



Teaching
Regulation
Agency

Mrs Stephanie Kate Baldwin: Professional conduct panel outcome

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

January 2019

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

Teacher: Stephanie Kate Baldwin
TRA reference: 16759
Date of determination: 11 January 2019
Former employer: Cromwell Academy, Huntingdon

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 8 January 2019 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT to consider the case of Mrs Stephanie Kate Baldwin.

The panel members were Mr Tony Woodward (former teacher panellist – in the chair), Ms Alison Platts (lay panellist) and Mr Brian Hawkins (teacher panellist).

The legal adviser to the panel was Mr Delme Griffiths of Blake Morgan LLP solicitors.

The presenting officer for the TRA was Ms Holly Quirk of Browne Jacobson LLP solicitors.

Mrs Baldwin was 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 27 September 2018.

It was alleged that Mrs Baldwin was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst she was employed as the head teacher of Cromwell Academy ("the School"), she:

1. Failed to implement adequate safeguarding procedures, in particular, she:
 - (a) failed to ensure that Individual A was DBS checked before permitting him to support the CA Eco Club on 'The Big Dig', which involved working with children;
 - (b) failed to ensure that there were adequate staff supervision levels at all times on a residential trip to York, which she attended.
2. Failed to declare that persons known to her were completing work on behalf of the School, including, but not limited to:
 - (a) Individual A, [REDACTED], and who completed handyman work for the School on one or more occasions;
 - (b) Individual B, [REDACTED], and who completed handyman work on behalf of the School on one or more occasions.
3. Failed to manage school funds appropriately, in that she:
 - (a) on or around the 24th April 2014, permitted and/or were aware that Individual I, [REDACTED], received a payment of £120 for an X Box and 5 accompanying X Box games;
 - (b) in or around January 2014, permitted and/or were aware that two salary payments were made to Individual I, without a specified purpose;
 - (c) permitted and/or were aware that payments made to two HR providers who offered a similar core of services for HR consultancy;
 - (d) failed to obtain two quotes for annual IT support services, as was required by the Financial Regulations;
 - (e) permitted and/or were aware that payments totalling £12,000 were made to Individual A for handyman work, notwithstanding that the School already had a maintenance contract with Harvey Hart Associates, and/or notwithstanding that the School already had a site manager;

- (f) permitted and/or were aware that payments were made to [REDACTED], Individual B, for Partylite gifts, on one or more occasions;
 - (g) in or around April 2016, were aware that money raised by the School for charity failed to go to that chosen charity.
4. In relation to her conduct at allegations 2 and 3, as may be found proven, was dishonest and/or lacked integrity and/or was an abuse of position.
 5. Took and retained on cessation of her employment a copy of the Critical Incident Pack containing personal details of staff members of the School.

All of the allegations were denied by Mrs Baldwin. Mrs Baldwin also denied that her conduct amounted to unacceptable professional conduct or conduct that may bring the profession into disrepute.

C. Preliminary applications

The only preliminary matter was a request by the parties for the panel to admit late documents. This is addressed in section D, below.

The panel also made a determination in relation to a case management issue at the conclusion of the first day of the hearing. This is recorded below:

At the conclusion of the first day of this hearing, the panel considered a timetabling issue arising from the fact that the final TRA witness, Witness C, was not available to give evidence until the penultimate day due to childcare issues. Witness C had originally been scheduled to attend the hearing on Monday, 7 January. Unfortunately, at a very late stage this been designated a reading day due to the fact that the hearing bundles were dispatched late.

As a consequence, there was a risk that, should Mrs Baldwin present her evidence after Witness C, there would be insufficient time available to conclude the hearing within the allotted time.

At the suggestion of the legal advisor, the panel therefore considered whether it would be appropriate to hear Mrs Baldwin's evidence prior to hearing from Witness C. Prior to making a determination the panel heard submissions from the parties and received legal advice, which it carefully considered.

On balance, the panel concluded that it was appropriate to interpose Mrs Baldwin prior to the conclusion of the TRA's case. It recognised that there was a potential prejudice to Mrs Baldwin in circumstances where she would be giving her evidence prior to hearing from all of the TRA's witnesses. This was explained to Mrs Baldwin who nevertheless took the view that this risk was outweighed by her desire to conclude the hearing within the allotted time rather than risk going part heard. The panel agreed that this was

preferable and going part heard would not be in Mrs Baldwin's interests. It also considered that the risk of prejudice to Mrs Baldwin was mitigated by the fact that she would have the final say at the conclusion of the evidence. Mrs Baldwin would of course be able to question Witness C and make submissions to the panel regarding Witness C's evidence. If any particular issue were to arise from Witness C's evidence it would also be possible to recall Mrs Baldwin, though the panel would strive to avoid this if possible.

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 – page 1

Section 2: Notice of Proceedings and Response – pages 2 to 3

Section 3: Teaching Regulation Agency witness statements – pages 4 to 28

Section 4: Teaching Regulation Agency documents – pages 29 to 730

Section 5: Teacher documents – pages 731 to 776

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

In addition, the panel agreed to admit two documents at the request of the parties at the outset of the hearing, namely:

- An email exchange involving Witness A in June 2017; and
- A letter from Mrs Baldwin to the TRA dated 3 January 2019.

Neither party objected to the admission of these documents. Having heard and considered the parties' submissions, the panel decided to admit these documents, which were added to the hearing bundle at pages 777 to 782. The panel agreed that the documents were relevant and concluded that, in the circumstances, the admission of the documents was appropriate and in the interests of a fair hearing.

