5 year review period.

I have considered the panel’s comments “Ms Hill's conduct was completely out of character and she allowed her professional judgement to be swayed by her personal wish to assist a person with whom she had an incredibly close relationship for a great number of years. There was no evidence of any similar lapse of professional judgement during Ms Hill's long and exemplary career.”. The panel felt in light of this, “the panel was convinced the findings indicated a situation in which a review period would be appropriate.”

The panel has also said that a 5 year review period should “be sufficient time for Ms Hill to fully reflect on her conduct and come to a mature understanding as to why her professional standards were compromised.

I have considered whether a 5 year 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 two year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the dishonesty found, the lack of full insight or remorse, and the lack of appropriate safeguarding for pupils.

I consider therefore that a five year review period is required to satisfy the maintenance of public confidence in the profession.

**This means that Ms Cheryl Hill 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 March 2023, 5 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, Ms Hill remains prohibited from teaching indefinitely.

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

Ms Hill 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.



**Decision maker: Dawn Dandy**

**Date: 09 March 2018**

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