



Teaching
Regulation
Agency

Mrs Jane Schalch: Professional conduct panel outcome

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

September 2019

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

Teacher: Mrs Jane Schalch
TRA reference: 0017254
Date of determination: 17 September 2019
Former employer: Warwick Junior School, Myton Road, Warwick, CV34 6PP

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 16 to 17 September 2019 at Cheylesmore House, 5 Quinton Road, Coventry CV1 2WT to consider the case of Mrs Jane Schalch (“Mrs Schalch”).

The panel members were Mr Ian Carter (teacher panellist – in the chair), Ms Esther Maxwell (lay panellist) and Mrs Kathy Thomson (former teacher panellist).

The legal adviser to the panel was Mr Tomos Jones of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Ms Samantha Paxman of Browne Jacobson LLP solicitors.

Mrs Schalch was present and was represented by Mr Andrew Faux of Counsel.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegation set out in the Notice of Proceedings dated 22 August 2019.

It was alleged that Mrs Schalch was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as a teacher at Warwick Junior School during the 2015/16 academic year she:

1. Failed to take appropriate action and/or ensure that appropriate action was taken when she became aware that Pupil A was engaged in a relationship with a teacher and/or older adult male, in that she did not report her concerns to the School and/or Local Authority, and/or otherwise take any steps to safeguard Pupil A.

It was noted by the panel that Mrs Schalch admitted to the facts of the allegation in the Statement of Agreed Facts which she signed on 21 August 2019.

It was further noted by the panel that Mrs Schalch accepted that the admitted facts of the allegation amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

C. Preliminary applications

The panel considered an application by the teacher's representative that some parts of the hearing be heard in private. The presenting officer consented to the application.

The panel determined to exercise its discretion under Regulation 11(3) of the Teachers' Disciplinary (England) Regulations 2012 and paragraph 4.57 of the Procedures that the public should be excluded from the hearing for those parts of the hearing in which references would be made to Mrs Schalch's private life, health and the health of her husband.

The panel took into account the general rule that hearings should be held in public and that this is generally desirable to maintain public confidence in the administration of these proceedings and also to maintain confidence in the teaching profession.

However, on this occasion, the panel considered that the application for those sensitive parts of Mrs Schalch's evidence to be heard in private was a reasonable one given the concerns about sensitive and confidential matters relating to Mrs Schalch's private life, health and the health of her husband being placed in the public domain.

The panel had regard to whether the teacher's request ran contrary to the public interest. The panel noted that it was required to announce its decisions in public as to whether the facts had been proven and whether those facts amounted to unacceptable professional

conduct and/or conduct that may bring the profession into disrepute. In the event that the case continued, any decision of the Secretary of State would also be published.

The panel considered that, in the circumstances of this case where the facts were so intertwined with Mrs Schalch's private life, health and the health of her husband, that the public interest would be satisfied by these public announcements, even if some parts of Mrs Schalch's evidence were to be given in private. These public announcements would ensure that public confidence in these proceedings and in the standards of the profession would be maintained.

The panel therefore consented to this application.

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 15

Section 3: Teaching Regulation Agency documents – pages 17 to 433

Section 4: Teacher documents – pages 435 to 477

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

Witnesses

The panel heard oral evidence from Mrs Schalch and from Witness A, a previous work colleague and friend of Mrs Schalch's.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

The panel confirmed that it had read all of the documents provided in the bundle in advance of the hearing.

Mrs Schalch was employed as a teacher at Warwick Junior School (the "School"), an independent school for boys aged between 7-11. The School is part of Warwick Independent Schools Foundation (the "Foundation").

Mrs Schalch is married to Mr Schalch who, up until March 2016, was head of [Redacted] at Warwick School, the section of Warwick School for boys aged 11-18.

In November 2015, Mrs Schalch discovered that her husband had been having a sexual relationship with a pupil at King's High School ("Pupil A"). He had been tutoring Pupil A in [Redacted], in a private capacity. King's High School is the female 'counterpart' to the all-male Warwick School and is also part of the Foundation. Mrs Schalch's husband told her that the relationship had been ongoing since September/October 2015.