Witnesses

The panel heard oral evidence from the following witnesses called by the presenting officer:

- Witness A, [REDACTED]
- Witness B, [REDACTED]

- Witness C, [REDACTED]
- Witness D, [REDACTED]; and
- Witness E, [REDACTED]

Mrs Baldwin also gave evidence. Individual C was also called to give evidence on behalf of Mrs Baldwin. Individual C had [REDACTED].

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

The panel confirms that it read all the documents and carefully considered the parties submissions. It accepted the legal advice provided.

At the relevant time for the purposes of these proceedings, Mrs Baldwin was employed as the headteacher of the Cromwell Academy ("the School").

Mrs Baldwin had commenced that role on 1 September 2005.

The School is a primary school for pupils aged 4 to 11 and a standalone academy trust following a conversion in 2014.

On 22 May 2017, Mrs Baldwin was suspended from her position by the board of governors at the School following a number of allegations being made against her. These concerned alleged failings in relation to the provision of information to the governors, compliance with school procedures and leadership.

Individual D was appointed by the School's governors to carry out an investigation. A separate financial report was commissioned by the governors and was undertaken by Price Bailey Chartered Accountants.

At the conclusion of the School's investigations, a disciplinary process was commenced against Mrs Baldwin.

Prior to the conclusion of that process, Mrs Baldwin resigned from her position by letter dated 5 September 2017. She was subsequently referred to the TRA by the School.

The panel confirms that it has not relied upon any findings made, or opinions expressed, during the earlier investigation and disciplinary process. It formed its own, independent view of the allegations based on the evidence presented to it.

In addition, within the evidence before the panel were references to other allegations, which did not form part of the specific allegations to be considered in these proceedings.

For this reason, this evidence was not taken into account by the panel and was disregarded.

Findings of fact

Our findings of fact are as follows:

- 1. Failed to implement adequate safeguarding procedures, in particular, you:**
 - (a) failed to ensure that Individual A was DBS checked before permitting him to support the CA Eco Club on 'The Big Dig', which involved working with children;**

The panel heard that an event was held at the School, which was described as 'The Big Dig'.

Individual C gave evidence that this was a promotion held by the School, which was intended to enable children to gain an understanding of how food was produced and processed.

There was no dispute as to the fact that Individual A assisted with this event.

At the time, Individual A was [REDACTED] and his wider activities at the School were the subject of allegations 2(a) and 3(e).

Individual C stated that Individual A was invited to attend and assist to give his experience as a [REDACTED], which Mrs Baldwin reiterated in her evidence.

There was also no dispute as to the fact that Individual A was not DBS checked by the School prior to his involvement in this event.

However, Mrs Baldwin denied that the effect of this failure was such that she had failed to implement adequate safeguarding procedures.

Her position was that Individual A had possessed a DBS from a previous school and also that a List 99 check was made. Mrs Baldwin also gave an account of the work undertaken by Individual A and stated that he was supervised at all times.

Individual C confirmed in her evidence to the panel that, at the time, her role included arranging DBS checks and no such check was undertaken in relation to Individual A on the basis that he did not work unsupervised with children. She confirmed that, to the best of her recollection, a List 99 check was undertaken. To the best of her knowledge she stated that at no time did Individual A work unsupervised with children, including in relation to this event.

Having carefully considered all of the evidence the panel concluded that best practice did require Individual A to be DBS checked and this was Mrs Baldwin's responsibility as headteacher, which Mrs Baldwin accepted. There was a conflict of evidence as regards the question of whether a List 99 check was undertaken, which the panel was unable to resolve.

In any event, the panel considered that the failure to obtain a DBS check in relation to Individual A did not mean, in isolation, that Mrs Baldwin had failed to implement adequate safeguarding procedures. In particular, there was very little evidence before the panel in relation to the circumstances of this event. The TRA had not proved, to the requisite standard, that Individual A was unsupervised in working with children at any point during the day.

In those circumstances, the panel found allegation 1(a) not proven.

(b) failed to ensure that there were adequate staff supervision levels at all times on a residential trip to York, which you attended.

The panel heard that a residential trip took place in 2012 when staff and pupils of the School went to York.

The following facts were agreed between the parties:

- There were approximately 60 pupils who attended the trip;
- Some of the pupils had SEN;
- There were 14 adults on the trip which was comprised of 4 teachers, 4 teaching assistants, 3 other members of the School's staff, 2 parents and Individual I;
- The residential quarters were spread over multiple floors; and
- The party stayed at a hostel, which it had exclusive use of for the duration of the trip.

The panel heard oral evidence from Mrs Baldwin, Individual C and Witness E who all attended the trip.

The specific allegation before the panel was that on the first evening of the trip, a meal was arranged off-site which the majority of the adults attended which left an inadequate number of adults at the hostel to look after the children. This meal was arranged in order to support Individual C who had [REDACTED]. The panel was told that this was held at a restaurant situated only a short distance from the hostel.

It was not suggested that there were any other occasions during the course of the trip when there were inadequate staff supervision levels or that there was any other safeguarding issue.

There was no dispute as to the fact that this meal took place and that the only adults who were left at the hostel were Individual E, Individual F, Individual G, Individual H and the two parent helpers, including Witness E. Individual E was a teacher at the School and Individual G, Individual H and Individual E were teaching assistants.

In his evidence to the panel, Witness E provided an account of what occurred on the evening in question. He stated that he and the other parent helper were there to look after their own children such that "*in effect, there was only four staff members to look after 61 students.*" He expressed the view that this was a "*huge safeguarding issue*".

