



Teaching
Regulation
Agency

Miss Rachel Clint: Professional conduct panel meeting outcome

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

April 2019

Contents

A. Introduction	3
B. Allegations	4
C. Summary of evidence	4
Documents	4
Statement of agreed facts	5
D. Decision and reasons	5
Findings of fact	5
Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute	7
Panel's recommendation to the Secretary of State	8
Decision and reasons on behalf of the Secretary of State	11

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

Teacher: Miss Rachel Clint
TRA reference: 17171
Date of determination: 23 April 2019
Former employer: Merchant Taylors' Boy's School, Liverpool

A. Introduction

A professional conduct panel ("the panel") of the Teaching Regulation Agency ("the Agency") convened on 23 April 2019 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT to consider the case of Miss Rachel Clint.

The panel members were Mr John Matharu (lay panellist – in the chair), Mr Anthony Greenwood (lay panellist) and Mrs Alison Walsh (teacher panellist).

The legal adviser to the panel was Miss Kara O'Neill of Eversheds Sutherland (International) LLP solicitors.

In advance of the meeting, the agency agreed to a request from Miss Rachel Clint that the allegations be considered without a hearing after taking into consideration the public interest and the interests of justice. Miss Rachel Clint provided a signed statement of agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute and a lack of integrity. The panel considered the case at a meeting without the attendance of the presenting officer, Miss Rachel Clint or her representative.

The meeting took place in private, save for the announcement of the panel's decision, which was announced in public and recorded.

B. Allegations

The panel considered the allegations set out in the notice of the meeting dated 8 March 2019.

It was alleged that Miss Rachel Clint was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute and a lack of integrity, in that:

1. On or around 19 May 2017, you;
 - a) Sat on Pupil A's knee and/or in his lap;
 - b) Engaged in a kiss with Pupil A;
2. Your conduct as may be found proven at 1a and/or 1 b above was conduct of a sexual nature;
3. Demonstrated a lack of integrity, in that you failed to report what had occurred to the School and/or to the Senior Leadership Team in the weeks and/or months following the incident referred to at 1a and/or 1b above.

The particulars of the allegations are as set out in the notice of the meeting.

The Teacher admitted the facts and gave an admission of unacceptable professional conduct and/or conduct that may bring the profession into disrepute and lack of integrity.

C. 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 referral, response and notice of meeting– pages 5 to 9b

Section 3: statement of agreed facts and presenting officer's representations– pages 11 to 17

Section 4: Agency documents – pages 19 to 146

Section 5: teacher documents – pages 148 to 366

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

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Miss Rachel Clint on 28 December 2018.

D. Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

The panel confirms that it had read all the documents provided in the bundle in advance of the meeting.

In advance of the meeting, the Agency agreed to a request from Miss Rachel Clint that the allegations be considered without a hearing. The panel has the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction is necessary or appropriate in this case.

Miss Rachel Clint was employed as head of geography and assistant head of sixth form at Merchant Taylors' Boy's School ("the School"). On 19 May 2017 a school leaver event was held for year 13 students. After the event, Miss Rachel Clint engaged in a kiss with Pupil A, who was 18 at the time of the incident. On 21 September 2017 a disclosure was made to the School regarding the incident including a photograph of the kiss between Miss Rachel Clint and Pupil A on the 19 May 2017. Miss Rachel Clint was suspended from the School pending investigation. A referral was made to LADO. On 27 September 2017 LADO and Police confirmed no further investigation. There was a disciplinary hearing and Miss Rachel Clint was dismissed from the School on 26 April 2018.

Findings of fact

Our findings of fact are as follows:

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

1. You:

On or around 19 May 2017, you;

a. Sat on Pupil A's knee and/or in his lap;

b. Engaged in a kiss with Pupil A.

The panel had regard to the statement of agreed facts signed by Miss Rachel Clint in which she accepted the particulars of the allegations. The panel had also seen

photographic evidence of the kiss between Miss Rachel Clint and Pupil A. Moreover, the meeting notes between the Investigating Officer and Pupil A indicate that Pupil A recalls that Miss Rachel Clint sat on Pupil A's knee and 'within a very short space of time kissing took place'.

For the reasons above, the panel found the particulars of allegation 1 proven.

3. Demonstrated a lack of integrity in that you failed to report what had occurred to the School and/or Senior Leadership team in the weeks and/or months following the incident referred to at 1a and/or 1b above.