Following the discovery, Mrs Schalch was told by her husband that Pupil A was 18. However, when Mr Schalch was arrested in March 2016, it transpired that Pupil A had been, in fact, some days away from her 18th birthday at the time the discovery of the relationship was made.

Nevertheless, it is alleged that Mrs Schalch was aware that Pupil A was a pupil at King's High School, yet she did not report the sexual relationship between her husband and Pupil A to the School and/or Local Authority. Subsequently, it was alleged that she failed to take steps to safeguard Pupil A.

On 18 March 2016, a parent of a pupil at King's High School emailed the then headmaster of Warwick School to disclose allegations that Mr Schalch was in a sexual relationship with Pupil A. Pupil A had confided in his daughter regarding the relationship and she had subsequently informed her father.

On 30 March 2016, the police arrested Mr Schalch on suspicion of having a sexual relationship with Pupil A which constituted an abuse of a position of trust. On the same date and until 9 June 2017, Mrs Schalch was granted compassionate leave and was asked not to attend the School.

On 9 June 2017, Mrs Schalch was suspended, and the School commenced an investigation into her conduct centred on her failing to disclose her knowledge of Mr Schalch's relationship with Pupil A to the School and/or Local Authority.

Mrs Schalch's disciplinary hearing took place on 13 February 2018. A decision dismissing her for failing to report her husband's inappropriate conduct with a Foundation pupil was made on 27 February 2018. Mrs Schalch initially appealed that decision but then left her employment in March 2018.

Findings of fact

The panel's findings of fact are as follows:

The panel found the following allegation against Mrs Schalch proven, for the following reasons:

1. She failed to take appropriate action and/or ensure appropriate action was taken when she became aware that Pupil A was engaged in a relationship with a teacher and/or older adult male, in that she did not report her concerns to the School and/or Local Authority, and/or otherwise take any steps to safeguard Pupil A.

The panel noted that Mrs Schalch unequivocally admitted to the facts of this allegation in the Statement of Agreed Facts (the “Statement”) which she signed on 21 August 2019.

In the Statement, Mrs Schalch admitted that in November 2015, she became aware that her husband was engaged in a relationship with Pupil A, having arrived home to find Pupil A in her underwear in the guest bedroom of the marital home. In the Statement, Mrs Schalch further admitted that she was aware that Pupil A was a pupil at King’s High School and that Pupil A was being given private [Redacted] tuition by Mr Schalch.

Mrs Schalch was informed by her husband that he and Pupil A had been engaged in a relationship since approximately September/October 2015. Mrs Schalch was also informed by her husband that Pupil A was 18 years of age (although in reality, Pupil A did not turn 18 until a few days later) and that Pupil A’s mother was aware of the relationship. Following Mrs Schalch’s discovery, Mr Schalch promised that he would have no further contact with Pupil A.

Although Mrs Schalch was aware that Pupil A was a pupil at King’s High School, she failed to take appropriate action once she had become aware that Pupil A was engaged in a relationship with her husband, as she was required to do in accordance with the Staff Code of Conduct, the Foundation’s Child Protection and Safeguarding Policy, Keeping children safe in education (KCSIE July 2015) as well as other relevant statutory legislation.

The panel noted that the Staff Code of Conduct defined “gross misconduct” as: *“misconduct of such a serious and fundamental nature that it breaches the contractual relationship between a teacher and the School”* and that it included:

- “2.11 failure to comply with the child protection policy which will be made available to you; and*
- 2.19 failure to raise concerns about the practice of other staff, using appropriate channels.”*

The panel therefore concluded that, pursuant to the Staff Code of Conduct, Mrs Schalch’s actions (or lack thereof) amounted to serious gross misconduct.

In addition to the Staff Code of Conduct, the panel noted that Mrs Schalch was under an obligation to comply with the Foundation’s Child Protection and Safeguarding Policy (the “Policy”). This Policy applied to all Foundation schools (and all staff members) within the Foundation.