This was denied by Mrs Baldwin. In her written reply to the allegations, she stated:

"In my professional opinion there was more than adequate supervision on the residential trip to York in 2012 both during the day and night. The children were supervised by adults/staff at all times. In 2012 there were no specific ratios and we continued to work within a high level of ratios as appropriate during this time."

In her witness statement to the panel, she added that "*I used my judgment that the ratios were adequate, which was agreed with staff present.*"

Mrs Baldwin also relied upon the fact that the restaurant was close by which meant that she and the other staff could have returned to the hostel quickly if an incident had occurred.

Having carefully considered all of the evidence the panel concluded that, on this evening, the staff supervision levels were inadequate both in terms of the number and nature of the staff members left in the hostel.

In arriving at this conclusion, the panel accepted Witness E's account of events on the evening in question. He was a credible witness and gave clear evidence. The staff/pupil ratio was inadequate having regard, in particular, to the age of the children and the circumstances of the evening. It was clear from Witness E's evidence that there was a great deal of pressure upon the adults who were left at the hostel.

The panel considered that it was clearly incumbent upon Mrs Baldwin to ensure that the staff supervision levels were adequate at all times and she had failed in her duties in that regard.

The panel also concluded that her conduct amounted to a failure to implement adequate safeguarding procedures.

The effect of her conduct was that six individuals, only one of whom was a qualified teacher, were left with responsibility for approximately 60 pupils in an unfamiliar place away from home who were spread over multiple residential floors. Whilst Witness E very fairly conceded that no safeguarding issue actually arose, there was a risk, which Mrs Baldwin had failed to adequately manage.

The panel therefore found allegations 1(b) proven.

2. Failed to declare that persons known to you were completing work on behalf of the School, including, but not limited to:

- (a) Individual A, [REDACTED], and who completed handyman work for the School on one or more occasions;**
- (b) Individual B, [REDACTED], and who completed handyman work on behalf of the School on one or more occasions.**

The panel considered allegations 2(a) and 2(b) together given the similar nature of the conduct alleged.

There was no dispute that Individual A and Individual B completed handyman work at the School. Mrs Baldwin confirmed that Individual B was [REDACTED] and that Individual A was [REDACTED].

Mrs Baldwin confirmed that Individual A did handyman work at the School on a number of occasions, including decorating and general work to the school environment.

Mrs Baldwin stated that Individual B also "*on occasions when required (Easter and Summer holidays), accompanied and assisted Individual A and Individual J in the painting of the outdoor learning environment, the trim trail, sheds and picnic benches.*"

In her formal responses to the allegations, Mrs Baldwin denied that she failed to declare her relationships with Individual A and Individual B. She stated:

"I do not believe that I failed to declare this as the majority of staff and governors knew Individual A and the jobs he was doing. I openly discussed his appointment and my relationship with him to all involved ... Regarding, Individual B, again this work was done with the full knowledge of the Governors."

However, in oral evidence Mrs Baldwin conceded that her relationship with Individual B and Individual A was never formally declared to the School's governors, though she added that she never sought to conceal the relationships and reiterated that it was generally known within the School who Individual A and Individual B were.

The panel heard evidence from Witness A and Witness B who both confirmed that they did not know who Individual A and Individual B were which the panel accepted. Witness B was [REDACTED]. Witness A was [REDACTED]. Witness A gave evidence that he had reviewed historic governor meeting minutes and found no reference to any declaration by Mrs Baldwin that Individual B and Individual A were completing work and her relationship to them.

To the contrary, formal procedures were followed in relation to Mrs Baldwin's sister and brother-in-law, both of whom were employees of the School. The panel considered that

this demonstrated an awareness on the part of Mrs Baldwin of proper processes and procedures.

Having regard to the length of time over which Individual A and Individual B conducted work at the School, the panel also concluded that Mrs Baldwin had ample opportunity to make a formal declaration and failed to do so.

Having carefully considered all of the evidence the panel therefore concluded that Mrs Baldwin did fail to declare that Individual B and Individual A were completing work on behalf of the School, which she should have done.

The panel therefore found allegation 2(a) and 2(b) proven.

3. Failed to manage school funds appropriately, in that you:

- (a) on or around the 24th April 2014, permitted and/or were aware that Individual I, [REDACTED], received a payment of £120 for an X Box and 5 accompanying X Box games;**

The panel was presented with an invoice dated 24 April 2014 relating to an Xbox together with 5 games in the sum of £120.00. These items were sold to the School by Individual I, [REDACTED]

On behalf of the TRA, it was submitted that this was not an appropriate use of school funds.

Mrs Baldwin did not dispute the fact of the purchase however, she did not accept that the transaction was inappropriate.

In her witness statement to the panel, Mrs Baldwin stated:

"The Xbox was purchased by the [School] originally to use in the classroom at the request of Individual E and then for the Kids Club. Individual I had one which he was not using and therefore the [School] purchased it at a fair price. It was still in use at the Kids Club on my removal."

In Mrs Baldwin's oral evidence, she stated that the items were used to support the pupils and to enhance learning experiences. However, she was unable to provide a clear account of the precise circumstances in which the items were used.

There was no other evidence before the panel as to the use of the Xbox and games at the School. When asked, Witness C could not recall this.

Having regard to the totality of the evidence, the panel was not satisfied on the balance of probabilities that the TRA had proven that this purchase did amount to a failure to manage school funds. The transaction was documented and there did not appear to be any element of secrecy on the part on Mrs Baldwin.

In the absence of any evidence to the contrary, the panel was also prepared to give Mrs Baldwin the benefit of the doubt as to the use of the items by pupils at the School. Given the modest value of the items, the panel was also satisfied that this transaction would not have required approval by the board of governors.

For these reasons, the panel found allegation 3(a) not proven.

