



Teaching
Regulation
Agency

Elizabeth Karen Hart: Professional conduct panel outcome

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

February 2019

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

Teacher: Ms Elizabeth Hart

Teacher ref number: 8814411

Teacher date of birth: 07 May 1962

TRA reference: 0012164

Date of determination: 15 February 2019

Former employer: Field Court Church of England Infants Academy,
Gloucestershire

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened between 8 and 10 October 2018 at Cheylesmore House, 5 Quinton Road, Coventry CV1 2WT; and again between 9 and 11 January, and 15 February 2019 at the Ramada Hotel, Coventry, CV1 3GG.

The panel members were Ms Marjorie Harris, (lay panellist – in the chair), Mr Phillip Riggon (teacher panellist) and Ms Mahfia Watkinson (lay panellist).

The legal adviser to the panel was Mr Tom Walker of Blake Morgan LLP solicitors.

The presenting officer for the TRA was Mr Ian Perkins of Browne Jacobson solicitors.

Ms Hart was not present or represented for the first 5 days of the hearing, but attended on 11 January 2019. Ms Hart was not present or represented on 15 February 2019. The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 1 June 2018.

It was alleged that Ms Hart was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

Whilst employed as a Head Teacher at Field Court Church of England Infants Academy in Gloucestershire between January 2005 and June 2014, she:

1. Was responsible for irregularities in the financial management of the school, in that she made purchases or payments using school funds which were unreasonable in that they were not solely for the benefit of the school and/or did not represent value for money for the school, including but not limited to:
 - a. spending approximately £3,800 at independent stores/retailers including gift and flower shops between February 2012 and November 2013;
 - b. spending approximately £5,000 at supermarkets such as Waitrose, Sainsbury's and Tesco between January 2012 and November 2013;
 - c. making approximately 43 purchases at high end stores such as Marks & Spencer, John Lewis, House of Fraser, Harvey Nichols and Next totalling approximately £3,500 between January 2012 and November 2013;
 - d. spending approximately £3,700 at home/garden improvement retailers such as B&Q, Homesense, Countrywide Farmers Plc and the Garden Centre between January 2012 and January 2014;
 - e. made approximately 95 purchases during school holidays between March 2012 and January 2014;
 - f. spending a total of approximately £900 on expenses such as petrol, flight and hotel costs between April 2012 and January 2014;
 - g. spending approximately £225 at Apple iTunes between February 2012 and August 2013;
 - h. making approximately 7 transactions at coffee houses/bakeries/pubs/restaurants totalling approximately £235 between April 2012 and November 2013;
 - i. made approximately 15 purchases at clothing retailers such as Primark, Zara, Monsoon and New Look totalling approximately £495 between March 2012 and December 2013.
2. Failed to present receipts and/or invoices for approximately 320 transactions between January 2012 and January 2014.

3. Collected money within school for staff gifts purchased using the school's charge card but failed to reimburse school funds.
4. Her conduct at 1, 2 and 3 above lacked integrity and/or was dishonest.

Ms Hart did not admit the facts. The allegations were taken not to have been admitted.

C. Preliminary applications

The case first sat between 8 and 10 October 2018. At this first hearing of the case, the panel decided to proceed in the absence of Ms Hart, and the panel then decided to adjourn the case to enable receipt of additional information (see decision dated 10 October 2018).

The additional information was received by the panel on 4 January 2019 and has also been sent to Ms Hart. For completeness, the additional material, which includes a transcript of a police interview with Ms Hart, is relevant to the allegations and the panel has decided it is fair for this material to be admitted as pages A1 to A140.

The new hearing dates of 9 to 11 January 2019 were communicated to Ms Hart on 12 October 2018 and she was aware that the hearing would resume on that date, i.e. 9 January 2019 (see page A1).

By way of email correspondence between pages A140 to A145 Ms Hart indicated to the TRA that she was minded to attend the hearing on Friday 11 January 2019 "to answer any questions". The TRA in turn wrote to Ms Hart to explain that this would require an application to adjourn the proceedings starting 9 January 2019 until 11 January 2019 and that no such application had been made. Ms Hart in turn responded stating that "nobody had told her" that she needed to attend on 9 January 2019.

The Presenting Officer, having placed this email material before the panel made an application on behalf of the TRA to proceed in the absence of Ms Hart on the basis that adjourning until 11 January 2019 prejudiced the public interest in timely and efficient regulatory proceedings in that, almost inevitably, a further adjournment would be needed.

The Presenting Officer also highlighted the fact that Ms Hart was not indicating that she had additional evidence, simply that she wished to attend to answer any questions. The Presenting Officer also highlighted that whilst Ms Hart was informed on 12 October 2018 that the hearing would resume on 9 January 2019 she did not respond to the TRA until 6 January 2019, and only on 8 January 2019 indicated that she wished to attend.

The panel is of the view that it is obvious from the very nature of these proceedings, and the available guidance (which has been made available to Ms Hart) that the hearing would resume on 9 January 2019 and proceed in stages in accordance with the Disciplinary Rules. Ms Hart was made aware of this on 12 October 2018 and therefore

has had plenty of time to make arrangements to attend the hearing. In the event of any confusion on the part of Ms Hart it was open to her to clarify matters with the TRA after 12 October 2018, and this was not done.

The panel adjourned the case on the last occasion to enable it to receive relevant evidence, which included the police interview transcript, in which Ms Hart is questioned on matters relevant to these allegations, and on which she had relied on in her defence in written representations to the TRA previously.

The panel notes that Ms Hart has not:

- requested an adjournment of this case for any particular reason;
- explained in detail why she is unable to attend on 9 January 2019 given the fact that she was on notice of the resumed proceedings on 12 October 2018;
- indicated to the panel that she wishes to attend to present her case or provide additional evidence; or
- provided an explanation as to why she did not engage with the TRA on this matter prior to 6 January 2019.

The panel has had regard to Rules 4.27 to 4.35 and has received advice in relation to the consideration of proceeding in the absence of the teacher and has accepted that advice. The panel notes the public interest in regulatory proceedings taking place in a timely and efficient manner, but has also had regard to the prime importance of ensuring a fair hearing to the teacher.