The Policy made it clear that the Foundation was “*committed to safeguarding and promoting the welfare of children and young people*” and that all Foundation teachers were required to act on “*any suspicion or disclosure that may suggest that a child is at risk of harm at home, in the community or in the school*”.

The Policy made it clear that good practice included “*referring all concerns about a pupil’s safety and welfare to the DSL, or if necessary, directly to the police or children’s social care*” and that “*all staff*” were required to “*pass on any safeguarding concerns regarding a pupil they may have without delay to their respective DSL of their schools*”.

In terms of whistleblowing, the Policy set out that “*staff who are concerned about the conduct of a colleague towards a pupil are undoubtedly placed in a very difficult position. all staff must remember that the welfare of the child is paramount. staff must report that all concerns about poor practice or possible child abuse by colleagues to the relevant head.*”

Finally, the panel noted that Mrs Schalch was under a duty to comply with the relevant guidance document which, at the time of the discovery, was “*Keeping children safe in education: Statutory guidance for schools and colleges (July 2015)*”. This guidance document reiterated that, in the event that a staff member had concerns about another staff member, such concerns should be referred to the headteacher or principal of the staff member’s school.

Mrs Schalch had been aware of these policies. In September 2015, she had signed to confirm that she had read and understood them and that she agreed to abide by them.

Additionally, Mrs Schalch had received safeguarding training from the School’s Designated Safeguarding Lead in January 2016 whereby a hypothetical scenario had been discussed involving a 22 year old male teacher at Warwick School “going out” with an 18 year old pupil from King’s High School and what staff members should do if they became aware of such a scenario taking place.

Although the panel acknowledged that Mrs Schalch had been placed in an invidious and compromising position by the actions of her husband, the panel nonetheless considered that Mrs Schalch had been under an obligation to report known information about the relationship between Pupil A and her husband and that failure to do so may have placed Pupil A at risk of harm.

As a result of her not reporting her concerns to the School and/or Local Authority, the panel took the view that Mrs Schalch had inadvertently enabled further, potential harm to Pupil A as, unbeknownst to her, the relationship between Pupil A and Mr Schalch continued until March 2016.

Accordingly, the panel considered that Mrs Schalch failed to take appropriate action and/or ensure appropriate action was taken when she became aware that Pupil A was

engaged in a relationship with her husband in that she did not report her concerns to the School and/or Local Authority, and/or otherwise take any steps to safeguard Pupil A.

The panel therefore found this allegation proven.

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

Having found the allegation to have been proven, the panel went on to consider whether the facts of that proven allegation amount 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 referred to as “the Advice”.

The panel was satisfied that the conduct of Mrs Schalch, in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mrs Schalch 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
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mrs Schalch amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mrs Schalch’s conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. However, the panel found that none of these offences was relevant.

The panel noted that the events which led to the allegation may be considered to be conduct which fell outside of the education setting. This was due to the events being witnessed in her own home and in relation to a pupil who did not attend her school but was a pupil of another Foundation school.

However, the panel took the view that this still fell within the definition of unacceptable professional conduct pursuant to section 5(ii)(a) which states that:

“Misconduct outside of the education setting will only amount to “unacceptable professional conduct” if it affects the way the person fulfils their teaching role or if it may lead to pupils being exposed to or influenced by the behaviour in a harmful way.”

Accordingly, the panel was satisfied that Mrs Schalch was guilty of unacceptable professional conduct.

The panel then went on to consider how the teaching profession is viewed by others and the influence that teachers may have on pupils, parents and others in the community. The panel also took 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 finding of misconduct is serious, and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception of them.

The panel considered that the safeguarding duties and responsibilities of teachers are not strictly confined to the education setting. Despite the unusual circumstances (i.e. a wife's having to report her husband's behaviour) and the unique pressures involved in this case, teachers are nevertheless, required to act in accordance with relevant safeguarding policies and statutory legislation even when they are outside of the education setting.

The panel therefore found that Mrs Schalch's failure to take appropriate action and/or ensure appropriate action was taken when she became aware that Pupil A was engaged in a relationship with her husband constituted conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it 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 considered whether it was an appropriate and proportionate measure, and whether it was in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have a punitive effect.