(b) in or around January 2014, permitted and/or were aware that two salary payments were made to Individual I, without a specified purpose;

During the course of the School's investigation, it was identified that two payments were made to Individual I in January 2014 and November 2014 for £223.68 and £149.12 respectively.

The payments were treated as salary payments despite the fact that Individual I was never an employee of the School.

In her written response to the allegations, Mrs Baldwin stated that these payments were for work completed by Individual I to decking around the pool area at the School and to flooring. She also suggested that this expenditure was approved by the School's governors. In her oral evidence, she suggested that he changed a carpet but made no reference to any work in relation to decking. Mrs Baldwin was unable to account for the fact that the payments made to Individual I were treated as salary payments.

There was only very limited evidence before the panel in relation to this allegation. Whilst this allegation was addressed in a witness statement from Individual J dated 7 December 2018, Individual I was not called to give evidence.

In all the circumstances, the panel concluded that these payments did constitute a failure to manage school funds appropriately.

The payments should not have been treated as salary payments and the panel considered it highly unlikely that they were expressly approved by the board of governors.

Whilst the panel had in mind that it was only concerned with two historic payments for modest sums, the evidence provided by Mrs Baldwin was inconsistent such that the panel could not be satisfied that the payments were for a proper purpose.

There was no evidence providing verification for the payments or any indication of precisely what the payments were for.

Additionally, there was no reasonable explanation for the payments being processed via payroll rather than on presentation of invoice. On balance, the panel therefore concluded that these payments amounted to a failure to manage school funds appropriately.

The panel therefore found allegation 3(b) proven.

(c) permitted and/or were aware that payments made to two HR providers who offered a similar core of services for HR consultancy;

The panel was presented with two service specifications for Stamford HR Solutions ("Stamford") and Education Personnel Management Limited ("EPM").

The panel heard evidence from Witness D of EPM who confirmed that:

- EPM was engaged to provide HR and payroll services to the School;
- It had provided this support continuously since 1 September 2002; and
- EPM's contractual obligation was to provide a comprehensive HR and payroll service to the School, which included the administration of all contractual documents as well as providing HR advice on all employment matters and documents for procedural casework.

Pursuant to the School's contract with EPM, it paid a monthly retainer of £255.

Despite this, Mrs Baldwin separately engaged Stamford to provide HR services for which the School paid the additional sum of £250 on a monthly basis plus £500 per day for further work.

The panel carefully considered both service specifications and concluded that there was very clearly an overlap in relation to the services EPM and Stamford were contracted to provide to the School.

Witness B's evidence to the panel was that, having regard to those service specifications, there was a duplication of work being carried out by EPM and Stamford. The effect of this was, in his view, to deprive the School of funds. Witness B confirmed that he had been led to believe by Mrs Baldwin that EPM in fact only provided a limited service to the School. It was only subsequently that he discovered this to be incorrect.

Witness A also raised the issue of duplication of services and stated that he was concerned that the School had not obtained value for money.

Mrs Baldwin's explanation was that:

"EPM provided payroll and day to day HR services. Governors agreed to hire [Stamford] in order to provide a more tailored HR advice than EPM."

In her witness statement to the panel, Mrs Baldwin added that:

"The Governors were aware that Individual K [of Stamford] and EPM were utilised by the School. It was discussed at Governors meetings and will therefore be reflected in the minutes of those meetings. At the time there was a member of staff

who had particular needs ... therefore it was agreed that the School needed outside specialist help on how to deal with this. This was approved by the Governors. EPM dealt only with the day to day HR issues that were more regulatory in nature ... they could not provide this specialist input for someone with such complex issues and I felt I needed support in managing someone with these issues."

There was no documentary evidence before the panel that the engagement of Stamford was explicitly discussed by and approved by the School's governors.

In any event, the panel considered that, having regard to Mrs Baldwin's role and job description, she had overall responsibility for the management of all of the School's financial resources.

Given the comprehensive range of services, which EPM was contracted to provide to the School, the panel concluded that there was no objective justification for Mrs Baldwin's additional use of Stamford. If Mrs Baldwin reasonably took the view that EPM was incapable of providing the support she needed it was open to her to seek to reduce the scope of the services it provided and therefore reduce the amount paid. Witness D confirmed in her evidence that it would have been open to Mrs Baldwin to do this. Witness D also confirmed that EPM was perfectly capable of dealing with an employee with specialist needs and no further cost would have been incurred whatever the level of assistance required. Her evidence was that "*EPM could manage any HR issue in an education environment*".

In those circumstances, the panel concluded that the duplication was unjustified and by engaging two HR providers Mrs Baldwin had failed to manage school funds appropriately. She accepted during the course of cross-examination that she should have taken steps to manage the duplication of contracts and failed to do so.

The panel therefore found allegation 3(c) proven.

(d) failed to obtain two quotes for annual IT support services, as was required by the Financial Regulations;

In a report produced by Price Bailey, a firm of chartered accountants, which was commissioned by the School it was reported that:

"One invoice was paid in relation to annual support services to "Individual L" for £2,400. In accordance with the Finance Regulations, there should have been at least two quotes obtained. There was no documentation present to suggest this had taken place."

The panel was presented with an invoice from Individual L of Prime ICT dated 21 July 2016 in the sum of £2,400 for "*12 Months IT Support*".

In her formal response to the allegations, Mrs Baldwin stated that:

"The annual IT support had been provided by Individual L to the school for over 10 years at a time and two quotes were obtained at this time. However, these may have been destroyed because it would not have been necessary to keep these longer than 7 years."