Ms Hart is aware that the case is due to recommence on 9 January 2019 and is, or should have been aware, that she is at liberty to attend these proceedings. She has chosen not to attend today, and has thus waived, whether wilfully or otherwise, her interest in fully participating in these proceedings.

Ms Hart has not provided an explanation as to what evidence she intends to present to the hearing, and the panel is not satisfied that proceeding in the absence of Ms Hart, having already adjourned to receive evidence relevant to her defence, would be contrary to the interests of justice. The panel has therefore decided to proceed in the absence of Ms Hart.

This decision was communicated to Ms Hart by the TRA by email on 9 January 2019. The panel then proceeded to hear a closing submission from the Presenting Officer, and then retired to consider its decision on the same day. The panel continued its deliberations on 10 January 2019. However, prior to reaching a decision, at approximately 14h30, the panel received a notification from the TRA that Ms Hart had expressed a wish to be afforded an opportunity to make closing submissions to the panel.

The panel took the view that if Ms Hart wished to attend the hearing, she should have done so on 9 January 2019, and she had ample opportunity to do so. However, given the timing of the communication from Ms Hart and the fact that at the point that it was received, no deliberations had been concluded, it was appropriate to adjourn to afford Ms Hart the opportunity to make any closing submissions she wished to make.

Ms Hart attended the hearing on 11 January 2019 and informed the panel that she wished to give oral evidence in relation to the allegations. In turn, Ms Hart gave oral evidence and was questioned by members of the panel, and the Presenting Officer.

D. Summary of evidence

Documents

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

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

Section 2: Notice of Proceedings and Response – pages 5 to 12

Section 3: Teaching Regulation Agency witness statements – pages 19 to 23

Section 4: Teaching Regulation Agency documents – pages 25 to 122

Section 5: Teacher documents – pages 124 to 267

In addition, the panel agreed to accept the following on 8 October 2018:

- Letter from Ms Hart to the TRA dated 9 July 2018, which was added to the Bundle at pages 269 to 274;
- Education Funding Agency (EFA) Report into financial management and governance at Field Court C of E Infant Academy (April 2014) at pages 275 to 290;
- Email between TRA and the Presenting Officer (8 October 2018) regarding notice of the October 2018 hearing (page 295 to 298).

Reference was also made to the Disciplinary Hearing Minutes (16 July 2014) and the response of Ms Hart to the audit report, but these documents were already contained within the bundle so in the event were not formally admitted to the bundle.

At the resumption of the hearing on 9 January 2019, a supplementary bundle of papers received from the police was admitted as pages A1 to A140, complete with email correspondence between the TRA and Ms Hart as pages A141 to A145.

This supplementary bundle comprised:

Notification of Adjourned hearing Dates (A1)

Letter to teacher Disclosing Police Evidence (A2)

Statement of Individual A [REDACTED] (A2 to A12)

Statement of Individual B [REDACTED] (A13 to A17)

Statement of Witness A [REDACTED] (A18 to A20)

Statement of Individual C [REDACTED] (A21 to A25)

Statement of Individual D [REDACTED] (A26 to A32)

Statement of Individual E [REDACTED] (A33 to A34)

Statement of Individual F [REDACTED] (A35 to A37)

Statement of Individual G [REDACTED] (A37 to A39)

Statement of Police Interview (A40 to A140)

On 11 January 2019, Ms Hart attended the hearing and presented an email from Individual G, a member of staff at the school at the time of the events, dated 4 January 2019, which the panel admitted at the hearing as A146.

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, who was [REDACTED] who conducted the school's investigation, on 9 October 2018. The panel also heard oral evidence from Ms Hart on 11 January 2019.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

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

The panel repeats the preamble to the interim decision on 8 October 2018. This case relates to allegations that Ms Hart was involved in financial mismanagement during her employment as a Head Teacher at Field Court Infant Academy and prior to her leaving employment on 27 June 2014. The bulk of the allegations relate to conduct said to have

occurred between January 2012 and January 2014. The allegations are that Ms Hart made purchases using school funds which were unreasonable in that they were not solely for the benefit of the school and/or did not represent value for money for the school, and that in so doing she demonstrated a lack of integrity and/or dishonesty.

The allegations were investigated by an auditor appointed by the Governors who produced a report, which is before the panel (pages 60 to 73). The auditor interviewed Ms Hart about a number of the transactions said to have been irregular, and noted her response in a spreadsheet attached to this report (pages 74 to 98).

Witness A, who gave oral evidence to the panel, also conducted her own investigation (pages 35 to 59). However, Witness A confirmed that she had relied upon the earlier auditor's report and the Education Funding Agency report (pages 275 to 290). Witness A also confirmed that she had not formally interviewed Ms Hart herself nor any other members of staff.

The case of Ms Hart was referred to the TRA in July 2014. However, the police also conducted an investigation, and the TRA awaited the outcome of this, prior to finalising its own investigation. The police investigation took over two years to complete but resulted in a decision at some point after 12 May 2017 (see letter from police at page 34 which confirms that as at this date the investigation was ongoing).

Ms Hart's solicitors subsequently wrote representations to the TRA (12 September 2017, pages 132 to 164) stating that the police had decided to take no further action in this matter. Ms Hart's solicitors make reference to the interviews given by Ms Hart to the police as supportive of her case that she is not guilty of dishonesty or lack of integrity. These interviews were said to have lasted over six hours, and to have taken place on two occasions (page 163).

The panel has now received and read a transcript of an interview under caution and has had the opportunity to consider Ms Hart's response to the allegations being considered by the police. The panel has also received, inter alia, a statement from Individual B, a teacher at the school, who gives relevant evidence in relation to items which she stated appeared at the school in February 2014 and were not present previously.

The police took a statement from Individual C, another teacher at the school in relation to the school credit cards. In her statement, Individual C stated that she was aware of signing a school credit card, but did not use the cards herself.

A statement was also received from Individual D who stated that Ms Hart had control of both school credit cards, and that he reviewed the credit card statements, experienced difficulty obtaining the receipts for the spending from Ms Hart, and that whilst he had concerns about the spending, felt unable to challenge her because of her role as Headteacher.