The panel 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 protection of pupils...;
- the maintenance of public confidence in the profession; and

- declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mrs Schalch, the panel considered there was a strong public interest consideration in declaring proper standards of conduct in the profession as the conduct found against Mrs Schalch was outside that which could reasonably be tolerated.

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

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

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mrs Schalch. 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 were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards; and
- misconduct seriously affecting the education and/or well-being of pupils.

In the light of the panel's findings, the panel accepted that Mrs Schalch had been the victim of appalling and invidious circumstances.

The panel considered that Mrs Schalch had demonstrated insight and remorse for failing to report her husband's affair with Pupil A to the School and/or Local Authority.

This is evidenced in Mrs Schalch's witness statement in which she stated that: "*My failure to safeguard Pupil A was very wrong. In failing to report [the affair between her husband and Pupil A], I made a very serious error of judgment. This error in judgment could never happen again as I am now acutely aware of the breadth of my duties as a teacher to all school pupils of any age... I did not take the correct steps to safeguard the pupil involved and I deeply regret my lack of action*".

This is consistent with what Mrs Schalch wrote in a letter to the then deputy headmaster of the School dated 1 December 2017 in which she stated that "*I can now see that I also needed to apply a professional perspective as opposed to viewing it from a simply marital one*".

During her oral testimony, the panel questioned Mrs Schalch as to what she would do if she were to discover that her husband was having an affair with another pupil or working

with children in any context, to which Mrs Schalch replied, “*I would report it immediately... even if it ended my marriage*”. The panel considered this testimony to be compelling.

In any event, the panel noted that such a scenario was unlikely to happen again, [Redacted]

Additionally, the panel noted that following Mrs Schalch’s discovery of her husband’s affair with Pupil A, she had felt isolated and lonely. During her oral testimony, Mrs Schalch referred to her discovery of her husband’s affair with Pupil A as a, “*private secret*” which she had been unable to discuss with her father or friends. This led [Redacted] The panel acknowledged that a lack of support may have resulted in Mrs Schalch’s feeling as though she was unable to, “*take control*” of the situation which greatly impacted her own wellbeing and clouded her judgment.

However, the panel accepted Mrs Schalch’s testimony that she now had a robust support structure in place comprising of her father, friends and work colleagues who would be able to support and advise in the unlikely event that a similar scenario arises again.

The panel considered that, had Mrs Schalch discovered that her husband was having an affair with an adult, this alone would have had a severe impact on her mental state; the situation was exacerbated by the fact that it was a sixth form pupil of the Foundation.

Subsequently, the panel accepted Mrs Schalch’s testimony in which she stated that, “*At the time of coming home and finding your husband with his mistress, I was not thinking about her and about her welfare*”. The panel further accepted Mrs Schalch’s account in which she said that, following her discovery of her husband’s affair, her, “*judgement had been clouded*” and that she had felt, “*total shock and horror*” which resulted in her thought process not being, “*coherent*” and her failing to follow the correct course of action.

In her oral testimony, Mrs Schalch stressed that her decision not to report the affair to the School and/or Local Authority had not been a deliberate and conscious one and this was accepted by the panel. The panel acknowledged that Mrs Schalch had, erroneously, made a distinction between the safeguarding duties and responsibilities that she had as a teacher and the responsibilities that she had as wife. However, given that Mrs Schalch was a teacher and that Pupil A was a pupil at one of the Foundation schools, the panel took the view that Mrs Schalch was under a duty to act in accordance with relevant safeguarding policies and statutory legislation even when she was outside of the education setting.

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 mitigate 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 noted that a complete defence of duress is available to someone who is forced to commit even a serious crime if they honestly believe the consequences of not doing so may lead to death or serious harm to themselves or another. This was established in the Court of Appeal case of *R v Martin (1989) 88 CrApp R343*. Although it was submitted by the teacher's representative that this complete defence was not available to Mrs Schalch, the panel did, nonetheless, take the view that Mrs Schalch may have acted partially under duress.