The panel had regard to the statement of agreed facts signed by Miss Rachel Clint in which she accepted the particulars of the allegation. The panel also had regard to an earlier witness statement written by Miss Rachel Clint in which she indicated 'I just wanted to move on and I am truly remorseful that I did not report the kiss'. The allegation had been admitted and therefore is found proven.

The panel found the following allegation against you not proven for the following reasons:

2. Your conduct as may be found proven at 1a and/or 1b above was conduct of a sexual nature;

The panel had regard to the statement of agreed facts signed by Miss Rachel Clint in which she accepted the particulars of the allegation. The panel also had regard to the TRA's position that it was not suggested that Miss Rachel Clint's actions were sexually motivated, given that the evidence 'suggests that this was a spontaneous kiss which did not lead to any further intimacy'. Therefore whilst the allegation was accepted by the teacher, the panel went on to consider whether the conduct at allegations 1a and 1b was of a sexual nature.

The panel noted that the statement of agreed facts and the earlier witness statement of Miss Rachel Clint varied. In her earlier statement she stated 'there was a brief kiss which was spontaneous and was a surprise to me'. The panel preferred the evidence of the earlier witness statement as it was a more contemporaneous account of events and agreed with Miss Rachel Clint's account that it was a spontaneous event. Moreover, the panel noted that her account was consistent with Pupil A's recollection. Pupil A's meeting notes of the 12 October 2017 stated in relation to the kiss that it happened 'spontaneously and inexplicably. It was certainly not something he had anticipated, expected or sought to bring about. He believed that this was also true of Miss Rachel Clint'.

The panel considered that there was no pre-planning involved with the kiss, and that there was also no flirtatious or premeditated behaviour that would have provoked such an incident. The panel had regard to the Investigating Officer's evidence that Miss Rachel Clint had not socialised specifically with Pupil A at the event prior to the kiss and there was no evidence of any flirtation going on between them. Additionally, the panel had

regard to evidence during the event there was encouragement of alcohol being consumed as it was a leavers' event and there was a free bar tab for staff. It was admitted by Miss Rachel Clint that she had consumed alcohol on an empty stomach at the leavers' event and therefore viewed this incident as a result of an error of judgment on her part.

Lastly the panel had regard to the Investigation Report in which other teachers working at the School at the time had corroborated that Miss Rachel Clint was suffering from problems in her personal life [Redacted] Additionally the panel had regard to evidence in Miss Rachel Clint's witness statement that she felt professionally isolated in the School at the time leading up to the incident and had been under pressure and overworked.

Therefore, whilst the panel noted that Miss Rachel Clint did accept the allegation, the panel found that, on the balance of probabilities, this allegation was not proven on the facts.

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

Having found some of allegations 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 Miss Rachel Clint in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considered that by reference to Part Two, the teacher was in breach of the following standards:

Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
- 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 was satisfied that the conduct of Miss Rachel Clint in relation to allegations 1 and 3 amounted to misconduct which fell short of the standards expected of the profession.

The panel also considered whether Miss Rachel Clint's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and the panel found that none of these offences were relevant.

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

The panel noted that some of the allegations took place outside of the education setting. The incident involved the teacher sitting on Pupil A's knee and engaging in a kiss on a train following a leavers' drinks event for year 13 students where alcohol had been consumed.

The panel took 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 had 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.

A kiss between a teacher and a student on a busy train, in close proximity to other students, who proceeded to film the incident, in the panel's view, would have a negative impact on Miss Rachel Clint's status as a teacher. It could damage the public's perception of her and therefore bring the profession into disrepute. Moreover, failing to report the activity on the train to the School in a timely manner therefore demonstrated a lack of integrity which could also bring the profession into disrepute.

Accordingly, the panel is satisfied that Miss Rachel Clint is guilty of conduct that may bring the profession into disrepute.

Having found allegations 1 and 3 proved on the facts, the panel further found that Miss Rachel Clint's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute in respect of allegations 1 and 3.

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

The panel's findings against Miss Rachel Clint involved unacceptable professional conduct and conduct that may bring the profession into disrepute in that she engaged in a kiss with a pupil whilst seated on his knee. She subsequently failed to report the activity to the School. The panel considers that public confidence in the profession could be weakened if conduct such as that found against Miss Rachel Clint were not treated robustly 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 behaviour found against Miss Rachel Clint was outside that which could reasonably be tolerated.

With that being said, the panel considered that there was a very strong public interest consideration in retaining Miss Rachel Clint in the profession. Miss Rachel Clint had worked as a teacher for 10 years and had an unblemished record previously to the events that took place. She had risen to be the assistant head of sixth form and head of department at the School.