In addition, as referred to above, the panel has also heard oral evidence from Ms Hart who attended the hearing on 11 January 2019. In her evidence, Ms Hart made submissions in relation to the case as a whole, and its impact upon her. Ms Hart also gave evidence in relation to the transactions relevant to the allegations to explain her rationale for some of the purchases complete with her explanation as to why items had been delivered to her home address and/or stored there.

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:

Whilst employed as a Head Teacher at Field Court Church of England Infants Academy in Gloucestershire between January 2005 and June 2014, you:

1. Were responsible for irregularities in the financial management of the school, in that you made purchases or payments using school funds which were unreasonable in that they were not solely for the benefit of the school and/or did not represent value for money for the school, including but not limited to:

By way of background, Ms Hart had access to two credit cards which were owned by the school. Ms Hart states that she did not have exclusive access to the cards, and states that other members of staff also had access to the cards. However, the panel received a statement from Individual C, another member of staff named on one of the credit cards who stated that she did not use any such school credit card. The panel did not hear oral evidence from Individual C and treated her evidence with some caution, however her statement was on a section 9 template with a warning that she could be prosecuted if she wilfully stated anything which she knew to be false. The panel therefore gave her evidence weight and accepted that she had not used the credit cards.

The panel has considered this matter carefully. The transactions largely took place between January 2012 and January 2014 and are detailed on spreadsheets attached to the audit report at pages 74 to 98 of the bundle. By way of observation, there are a large number of transactions, with expenditure on an almost weekly basis in shops which the panel would not regard as typical for school requirements, for example: specialist farm/horse equipment suppliers, home furnishing stores, flower shops and higher end retailers.

The panel notes that in the case of many of the transactions, Ms Hart accepts her knowledge of them, accepts that they were made by her, and indeed gives an explanation for them. Indeed, at no point either throughout the investigations, or in the course of giving evidence, has Ms Hart highlighted any significant transactions, or significant number of transactions, said to have been undertaken by others.

Whilst it remains plausible that other members of staff may have had access to the cards, the panel is satisfied that Ms Hart was the primary user of the school credit cards and had overall control of them.

The range, value and number of transactions is such that the school, and Ms Hart, should have required a detailed account and justification for each item. As the Headteacher and Accounting Officer, Ms Hart had a professional responsibility to assist in ensuring that the school's financial management was sound. The school designated a Governor to periodically review the credit card transactions. However, there was no clarity as to what they were reviewing, and against which standard. This system was not robust, and the fact that periodic reviews took place does not confirm that the transactions in issue were bona fide and authorised.

The panel is of the view that, by failing to ensure that systems were in place to account for each transaction, even if such a transaction was not made by her personally, Ms Hart was responsible for financial mismanagement at the school.

In terms of the nature of the transactions, which Ms Hart accepts were made by her, the panel has very carefully considered the written representations she has made, and the account she gave to the police in interview, as well as the account she gave in oral evidence. Ms Hart's position is that the school, as an academy, was empowered to do things differently, and was responsible for the management of its own funds. Ms Hart also states that her view of 'value for money' focused on best value in terms of quality rather than price.

In general terms, the panel accepts the rationale of this argument on the basis that budget items may require regular replacement or may not be fit for purpose and thus not represent long-term value. However, the panel's view is that this is very much a fact specific assessment and must be considered against each specific transaction. There is no evidence that Ms Hart at any point provided a detailed contemporaneous explanation as to why higher value items were purchased over lower value items, and why this specifically represented better value for money for the school. There is also no evidence that the Governors substantively reviewed the credit card expenditure.

In sum, there was no audit trail or contemporaneous justification by Ms Hart in relation to the purchases. Similarly, in her written responses Ms Hart has not been able to provide specifically detailed explanations for the large majority of the transactions. Ms Hart has provided detailed representations through solicitors (pages 138 to 164) and a written response addressing some of the transactions (pages 190 to 204). The representations from her solicitors also make reference to the weak financial governance arrangements at the school. For the reasons set out above, in as far as the financial governance arrangements at the school were weak, Ms Hart would bear some responsibility for this. However, even if this did result in receipts being mislaid, or transactions not being reviewed and recorded, it would not satisfactorily explain the sheer volume of transactions and Ms Hart's inability even in oral evidence to provide satisfactory and specific detailed accounts of the transactions beyond general statements.

In some cases, the cost of items purchased were significantly higher than a budget item would cost, and there was no justification for this. For example, on or around 7 October 2013 (page 95) £122.42 was spent on jackets for staff to wear when visiting the outdoor classroom. Again, on 31 January 2014 (page 98), a further £209.97 was spent on jackets for staff to wear when visiting the outdoor classroom. There was no breakdown in relation to the type and number of jackets. Whilst these may well have represented quality purchases, there was no evidence that they represented value when considering their

costs proportionately to other similar items, or indeed when considering the budget of the school as a whole.

Another example is the night vision equipment purchased at a cost of £169.00 on 27 October 2013 (page 95). Ms Hart stated in both written and oral evidence that this was for the outdoor garden and use by the school. The panel does not accept this explanation and can discern no reason why staff or pupils would have required this, and indeed Individual C stated that the school would not have the need for the use of such equipment (page A23). Individual B also gave a statement to the police in which she states that the night vision equipment was first seen by her in Ms Hart's possession (and which Ms Hart implied had been purchased by [REDACTED] and that such equipment would not be of benefit for the school (page A17). The panel is satisfied that this equipment was purchased by Ms Hart and represents financial irregularity in that it was not for the sole use of the school.

There is a further point to note. In the police interview (pages A129 onwards), Ms Hart is referred to a list of items recorded by her which is marked 'take in'. There is a 'take in' list at page 121 in the bundle, which includes reference to a number of items, also recorded on the spreadsheet, which Ms Hart needed to locate. Ms Hart accepted that she authored this list, but stated that this list was one of many lists prepared by her to put affairs in order for administrative purposes. This list confirms that at least some items were purchased by her and yet could not be located. This also confirms that such items could not have been for the sole benefit of the school – indeed, had they been, then such items would have been within the school premises or at least readily found.