In her witness statement, Mrs Baldwin provided a slightly different account. She stated:

"Whilst the local authority provided overarching support on IT this did not include on site one off fixes Individual L had been used to do this historically and I continued to utilise his services. It was impractical to obtain various quotes as the nature of the work he undertook was often urgent to ensure the smooth running of the school."

There was accordingly a discrepancy between Mrs Baldwin's accounts as to whether multiple quotations were in fact obtained and, if so, when.

On balance, the panel considered it was more likely than not that Mrs Baldwin did fail to obtain two quotes for annual IT support services, having regard to the discrepancy between her various accounts and the investigation conducted by Price Bailey.

However, the panel was not satisfied that the TRA had proven to the requisite standard that this failure, without further evidence, demonstrated a failure to manage school funds appropriately. The precise nature and extent of the School's IT expenditure were unclear and there was no evidence that the amount paid to Individual L was inappropriate or excessive or that it was inappropriate to have engaged his services. Whilst the failure to obtain at least two quotations was concerning and breached finance regulations, which Mrs Baldwin accepted, the panel did not consider that in itself amounted to a failure to manage school funds appropriately.

The panel therefore found allegation 3(d) not proven.

(e) permitted and/or were aware that payments totalling £12,000 were made to Individual A for handyman work, notwithstanding that the School already had a maintenance contract with Harvey Hart Associates, and/or notwithstanding that the School already had a site manager;

The panel was referred to a contract between Harvey Hart Associates ("HHA") and the School pursuant to which HHA was contracted to provide a wide range of grounds maintenance services.

In addition, the School engaged the services of a site officer, Individual J. The panel was referred to Individual J's job description, which set out wide-ranging responsibilities in relation to school maintenance.

Despite this, Mrs Baldwin also engaged Individual A on an *ad hoc* basis for what was described as general handyman work. Various invoices were contained within the hearing papers from Individual A and a schedule of payments identified that Individual A received payments in the region of £12,000 in the period from 2012 to 2016.

Mrs Baldwin's evidence was that these payments were for additional services to those provided by HHA and Individual J.

However, having regard to HHA's contract with the School and Individual J's job description the panel did not agree. There were clear areas of overlap, including in relation to the pruning of the willow dome at the School, general gardening work and general handyman work.

During the course of questioning, Mrs Baldwin accepted that it was a concern that, in relation to the maintenance of the willow dome, the School appeared to have paid twice. Mrs Baldwin also accepted that, as site officer, Individual J's role encompassed reasonable amounts of painting and decorating work and that Individual A had also been paid for such services, albeit historically.

Whilst the precise extent to which payments had been made to Individual A for work which should have been covered by HHA or Individual J was unclear, on balance the panel concluded that there was inevitably an element of duplication and that this had a consequential impact on school funds.

In those circumstances, the panel concluded that by permitting or enabling all of these payments to be made to Individual A, whether or not the board of governors was aware of his activities at the School, did amount to a failure to appropriately manage school funds.

The panel therefore found allegation 3(e) proven.

- (f) permitted and/or were aware that payments were made to [REDACTED], Individual B, for Partylite gifts, on one or more occasions;**

During the course of the School's investigation, a concern was raised as to payments made to Individual B for what were described 'Partylite gifts'.

Individual D's report confirmed that:

"Individual B received cheque payments for: £45 (9/7/13) and £107.60 (18/07/13) for Partylite gifts. Another payment to Individual B of £208.64 (24/4/13). Also, there was no order on the school credit card (12/11/16) for £85 for Partylite gifts."

Mrs Baldwin's explanation was that the payments were made in recompense for "*Partylite gifts provided by Individual B were purchased as thank you gifts for the staff, helpers and governors.*"

Mrs Baldwin added that Individual B was an agent for Partylite and would have received commission for the purchases.

With the exception of some candles purchased for the staff room, Mrs Baldwin stated the items were not purchased from school funds *per se* as staff made monetary donations to pay for the items in question.

There was very limited information within the hearing papers in relation to these payments. Two invoices from Individual B included a narrative referring to presents and Mrs Baldwin's account was supported by an email she sent in December 2016, in response to a specific query regarding the £85 credit card payment, in which she stated that this was for "*tea lights to give as thank you gifts.*"

The panel was therefore not persuaded that there was sufficient evidence to indicate that these payments were inappropriate. The fact that they were made to Individual B was not necessarily inappropriate having regard to the explanation provided and the limited number of payments with which the panel was concerned. The panel therefore concluded that these payments did not amount to a failure to manage school funds appropriately.

It therefore found allegation 3(f) not proven.

(g) in or around April 2016, were aware that money raised by the School for charity failed to go to that chosen charity.

Witness A gave evidence to the panel that, in 2016, the School held a 'build a bear' t-shirt teddy bear project to raise money for charity.

He stated that he subsequently made enquiries of Mrs Baldwin to identify the charity to which payment was to be or had been made. However, he did not receive any response.

Witness A subsequently made enquiries of the School's finance officer who confirmed that the sum of £81 raised by the project was banked into school funds sometime after the event. Whilst payments were subsequently sent to two charities for amounts raised separately, the £81 remained in the School's funds as at June 2017.

Accordingly, whilst in her response to the allegations Mrs Baldwin suggested that she had understood the monies had been paid to charity, the panel was satisfied that this had not occurred.

Given that the monies had been raised for charity, the panel concluded that it was incumbent upon Mrs Baldwin, as headteacher, to ensure that payment was made in furtherance of that purpose at the earliest available opportunity. She had failed to do so.

Given that, as a consequence, the monies remained in the School's funds in the period from April/May 2016 to at least June 2017, the panel concluded that this did amount to a failure to appropriately manage school funds.