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

In carrying out the balancing exercise the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Miss Rachel Clint. 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, the single element that was relevant in this case is:

- serious departure from the personal and professional conduct elements of the Teachers' Standards

Even though there was a behaviour that would point to the appropriateness of a prohibition order, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being appropriate and a proportionate measure to impose. The panel found that whilst the conduct was inappropriate, it was an isolated and spontaneous incident. The panel saw no evidence that the activity was pre-planned or instigated by Miss Rachel Clint. The panel also took into account the [Redacted] issues of Miss Rachel Clint at the time of the incident. These issues were noted and accepted by other senior teaching staff in the School including the Investigating officer.

With regard to the failing to report the incident, Miss Rachel Clint in her evidence demonstrated genuine insight into her actions and their consequences. The panel noted the admission from her evidence that indicated her deep regret for her behaviour and assurance that she would never find herself in this position again in the future. Miss Rachel Clint stated 'I accept full responsibility for my actions, but I hope this isolated and out of character incident, and my lack of reporting, does not deny me a future in the profession'. She stated 'teaching is my vocation; it is my identity'. The panel believed that she now fully understands the impact her actions. The panel also had regard to the fact that she admitted unacceptable professional conduct and disrepute that may bring the profession into disrepute in the statement of agreed facts.

Miss Rachel Clint had a previously good history. She recognised that she made a serious error of judgment and confirmed it was an isolated incident. The panel accepted this.

Miss Rachel Clint had an array of strong testimonials from a range of individuals, including parents and colleagues. The panel also noted that the Investigating Officer also provided a very positive testimonial for Miss Rachel Clint which stated that she was an 'excellent role model for young people' and that she 'was always a most dedicated classroom teacher who clearly cared about the academic progress of those she taught'.

The panel found that the references demonstrated that she was a highly valued member of, and a great asset to, the school community. The panel noted evidence that parents of former students contacted her following her dismissal to ask for help with both academic tuition and UCAS applications. The panel further noted Miss Rachel Clint's dedication to education following her dismissal in that she has continued to make a contributions through working as a Park Project Coordinator with local schools and youth groups, as well as undertaken examination marking to keep herself up to date with the examination board requirements. The panel noted that this demonstrated her ongoing commitment to education.

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 a proportionate and appropriate response. The panel agreed with Miss Rachel Clint's evidence that this was a spontaneous incident and that she showed genuine remorse for not reporting her actions at the time. In light of the exceptional mitigating factors that were present in this case, the panel has determined that a recommendation for a prohibition order is not appropriate.

The panel considers that the publication of the adverse findings it has made is sufficient to send an appropriate message to Miss Rachel Clint, as to the standards of behaviour that are not acceptable and meets the public interest requirement of declaring proper standards of the profession.

Decision and reasons on behalf of the Secretary of State

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

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 allegations 1 and 3 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 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 Miss Clint is in breach of the following standards:

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel finds that the conduct of Miss Clint in respect of allegations 1 and 3 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 Miss Clint, 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 its findings against Miss Rachel Clint, "involved unacceptable professional conduct and conduct that may bring the profession into

disrepute in that she engaged in a kiss with a pupil whilst seated on his knee. She subsequently failed to report the activity to the School.” 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 noted the admission from her evidence that indicated her deep regret for her behaviour and assurance that she would never find herself in this position again in the future.” The panel believed that Miss Clint, “now fully understands the impact her actions”. 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 considered, “that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the behaviour found against Miss Rachel Clint was outside that which could reasonably be tolerated.”

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 Miss Clint herself. The panel say, “very strong public interest consideration in retaining Miss Rachel Clint in the profession. Miss Rachel Clint had worked as a teacher for 10 years and had an unblemished record previously to the events that took place. She had risen to be the assistant head of sixth form and head of department at the School.” The panel also observed, “Miss Rachel Clint had an array of strong testimonials from a range of individuals, including parents and colleagues.”

A prohibition order would prevent Miss Clint 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, “The panel found that whilst the conduct was inappropriate, it was an isolated and spontaneous incident.”

I have given weight in my consideration of sanction therefore, to the contribution that Miss Clint has made to the profession. In my view, in light of the mitigating factors in this

case and the fact the incident was isolated it is not necessary to impose a prohibition order in order to maintain public confidence in the profession.

A handwritten signature in black ink, appearing to read 'Dawn Dandy', written in a cursive style.

Decision maker: Dawn Dandy

Date: 25 April 2019

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