For the avoidance of doubt, the panel takes the view that allegation 1 is proven on the basis of the examples above on both alternate bases i.e. purchases both not for the sole benefit of the school and which did not represent value for money. Notwithstanding this, the panel has proceeded to consider the particulars of the allegations.

The panel notes that there is no clear evidence in the bundle as to how the calculations in the particulars of allegation 1 have been arrived at, but notes that reference is made to approximate sums, and that the allegation is such that the particulars are to be considered as illustrative, i.e. 'to include' such examples of spending.

a. spending approximately £3,800 at independent stores/retailers including gift and flower shops between February 2012 and November 2013;

The panel notes that there is no clear evidence relating to the entirety of the transactions which relate to 'independent stores/retailers', but has approached this on its own assessment of the transactions and the best available evidence in relation to them.

There were numerous transactions at stores which appear to be independent and in respect of which no explanation was given.

The total figure for the expenditure was calculated by the panel to be approximately £5,628.19. However, the panel notes that the audit report did not 'test' every single transaction, and this figure relates to all transactions. Of the 484 transactions across both credit cards, only 146 were specifically addressed in the audit report. The panel has thus focused on the 146 'tested' transactions (to consider explanations given for the spending), whilst also taking into account the totality of the transactions.

Of the transactions relevant to this particular, 7 are recorded as substantiated on the spreadsheet (£854.47). The panel has no evidence before it as to how transactions were assessed as substantiated, but has applied its own assessment to the transactions.

The panel notes the following examples of expenditure relevant to this particular (pages 75 to 82):

1. £100 Daffodil – vouchers as a thank you to 'someone' (7 February 2012)
2. £65.95 Flower Shop (9 February 2012) (untested)
3. £54.00 (flowers, 27 March 2012)
4. £40.00 (flowers, 6 March 2012) (untested)
5. £35.99 (flowers/gifts 3 May 2012) (untested)
6. £75.94 (Timewatch/Sugar Loaf 'nick-nacks', 27 September 2012)
7. £56.64 (Lock Stock and Barrel, possibly photo frames, 1 November 2012)
8. £32.97 (Lock Stock and Barrel, no explanation, 19 December 2012) (untested)

The panel heard evidence from Ms Hart. However, Ms Hart was not able to give a satisfactory explanation of the volume and range of transactions such as to justify how they represented good value for the school and its pupils.

The panel is of the view that none of the above items were adequately justified by Ms Hart. Whilst there is no evidence that Ms Hart bought flowers and/or gifts for herself, there is no clear audit trail or record of the expenditure either way.

Whilst the panel is unable to determine whether all such items were not for the sole benefit of the school, it is satisfied that the expenditure taken as a whole, to include the examples given above, did not represent value for money for the school.

More specifically, and by way of illustration, expenditure of some £159.95 on flowers between February and March 2012 (both 'tested' and untested transactions) would not, without specific explanation and justification, represent value for money for a school tasked with the provision of educational services.

The panel is satisfied that this particular is proven on the balance of probabilities, namely that Ms Hart was responsible for irregularities in the financial management of the school in spending approximately the amount referred to at independent retailers within the period described, and that this did not represent good value for the school.

b. spending approximately £5,000 at supermarkets such as Waitrose, Sainsbury's and Tesco between January 2012 and November 2013;

The panel has approached this particular based on its own assessment of the transactions and the best available evidence in relation to them.

There were numerous transactions at supermarkets including those referred to, between January 2012 and November 2013.

The total figure for the expenditure was calculated by the panel to be approximately £4,928.91.

Taken as a whole, the volume and nature of the transactions is not accompanied by an adequate explanation or justification.

The panel would note in particular the following transactions as indicative of unreasonable expenditure:

1. 5 March 2012, Tesco £126.93 (tested)
2. 28 October 2012, Tesco £54.19 (untested)
3. 31 October 2012, Tesco £23.80 (untested)
4. 4 November 2012, Waitrose £54.57 + £15.00 (untested)
5. 12 November 2012, Tesco £51.65 (untested)
6. 6 March 2013, Sainsbury's £54.95 (untested)
7. 6 March 2013, Tesco £65.85 + £17.70 (untested)
8. 7 May 2013, Waitrose (£172.46 – explanation given by Ms Hart that this was for lunch for 4/5 job applicants)
9. Multiple transactions in July 2013 at various supermarkets (page 92)
10. On a number of occasions an explanation was given by Ms Hart that such expenditure was incurred for the school cookery club. The total overall costs within the period were approximately £775.44. Furthermore, some of the costs for cookery club within specific periods were very high. Between 14 and 21 January 2013, £240.06 was ostensibly spent on cookery club.

Item 1 above is a significant expenditure at a supermarket and was recorded as not substantiated by the audit report. Items 2 to 7, and 9 represent significant expenditures within a short period of time. As regards item 8, the school (and Individual D, [REDACTED]) disputed whether lunch had in fact been provided but in any event a spend of £172.46 does not represent good value for lunch (page 90). As regards item 10, the costs incurred for cookery club are significantly in excess of what would be expected, particularly given the number of pupils concerned, and the fact that each pupil made a financial contribution to the costs of the club in the first place (see audit report, page 50).

The panel heard evidence from Ms Hart. Whilst the panel cannot discount that sums were spent by Ms Hart on cookery club, the sums in question were too high, too regularly incurred and inadequately detailed or justified to represent good value for the school.

In relation to the lunch expenditure for 4/5 applicants, Ms Hart added in oral evidence that lunch was purchased for the interviewing panel of governors as well. However, the panel took the view that even if the lunch was for 10 or even 15 people, the expenditure was excessive per person. In any event, the total expenditure on lunch was very high and did not represent good value for the school.

Whilst the panel is unable to determine whether all such items were not for the sole benefit of the school, it is satisfied that the expenditure taken as a whole, to include the examples given above, did not represent value for money for the school.

The panel is satisfied that this particular is proven on the balance of probabilities, namely that Ms Hart was responsible for irregularities in the financial management of the school in spending approximately the amount referred to at supermarkets within the period described, and that this did not represent good value for the school.

- c. making approximately 43 purchases at high end stores such as Marks & Spencer, John Lewis, House of Fraser, Harvey Nichols and Next totalling approximately £3,500 between January 2012 and November 2013;**

The panel has approached this particular based on its own assessment of the transactions and the best available evidence in relation to them.