It therefore found allegation 3(g) proven.

4. Your conduct at allegations 2 and 3, as may be found proven, was dishonest and/or lacked integrity and/or was an abuse of position.

Having found the facts of allegations 2(a), 2(b), 3(b), 3(c), 3(e) and 3(g) proven, the panel went on to consider whether Mrs Baldwin's conduct was dishonest and/or lacked integrity and/or amounted to an abuse of position.

Mrs Baldwin denied that she acted dishonestly, without integrity or that she abused her position. In summary, she stated:

"I did not act in a dishonest manner to abuse my position of trust at any time whilst working as Headteacher at Cromwell Park or show lack of integrity (or at any time in my career)".

In relation to dishonesty, the panel first considered the actual state of knowledge or belief of Mrs Baldwin as to the facts, before considering whether her conduct was dishonest by the standards of ordinary decent people.

The panel first considered the facts found proven in allegations 2(a) and 2(b) together.

The panel had found that Mrs Baldwin had failed to make a formal declaration of her relationship with Individual B and Individual A, despite having followed due process as regards the appointment of [REDACTED] to positions at the School.

Mrs Baldwin therefore had an awareness of proper processes and procedures and failed to act accordingly. Mrs Baldwin also had ample opportunity to make a declaration and did not do so.

Nevertheless, having carefully considered all of the evidence the panel concluded that there was no dishonest intent on the part of Mrs Baldwin. She had behaved transparently in the sense that she had not sought to conceal who Individual B and Individual A were. It was more likely than not, on the basis of the evidence before the panel, that it was generally known who they were with reference to Mrs Baldwin and that there was no attempt to conceal their identities.

The failure to properly and formally declare the relationship was certainly inappropriate but the panel was not satisfied that Mrs Baldwin had deliberately decided not to inform the board of governors.

For the same reasons, the panel was not satisfied that the TRA had proven to the requisite standard that, in relation to allegations 2(a) and 2(b), Mrs Baldwin lacked integrity or that she had abused her position.

The panel therefore found allegation 4 not proven in relation to allegations 2(a) and 2(b).

The panel next considered its findings pursuant to allegations 3(b), 3(c) and 3(e).

The panel's findings were such that, in relation to each of these allegations, Mrs Baldwin had failed to manage school funds appropriately, which was a serious matter.

In relation to allegation 3(b), this of course concerned Individual I who had benefited financially in circumstances where there was a lack of clarity as to what work he had undertaken.

In relation to allegations 3(c) and 3(e), the effect of Mrs Baldwin's actions was that the School was effectively deprived of funds due to the fact that payments were unnecessarily duplicated.

The panel was nevertheless not satisfied that Mrs Baldwin's conduct was dishonest. Once again, the panel was not satisfied that there was any attempt at secrecy on the part of Mrs Baldwin. Whilst her actions called into question her financial competency, she had not gained financially in any way. The panel concluded that this negated the suggestion that Mrs Baldwin had any dishonest intent.

On balance, the panel was not satisfied that the TRA had proved, to the requisite standard, that her conduct was dishonest by the standards of ordinary and decent people.

However, having regard to the nature of its findings, the panel did conclude, in relation to allegations 3(b), 3(c) and 3(g), that Mrs Baldwin's actions lacked integrity and that she had abused her position as a headteacher.

In relation to integrity, the panel accepted the legal advice provided in relation to the meaning of lack of integrity as recently considered by the Court of Appeal in *Wingate v SRA; SRA v Mallins* [2018] EWCA Civ 366. The panel recognised that professional integrity denotes adherence to the standards of the profession and involves more than honesty.

The panel considered whether, by her actions, Mrs Baldwin had failed to adhere to the ethical standards of her profession and also whether she had abused her position. As headteacher, the panel was satisfied that Mrs Baldwin was in a position of trust and was required to act accordingly.

As an educational professional and headteacher, Mrs Baldwin was expected to maintain high professional and ethical standards.

Given the panel's conclusions and findings it was satisfied in relation to each of allegations 3(b), 3(c) and 3(e) that Mrs Baldwin had failed to adhere to those standards and had abused her position.

In particular, there is a public expectation that teachers will strive to ensure the integrity of school finances and she ought to have realised and appreciated the importance of financial propriety.

In relation to allegation 3(b), there was a lack of clarity in relation to the precise work to which the payments related. Additionally, it was not apparent that the board of governors had approved this payment or why the payments were processed by payroll as opposed to invoice payments. Individual I was never an employee of the School. Because the payments were made to Individual I, there was an imperative upon Mrs Baldwin to ensure complete transparency. She had not done so.

In relation to allegations 3(c) and 3(e), the effect of Mrs Baldwin's actions was that payments were made to contractors where there was a duplication of the work undertaken. This had the practical effect of depriving the School of funds. As the headteacher, she was aware or ought to have been aware of the nature and scope of the contracts entered into by the School for the provision of services and striven to avoid any duplication. The impact upon the School's finances was significant having regard to the amounts involved and the duration of the duplication. It was not apparent that the governors had any awareness of these issues, which was a failing on the part of Mrs Baldwin.

The panel finally considered allegation 3(g).

Having carefully considered all of the circumstances, the panel was not satisfied that Mrs Baldwin's conduct was such that she was dishonest, lacked integrity or that she had abused her position. She ought to have taken steps, promptly after the event in question, to ensure that the monies were paid to charity. She had not done so and her conduct in that regard was inappropriate. However, once again, the panel considered that this called into question Mrs Baldwin's financial competence rather than her integrity or honesty. She had not sought to benefit personally and there had been no deprivation of funds. The panel therefore found allegation 4 not proven in relation to allegation 3(g).