There were numerous transactions at the stores referred to, between January 2012 and November 2013.

The total figure for the expenditure was calculated by the panel to be approximately £3,900, which included both tested and untested transactions.

The panel heard evidence from Ms Hart, who stated that a number of the items had been purchased for the spiritual garden, or were otherwise furnishings for the school.

Taken as a whole, the volume and nature of the transactions is not accompanied by an adequate explanation or justification.

The panel would note in particular the following transactions as indicative of unreasonable expenditure (page 77):

1. £600.00 on 6 April 2012, John Lewis (Ms Hart stated this was for outdoor furniture for the spiritual garden)
2. £137.34 on 22 April 2012, B & Q (Ms Hart stated this was for lighting for the spiritual garden)
3. £111.97 on 22 April 2012 Homesense (Ms Hart stated this was for furniture and cushions for the spiritual garden)
4. £289.00 on 21 February 2012 (Apple Retail UK Ltd) for an iPad
5. £88.97 on 18 November 2012 (Waterstones) for a kindle
6. £429.00 on 11 July 2013 (Apple Store) for a large iPad

With regard to items 4 to 6, there was no cogent explanation provided by Ms Hart as to why she would require three electronic reading devices. The panel is of the view that these purchase do not represent good value for money for the school and there is a logical inference that the three items were not for the sole benefit of the school.

The panel notes the evidence of the school, and other witnesses including that of Witness A and Individual D, that the spend for the spiritual garden was only approved in March 2013. This is supported by the School Meeting Minutes of 18 June 2013 (page 115) that the spiritual garden was a recent conception, and thus was not a matter which was being funded in April 2012. The panel also notes and accepts the evidence that the items referred to above were delivered to Ms Hart's home address and only subsequently made their way to school, where they were described as having 'appeared' towards the end of 2013. Indeed, there are photographs which confirm that the furniture was at Ms Hart's home address (page 117). The panel also notes that the adult-sized Rattan Chairs in question would not, on the face of it, be suitable for use by children.

The panel heard evidence from Ms Hart but does not accept her evidence as credible. Ms Hart states that the idea for the spiritual garden came some time before initiation. However, this conflicts with the written evidence of when the idea was formally agreed upon by the school. There is no cogent explanation for the expenditure being incurred in April 2012, prior to the idea being agreed by the school. Furthermore, there is no cogent explanation for why the materials would be delivered to Ms Hart's home address nearly a year before the spending was authorised if the items were always for the sole benefit of

the school. The panel is satisfied that the items referred to above (1 to 3) were not for the sole benefit of the school.

The panel is satisfied that this particular is proven on the balance of probabilities, namely that Ms Hart was responsible for irregularities in the financial management of the school in buying the items referred to above within the period described, and that this was not for the sole benefit of the school.

Furthermore, when considering the nature and volume of the transactions taken as a whole, the panel is satisfied that the approximate expenditure referred to in this particular was not adequately justified and thus did not represent good value for the school.

d. spending approximately £3,700 at home/garden improvement retailers such as B&Q, Homesense, Countrywide Farmers Plc and the Garden Centre between January 2012 and January 2014;

The panel has approached this particular based on its own assessment of the transactions and the best available evidence in relation to them.

There were numerous transactions at retailers including those referred to, between January 2012 and January 2014.

The total figure for the expenditure (including both tested and untested transactions) was calculated by the panel to be approximately £3,829.67. The bulk of this figure relates to soft furnishings/home goods and the panel is of the view that this figure would be regarded as very high in all the circumstances (see audit report at page 70 where the costs for refurbishment of the staff room is assessed further).

The panel heard evidence from Ms Hart who stated that she wished to make the school distinctive by purchasing good quality items for the school. However, Ms Hart was unable to properly or fully justify expenditure of this nature and volume. Taken as a whole, the volume and nature of the transactions is not accompanied by an adequate explanation or justification.

The panel would note in particular the following transactions as indicative of unreasonable expenditure:

1. 12 March 2013, £310.00 (Ms Hart stated that this was rugs, vases, towels and cushions for the staff room)
2. 15 March 2013, £224.90 'decorative accessories' (no detailed explanation or substantiation);
3. 18 June 2013, £200.89 'throws, furnishings and pouffes' (no detailed explanation or substantiation);
4. 5 August 2013, £179.99 (Ms Hart stated that this was a sofa for the after-school club).
5. 9 August 2013, £155.00 (circular seat for tree which did not fit);
6. 6 August 2013, £89.69 (toilet tent but not used).

As regards item 1 above, the panel notes that Individual D was not aware of any such expenditure, and nor was he aware of any vases (page 88).

As regards item 4, the panel notes that Individual B states that this was not seen within the school until February 2014 (page A16). The panel prefers the evidence of Individual B that this was an item which was bought by Ms Hart and was not for the sole benefit of the school.

Whilst the panel is unable to determine whether all such items (other than 4) were not for the sole benefit of the school, it is satisfied that the expenditure taken as a whole, to include the examples given above, did not represent value for money for the school.

The examples above indicate inadequately justified expenditure, in that, given the sums in question there was no detailed explanation as to why the costs were necessary. In the case of items 5 and 6 above, both indicate poorly planned purchases which did not represent value for the school because the items were not fit for purpose, or inappropriate for use.

There is also a statement from Individual G (A37) in which reference is made to purchase for specialist horse equipment using the school credit cards. In oral evidence, Ms Hart accepted that she purchased horse rugs and associated items for use at school because such items were of good quality. The panel was not able to determine whether such items were not for the sole benefit of the school, but was not satisfied that such purchases represented good value for money for the school given the absence of any clear assessment by Ms Hart as to the cost of alternative items, or contemporaneous justification for such purchases.

The panel is satisfied that this particular is proven on the balance of probabilities, namely that Ms Hart was responsible for irregularities in the financial management of the school in spending approximately the amount referred to at the retailers in question within the period described, and that this did not represent good value for the school.

f. spending a total of approximately £900 on expenses such as petrol, flight and hotel costs between April 2012 and January 2014.

The panel has approached this particular based on its own assessment of the transactions and the best available evidence in relation to them.

There were numerous such transactions between April 2012 and January 2014, both tested and untested. The total figure for the expenditure was calculated by the panel to be approximately £650.08.

Taken as a whole, the volume and nature of the transactions was not accompanied by an adequate explanation or justification by Ms Hart.

The panel would note in particular the following transactions as indicative of unreasonable expenditure:

1. Hotel costs of £69.00 were incurred in Tamworth, and yet the distance between the school and the destination is not such as to justify hotel costs without explanation (page 87);

2. Additional costs of £98.93 were incurred on EasyJet flights to Scotland (page 77) without any contemporaneous explanation or justification.

The panel heard evidence from Ms Hart, who gave her account of the transactions highlighted above. Whilst the accounts given by Ms Hart were plausible in that it is possible that there was some benefit for the school, the expenditure was not justified.

In respect of item 2, Ms Hart stated that this was a research trip to a school in Scotland to assess the Key Stage 1 curriculum (page 77). The panel is of the view that this explanation is unsatisfactory. The school system in Scotland is different, and no contemporaneous explanation or authorisation was sought, and nor indeed were the results of any research trip formally reported.

The panel is satisfied that item 2 represents expenditure, which was not for the sole benefit of the school.

As regards item 1, Ms Hart stated that this was for assessing whether an indoor ski centre was suitable for a school visit, and to visit another school's spiritual garden (letter from solicitors, page 156, and page 87). The panel is not satisfied that incurring hotel costs for either such purpose would be justified without an explanation (particularly given the fact that Tamworth is not far from Gloucestershire) and indeed no contemporaneous justification for this expenditure was given by Ms Hart.

The panel is satisfied that this particular is proven on the balance of probabilities, namely that Ms Hart was responsible for irregularities in the financial management of the school in spending approximately the amount referred to within the period described, and that this did not represent good value for the school (items 1 and 2).

g. spending approximately £225 at Apple iTunes between February 2012 and August 2013;

The panel has approached this particular based on its own assessment of the transactions and the best available evidence in relation to them.

There were numerous transactions at Apple iTunes between February 2012 and August 2013.

The total figure for the expenditure was calculated by the panel to be approximately £148.02 (both tested and untested transactions).

The panel heard evidence from Ms Hart, who stated that the expenditure was to buy music for assembly.

The panel notes the statement of Individual C (page A23) that staff were given £20 iTunes vouchers for the required applications and thus would not have required additional funds. The panel accepts that evidence.

Taken as a whole, the volume and nature of the transactions is not accompanied by an adequate explanation or justification. Indeed, there is no cogent explanation whatsoever as to what was purchased via iTunes or why this was value for money for the school.

The panel is satisfied that this particular is proven on the balance of probabilities, namely that Ms Hart was responsible for irregularities in the financial management of the school in spending approximately the amount referred to within the period described, and that this was not value for money for the school.

h. making approximately 7 transactions at coffee houses/bakeries/pubs/restaurants totalling approximately £235 between April 2012 and November 2013;

The panel has approached this particular based on its own assessment of the transactions and the best available evidence in relation to them.

There were numerous transactions, at least 7, at the type of establishments referred to above, between April 2012 and November 2013.

The total figure for the expenditure was calculated by the panel to be approximately £187.00 (both tested and untested transactions).

The panel heard evidence from Ms Hart and she stated that she wanted staff and others such as visitors to be made welcome with hospitality.

However, taken as a whole, the volume and nature of the transactions is not accompanied by an adequate explanation or justification. In the absence of an adequate explanation, regular expenditure on refreshments such as occurred in this case may be for school purposes (as Ms Hart states) but would not represent good value for the school without justification.

The panel is satisfied that this particular is proven on the balance of probabilities, namely that Ms Hart was responsible for irregularities in the financial management of the school in spending approximately the amount referred to within the period described, and that this did not represent value for money for the school.

i. made approximately 15 purchases at clothing retailers such as Primark, Zara, Monsoon and New Look totalling approximately £495 between March 2012 and December 2013.

The panel has approached this particular based on its own assessment of the transactions and the best available evidence in relation to them.

There were numerous such transactions between March 2012 and December 2013. The total figure for the expenditure was calculated by the panel to be approximately £265.00 (both tested and untested).

The panel heard evidence from Ms Hart, who stated that she wanted the school to have good quality costumes for dressing up for various activities including role-playing activities involving teachers in order to bring the curriculum 'alive'.

The panel is of the view that Monsoon and Zara are retailers which would not typically feature as suppliers of items for school purposes – at least not without specific justification. Taken as a whole, the volume and nature of the transactions is not accompanied by an adequate explanation or justification.

The panel is of the view that many of the individual transactions are indicative of unreasonable expenditure. For example, on 17 November 2012, a sum of £38.50 was spent and Ms Hart stated that this was on costumes. Furthermore, on 19 November 2013, £53.50 is also spent on costumes (page 96). However, in neither case was any breakdown of the costumes purchased provided and Individual B stated that no such costumes (i.e. bought at these establishments) could be located. The panel is of the view that this represents irregular spending.

Whilst the panel is unable to determine whether all such items were not for the sole benefit of the school, it is satisfied that the expenditure taken as a whole, to include the example given above, did not represent good value for the school.

The panel is satisfied that this particular is proven on the balance of probabilities, namely that Ms Hart was responsible for irregularities in the financial management of the school in spending approximately the amount referred to, within the period described, and that this did not represent value for money for the school.

2. Failed to present receipts and/or invoices for approximately 320 transactions between January 2012 and January 2014.

The panel has considered this allegation carefully. The panel has found in relation to allegation 1 that the expenditure was not adequately justified, and the record keeping of such expenditure through retention of receipts and invoices is an ingredient of this assessment. The absence of such records means that the value and purpose of the expenditure cannot be assessed.

The failure to retain invoices and receipts for expenditure is also a discrete failure separate to the issue as to whether such expenditure represented good value for the school or was for its sole benefit. The panel has approached allegation 2 on this basis.