On that basis and in summary, having found the facts of allegations 3(b), (c) and (e) proved, the panel also concluded that Mrs Baldwin's conduct in relation to each of those proven allegations did display a lack of integrity and amounted to an abuse of her position.

5. Took and retained on cessation of your employment a copy of the Critical Incident Pack containing personal details of staff members of the School.

The panel heard evidence that the School maintained a critical incident pack to be utilised in the case of emergency. This pack contained confidential information including personal contact details for staff, pupils and governors.

Witness C gave an account of the nature of the pack and what it contained, the circumstances in which the pack would be used and where copies of the pack would routinely be kept. She stated that the School had several copies of this pack.

Witness C stated that in the period around Christmas 2017, following Mrs Baldwin's suspension, staff at the School raised concerns with her as to the fact that they had received Christmas cards from Mrs Baldwin, which, in turn, led to them feeling uncomfortable. It was suspected by the School that the staff member's contact details had likely been sourced from a copy of the critical incident pack which the School therefore concluded had been retained by Mrs Baldwin. The panel inferred that up until this point the School had not realised that one of its copies of the pack was not accounted for.

That the School's suspicions were correct was readily accepted by Mrs Baldwin. In her statement to the panel, she stated that:

"When I was removed by Witness B I was told to leave immediately. Individual M scooped everything on my desk etc into a bag. I left with nothing but then some days later Individual M gave the bag to Individual N and she then handed it to me. I did not really think about it and no one contacted me to ask me to return anything. When it came to Christmas I simply used it to send Christmas cards. I had no idea I was doing anything wrong and at the time I was suffering from stress due to the circumstances and not thinking straight."

In her oral evidence, Mrs Baldwin stated that she had always sent Christmas cards to staff and her only motive in acting as she did was to wish everyone a happy Christmas.

The panel accepted Mrs Baldwin's version of events.

As a matter of fact, by being provided with the pack in the circumstances she described and by not taking steps to return it immediately or shortly thereafter, this allegation was made out on Mrs Baldwin's evidence.

The panel therefore found allegation 5 proven on that basis.

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

Having found allegations 1(b), 2(a), 2(b), 3(b), 3(c), 3(e), 3(g), 4 (in part) and 5 to have been proven, the panel went on to consider whether the facts of those proven allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

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

The panel was satisfied that the conduct of Mrs Baldwin in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mrs Baldwin 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, including by 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 also considered whether Mrs Baldwin's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. However, the panel found that none of these offences are relevant.

In relation to allegations 1(b), 3(b), 3(c), 3(e) and 4, the panel was satisfied that the conduct of Mrs Baldwin did amount to misconduct of a serious nature, which fell significantly short of the standards expected of the profession.

In relation to allegation 1(b), having regard to the circumstances of the residential trip and Mrs Baldwin's actions, the panel concluded that she had fallen significantly short of the standards expected. Whilst no harm occurred to any pupil, her actions did present a safeguarding risk.

In relation to allegations 3(b), 3(c), 3(e) and 4, considered individually and together, the panel's findings were such that Mrs Baldwin lacked integrity and abused her position. These were significant failings on her part.

However, in relation to allegations 2(a), 2(b), 3(g) and 5 the panel was not satisfied that Mrs Baldwin's conduct fell significantly short of the standards expected of the profession having regard to its findings and the nature of the conduct found proven. In all of the circumstances and having carefully scrutinised the evidence, the panel considered that her actions did not cross the threshold.

Accordingly, the panel was satisfied that Mrs Baldwin is guilty of unacceptable professional conduct in relation to allegations 1(b), 3(b), 3(c), 3(e) and 4.

In relation to the question of whether Mrs Baldwin's conduct may bring the profession into disrepute, 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.

In relation to allegations 1(b), 3(b), 3(c), 3(e) and 4, the findings of misconduct are serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception of the profession.

In relation to allegations 2(a), 2(b), 3(g) and 5 the panel did not consider the findings of misconduct to be serious, nor does it consider that the conduct displayed would likely have a negative impact on the individual's status as a teacher or to be potentially damaging to the public perception of the profession.

The panel therefore concluded that Mrs Baldwin's actions in relation to allegations 1(b), 3(b), 3(c), 3(e) and 4 did 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, the panel went 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 maintenance of public confidence in the profession and the declaring and upholding of proper standards of conduct.

The panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mrs Baldwin were not treated with the utmost seriousness when regulating the conduct of the profession given that it concerned financial impropriety and failings in leadership to an extent that the panel concluded she had lacked integrity.

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 Mrs Baldwin was outside that which could reasonably be tolerated.

The panel considered that there was also a public interest consideration in retaining Mrs Baldwin in the profession, since no doubt has been cast upon her abilities as a teacher.

The findings made by the panel very much focused on failings in leadership as a headteacher at the School. Mrs Baldwin otherwise had a long and unblemished career and whilst the panel was not provided with any references or testimonials relating to her practice, it considered that she may be able to make a valuable contribution to the profession in the future. In mitigation, Mrs Baldwin spoke passionately about her love of teaching and her desire to continue to work with children. The panel also heard some positive testimony from [REDACTED] as regards her interactions with children.

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 Baldwin.

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 Baldwin.

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;
- abuse of position or trust ...;

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.

In light of the panel's findings, it considered that the following mitigating factors are present in this case:

- Mrs Baldwin has had a long career in education and has an otherwise unblemished record. There was no evidence that Mrs Baldwin had been subject to any previous regulatory or disciplinary proceedings. There was no evidence of any prior complaints in relation to her conduct.
- Mrs Baldwin made some factual admissions. She has fully engaged with the TRA throughout this process and attended to give evidence.
- The panel considered that Mrs Baldwin had demonstrated some insight into her failings and shown regret and remorse. There was no evidence of any attitudinal problem.

- On balance and having carefully considered the insight, regret and remorse shown by Mrs Baldwin, the panel concluded that the risk of repetition was low.
- Whilst Mrs Baldwin's actions as found proven were deliberate and she was not acting under duress, the historic culture of governance at the School was likely to have had a causative impact.

Weighed against this, the aggravating features in this case were that:

- Mrs Baldwin was an experienced headteacher. She ought to have known what was required of her and conducted herself accordingly.
- Her actions amounted to a clear breach of the Teachers' Standards and the panel had made serious findings that she had lacked integrity and abused her position.

As noted above, the panel had not been provided with any character statements or references as regards Mrs Baldwin's practice as a teacher.

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 was of the view that applying the standard of the ordinary intelligent citizen recommending no prohibition order is a proportionate and appropriate response.

Given that the central tenet of the panel's findings was Mrs Baldwin's failings in leadership as a headteacher, particularly but not limited to Mrs Baldwin's competence in relation to matters of financial matters, and in light of the mitigating factors that were present in this case, the panel determined that a recommendation for a prohibition order will not be appropriate in this case. The panel had determined that Mrs Baldwin was not dishonest and whilst it took account of the fact that its findings were wide-ranging and spanned a considerable time period, taking into account all the circumstances of the case it concluded that the nature and severity of the behaviour was at the less serious end of the spectrum.

The panel also took into account the fact that, given her experience and prior good service, there was every prospect that Mrs Baldwin would be an asset to the profession going forward, particularly as a classroom teacher. The panel considered that the risk of repetition was extremely low given the insight, regret and remorse shown.

Having very carefully taken account of the public interest considerations present in this case, the panel therefore concluded that the publication of the adverse findings it has made is sufficient to send an appropriate message to the teacher, as to the standards of behaviour that are not acceptable and meets the public interest requirement of declaring proper standards of the profession.

This was a proportionate outcome, which struck a fair balance between the need to protect the public interest and the impact on Mrs Baldwin, having regard to the fact that findings were serious and would undoubtedly affect Mrs Baldwin's professional reputation and employment prospects. The panel was satisfied that its decision maintains public confidence and upholds professional standards.

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 no sanction.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found some of the allegations proven and found that allegations 1(b), 3(b), 3(c), 3(e) and 4 amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven, and / or found that some allegations do not amount to unacceptable professional conduct or conduct likely to bring the profession into disrepute. I have therefore put those matters entirely from my mind. I also note that the panel did not make a finding of dishonesty in this case and only found allegations 3(b), 3(c), 3(e) and 4 to lack integrity.

The panel has recommended that the findings of unacceptable professional conduct / conduct likely to bring the profession into disrepute should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Mrs Baldwin 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, including by 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.

In relation to allegations 1(b), 3(b), 3(c), 3(e) and 4 the panel was satisfied that the conduct of Mrs Baldwin did amount to misconduct of a serious nature, which fell significantly short of the standards expected of the profession.

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 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 Mrs Baldwin, and the impact that will have on her, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, "In relation to allegation 1(b), having regard to the circumstances of the residential trip and Mrs Baldwin's actions, the panel concluded that she had fallen significantly short of the standards expected. Whilst no harm occurred to any pupil, her actions did present a safeguarding risk." A prohibition order would therefore prevent such a risk 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 considered that Mrs Baldwin had demonstrated some insight into her failings and shown regret and remorse" The panel has also commented that, "On balance and having carefully considered the insight, regret and remorse shown by Mrs Baldwin, the panel concluded that the risk of repetition was low".

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 Mrs Baldwin were not treated with the utmost seriousness when regulating the conduct of the profession given that it concerned financial impropriety and failings in leadership to an extent that the panel concluded she had lacked integrity."

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order 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 Mrs Baldwin herself. The panel comment, "The findings made by the panel very much focused on failings in leadership as a headteacher at the School. Mrs Baldwin otherwise had a long and unblemished career and whilst the panel was not provided with any references or

testimonials relating to her practice, it considered that she may be able to make a valuable contribution to the profession in the future.”

A prohibition order would prevent Mrs Baldwin from teaching. 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 in relation to mitigation and the nature and severity of the behaviour. The panel said, “Given that the central tenet of the panel's findings was Mrs Baldwin's failings in leadership as a headteacher, particularly but not limited to Mrs Baldwin's competence in relation to matters of financial matters, and in light of the mitigating factors that were present in this case, the panel determined that a recommendation for a prohibition order will not be appropriate in this case”. The panel also said, “it concluded that the nature and severity of the behaviour was at the less serious end of the spectrum.”

I have also placed considerable weight on the view of the panel that, “there was every prospect that Mrs Baldwin would be an asset to the profession going forward, particularly as a classroom teacher. The panel considered that the risk of repetition was extremely low given the insight, regret and remorse shown.”

I have given weight in my consideration of sanction therefore, to the contribution that Mrs Baldwin has made to the profession, the nature and severity of the misconduct and the risk of repetition. In my view, it is not necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision backed up by the remorse or regret shown along with the mitigating factors, does in my view satisfy the public interest requirement concerning public confidence in the profession.

A handwritten signature in black ink, appearing to read 'Dawn Dandy', with a stylized, flowing script.

Decision maker: Dawn Dandy

Date: 16 January 2019

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