The panel has assessed the available evidence and notes that not every transaction was 'tested' in the audit. There are approximately 280 entries in the audit report, which are predominantly blank, albeit with a few isolated entries. It is not clear to the panel whether these largely blank entries relate to transactions which were not tested. It is thus not clear whether the blank entries under the column 'invoice received: Y/N' indicate that no invoice was provided. The panel is thus not in a position to determine whether this demonstrates that there were 280 transactions without a receipt or invoice. The evidence on this point is not sufficiently clear.

The panel has assessed the transactions that were clearly tested by the auditors and notes that, of these, approximately 34 of these transactions were recorded as not accompanied by an invoice (endorsed by 'N' in the relevant column). The panel is thus satisfied on the balance of probabilities that Ms Hart has failed to present receipts and/or invoices in relation to approximately 34 transactions between January 2012 and January 2014. The panel finds this allegation proven on this basis.

4. Your conduct at 1, 2 and 3 above lacked integrity and/or was dishonest.

The panel has assessed this allegation carefully in relation to those elements found proved at allegations 1 and 2. Allegations 1e and 3 were found not proved and are referred to below.

In relation to allegations 1a to d and 1 f to i, the panel has found that Ms Hart was responsible for purchases which were not good value for money for the school.

In relation to allegation 1c and 1d, the panel is also satisfied on the balance of probabilities that these transactions included a number of items (referred to above) in respect of which Ms Hart (or her family) would be the primary beneficiaries, to include furniture (1c) and night vision equipment (1d). Furthermore, there was no contemporaneous justification or explanation for any of the expenditure, from which the panel infers that Ms Hart did not intend in any of these cases to declare her interest in the transactions.

On the contrary, when considering the circumstances of each transaction, the panel is of the view that Ms Hart did not reveal the benefit of these transactions to the school. The panel finds that items such as the furniture (in particular at 1c, Rattan Chair and Sofa, and the night vision equipment at allegation 1d) were only subsequently taken to the school grounds after Ms Hart became aware of the EFA investigation.

The panel is of the view that this conduct, in relation to 1c and 1d, would be regarded as dishonest by the objective standards of an ordinary intelligent citizen, and by reference to the relevant principles in relation to assessing dishonesty set out in *Ivey v Genting Casinos* (2017 UKSC 67). The panel is satisfied that in each of the examples referred to at allegations 1c and 1d, Ms Hart's conduct was dishonest.

The panel has considered the other particulars, namely allegations 1a, 1b, 1c (other than items 1 to 3), 1d (other than the night vision equipment) 1f, 1g, 1h, 1i and 2 and is not satisfied that the facts found proven in these respects amounts to dishonest conduct.

In each case, Ms Hart has failed to keep adequate records, or ensure that adequate records were kept, or justifications made, in relation to a large number of transactions. The result of this is a picture of financial irregularity and uncertainty.

In relation to the elements found proved at allegations 1 and 2, Ms Hart has failed to record adequate justifications and explanations for the transactions and the panel is satisfied, by reference to the examples, that the spending did not represent value for money for the school. Taking the examples individually, and collectively, the panel is satisfied that Ms Hart has demonstrated a lack of integrity in that she has fallen significantly below the professional standard of conduct that would be expected of someone in her position, namely a headteacher and accounting officer, in the circumstances.

As regards allegation 2, the panel finds that Ms Hart has failed to keep adequate records of receipts and invoices for a large number of transactions, approximately 34 in total. The

panel is satisfied that Ms Hart's shortfalls demonstrate a lack of integrity in that she has fallen significantly below the professional standard of conduct that would be expected of someone in her position, namely a headteacher and accounting officer, in the circumstances.

Allegations not proven

1. Were responsible for irregularities in the financial management of the school, in that you made purchases or payments using school funds which were unreasonable in that they were not solely for the benefit of the school and/or did not represent value for money for the school, including but not limited to:

- e. made approximately 95 purchases during school holidays between March 2012 and January 2014;**

The panel has no evidence before it in relation to when the school holidays took place. Whilst a reasonable assumption can be made that expenditure in August, or during Christmas or Easter periods, took place during school holidays, the panel is not able to assess other holiday periods with any precision.

In any event, the panel is of the view that expenditure on a school credit card would not necessarily be unreasonable on the basis of it being incurred during the school holidays. There is no evidence to support the proposition that this would be the case. The panel is of the view that the timing of the expenditure is a matter to assess when considering whether the expenditure was reasonable and/or for the sole benefit of the school, but is not in and of itself determinative of unreasonable expenditure.

For the reasons set out above, the panel finds this allegation not proven.

3. Collected money within school for staff gifts purchased using the school's charge card but failed to reimburse school funds.

The panel has received evidence that Ms Hart used the school credit cards to purchase gifts for staff, and indeed such transactions are detailed on the spreadsheets, and accompanied by explanations provided by Ms Hart. Ms Hart also gave oral evidence in relation to this allegation in which she accepted buying gifts for staff using the school credit card, but denied ever collecting money from staff for such gifts, and this was not contradicted by any other reliable source.

There is thus no direct evidence that Ms Hart actually collected money within school for such gifts in the first place, and that having done so she failed to reimburse school funds. The panel finds this allegation not proven.

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

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

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

The panel is satisfied that the conduct of Ms Hart in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Ms Hart is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- 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 Hart amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession. Ms Hart was engaged in financial mismanagement of the school finances over a significant period.

In relation to certain items highlighted above at allegations 1c and 1d, Ms Hart also engaged in dishonest conduct. Ms Hart purchased such items using school funds and were used by her for a significant period before being taken to the school. The items were only taken to the school when she became aware that an investigation was being undertaken.

The panel has also considered whether Ms Hart'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 is relevant.

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

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

The panel has taken into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel has taken account of the uniquely influential role that teachers can

hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

The findings of misconduct are serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception. The panel therefore finds that Ms Hart's actions constitute conduct that may bring the profession into disrepute.

Having found the facts of particulars 1 a, b, c, d, f, g, h, i; 2 and 4 proved, the panel finds that Ms Hart's conduct amounts to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Further Application to Proceed in Absence

Prior to reading this decision, the panel were given information by the Presenting Officer that Ms Hart, who was on notice of the hearing date and was due to attend at 12h00, stated that she was in heavy traffic and did not know when she would arrive. There was no indication that she wished the panel to await her arrival, or clear indication that she intended to attend the hearing. The panel took the view that Ms Hart may not have the intention to attend the hearing, and decided to read the decision into the record and then review the position.

Having read the decision into the record, by 17h15 there was still no further information from Ms Hart, some 5 hours after her due arrival. The Presenting Officer made an application to proceed in the absence of Ms Hart to the next stage of these proceedings.

The panel received legal advice and accepted that advice. The panel took the view that Ms Hart had had ample opportunity to either attend the hearing, or make her intentions known. The panel took the view that Ms Hart did not have the intention to attend the hearing, and having weighed up the public interest in continuing to ensure proceedings were conducted in a timely manner, decided to proceed in Ms Hart's absence.

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 maintenance of public confidence in the profession and declaring and upholding proper standards of conduct; and the interest of retaining the teacher in the profession.

In light of the panel's findings against Ms Hart, which involved acts of dishonesty and a lack of integrity in the management of school funds, to include the purchase of items which were not for the sole use of the school, there is a strong public interest consideration in the maintenance of public confidence in the profession.

Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Hart were not treated with the utmost seriousness when regulating the conduct of the profession.

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

The panel also considered that there was a public interest consideration in retaining Ms Hart in the profession, since no doubt has been placed upon her abilities as an educator as such, and she was able to make a contribution to the profession. Indeed, Ms Hart was able to articulate in evidence that she had many creative ideas about what could be done with schools and had shown an ability to lead the school to a grading of outstanding by OFSTED.

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 Ms Hart.

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 Hart. 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;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up.

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

The panel notes that Ms Hart had a previously good record. However, Ms Hart's actions in some cases were deliberate, and she was not acting under duress. The panel had positive character references before it, which testified to the fact that Ms Hart was well-thought of and wanted to make a positive contribution to the school. There was also character evidence which indicates that the behaviours which the panel has found proved were out of character.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel is sufficient.

The panel is of the view that applying the standard of the ordinary intelligent citizen, recommending no prohibition order is not a proportionate and appropriate response. Recommending that publication of adverse findings is sufficient in the case would unacceptably compromise the public interest considerations present in this case, despite the severity of consequences for the teacher of prohibition.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Ms Hart.

The incidents of dishonesty involving the use of school funds were a significant factor in forming that opinion. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend that a review period of the order should be considered. The panel were mindful that the Advice advises that a prohibition order applies for life, but there may be circumstances in any given case that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. One of these behaviours includes serious dishonesty.

The panel has found that Ms Hart was responsible for a significant period of financial mismanagement at the school, which was of a nature and volume to be characterised as reckless, particularly given her role and status. The panel was of the view that Ms Hart had a deep-seated attitude to spending money without proper consideration to value or consequence. Ms Hart was also responsible for dishonesty in relation to the use of

furniture and equipment purchased with school funds (highlighted above at allegations 1c and 1d, and 4).

Ms Hart has also demonstrated no insight into her behaviour. Ms Hart has at various points criticised the governors of the school, or sought to deflect criticism. Furthermore, Ms Hart has failed to engage with the guidance issued by the TRA in relation to participation in regulatory proceedings, and failed to engage with the TRA in a clear and transparent manner in the course of these proceedings. This conduct has inevitably led to delays in the conduct of the hearing, and increased the public cost in the conduct of these proceedings. For the avoidance of doubt, the panel is of the view that this is relevant to Ms Hart's lack of insight into her conduct and the seriousness of these proceedings.

The panel felt the findings indicated a situation in which a review period would not be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provisions for a review period.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of both sanction and review period.

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 those proven facts 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. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Ms Hart should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Ms Hart is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- 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 of Ms Hart fell significantly short of the standards expected of the profession. The panel also say, “Ms Hart was engaged in financial mismanagement of the school finances over a significant period.”

The findings of misconduct are particularly serious as they include a finding of dishonesty on the part of a headteacher.

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 Ms Hart, 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, “no doubt has been case upon her abilities as an educator as such” but I note the panel does make reference to, “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.” 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 say Ms Hart, “demonstrated no insight into her behaviour. In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour. 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, ““In light of the panel’s findings against Ms Hart, which involved acts of dishonesty and a lack of integrity in the management of school funds, to include the purchase of items which were not for the sole use of the school, there is a strong public interest consideration in the maintenance of public confidence in 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 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 Ms Hart herself. The panel comment, “that Ms Hart had a previously good record.” The panel also note it, “had positive character references before it, which testified to the fact that Ms Hart was well-thought of and wanted to make a positive contribution to the school. There was also character evidence which indicates that the behaviours which the panel has found proved were out of character.”

A prohibition order would prevent Ms Hart from working 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 say, ““Ms Hart has at various points criticised the governors of the school, or sought to deflect criticism.”

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Hart 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 in light of the circumstances in this case that is not backed up by 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 intended aims of a prohibition order.

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

I have considered the panel’s comments “The panel has found that Ms Hart was responsible for a significant period of financial mismanagement at the school, which was of a nature and volume to be characterised as reckless, particularly given her role and status.” The panel has also said, “The panel was of the view that Ms Hart had a deep-seated attitude to spending money without proper consideration to value or consequence.”

Furthermore the panel was of the view, “Ms Hart has failed to engage with the guidance issued by the TRA in relation to participation in regulatory proceedings, and failed to engage with the TRA in a clear and transparent manner in the course of these proceedings. This conduct has inevitably led to delays in the conduct of the hearing, and increased the public cost in the conduct of these proceedings. For the avoidance of

doubt, the panel is of the view that this is relevant to Ms Hart's lack of insight into her conduct and the seriousness of these proceedings.”

I have considered whether an alternative 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 I agree with the panel that there are factors that mean no review period is required to achieve the aim of maintaining public confidence in the profession. These elements are the dishonesty found and the lack of either insight or remorse.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

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

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

Ms Elizabeth Hart has a right of appeal to the Queen’s Bench Division of the High Court within 28 days from the date she is given notice of this order.

A handwritten signature in black ink, appearing to read 'Dawn Dandy', with a stylized, elongated flourish at the end.

Decision maker: Dawn Dandy

Date: 21 February 2019

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