[Redacted]

The panel went on to consider whether there was a strong public interest consideration in retaining Mrs Schalch as a teacher.

The panel noted the case of *Wallace v Secretary of State for Education [2017] EWHC 109*, whereby the High Court recognised that there may be circumstances in which there is a positive public interest in retaining a teacher. In that particular case, it was found that the teacher concerned had made an exceptional contribution to education, to the extent that there was a public interest in him being able to continue to teach.

The panel noted that the witness statements, provided by Mrs Schalch's past and current colleagues, presented Mrs Schalch as an extremely good primary school teacher.

The panel considered it significant that Mrs Schalch's current employer had described her as an "*exceptional teacher*". Her current employer went on to confirm that she had "*no reservations*" in allowing Mrs Schalch to teach in an education setting and that she had "*no concerns at all about [Mrs Schalch's] understanding of the importance of safeguarding [their] children at nursery*".

Furthermore, during the hearing, the panel heard evidence from Witness A. In his statement, Witness A described Mrs Schalch as a, "*true gem in the world of education*". He went on to say that it was, "*no exaggeration to say that [Mrs Schalch] is one of the best teachers I have had the pleasure to work with as well as being a loyal, committed colleague and friend*". This was echoed by the former deputy headmaster of the School who described Mrs Schalch as a "*hugely respected and admired teacher*".

The panel therefore considered that there was a strong public interest in retaining Mrs Schalch as a teacher. The panel considered the following statement made by Witness A to be particularly relevant in this regard "*the teaching profession in the UK is in dire need of not only new teachers but those of high quality. They are rare to find and [Mrs Schalch] is one of them. It would be a true travesty to see a high quality, talented, caring, knowledgeable practitioner such as [Mrs Schalch] lose the ability to teach*".

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, a recommendation of no prohibition was a proportionate and appropriate response. In the light of the mitigating factors and strong public interests that were present in this case, the panel determined that a recommendation for a prohibition order would not be appropriate in this case.

The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher, as to the standards of behaviour that are not acceptable and meets the public interest requirement of declaring proper standards of the profession.

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 the allegation proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that in the case of Mrs Schalch, the findings of unacceptable professional conduct and conduct likely to bring the profession into disrepute should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Mrs Schalch is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was also satisfied that “the conduct of Mrs Schalch amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.”

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mrs Schalch, 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, “failure to do so may have placed Pupil A at risk of harm.”

A prohibition order would therefore prevent such a risk from being present in the future. I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “The panel considered that Mrs Schalch had demonstrated insight and remorse for failing to report her husband’s affair with Pupil A to the School and/or Local Authority.”

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, “Mrs Schalch’s failure to take appropriate action and/or ensure appropriate action was taken when she became aware that Pupil A was engaged in a relationship with her husband constituted conduct that may bring the profession into disrepute.”

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 and conduct that may bring the profession into disrepute, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mrs Schalch herself. The panel say, “there was a strong public interest in retaining Mrs Schalch as a teacher. The panel considered the following statement made by Witness A to be particularly relevant in this regard, *“the teaching profession in the UK is in dire need of not only new teachers but those of high quality. They are rare to find and [Mrs Schalch] is one of them. It would be a true travesty to see a high quality, talented, caring, knowledgeable practitioner such as [Mrs Schalch] lose the ability to teach”.*”

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

In this case, I have placed considerable weight on the panel’s comments, “In the light of the panel’s findings, the panel accepted that Mrs Schalch had been the victim of appalling and invidious circumstances.”

The panel are also very clear that, “The panel acknowledged that Mrs Schalch had, erroneously, made a distinction between the safeguarding duties and responsibilities that she had as a teacher and the responsibilities that she had as wife. However, given that Mrs Schalch was a teacher and that Pupil A was a pupil at one of the Foundation schools, the panel took the view that Mrs Schalch was under a duty to act in accordance with relevant safeguarding policies and statutory legislation even when she was outside of the education setting.”

For all these reasons, I have concluded that a prohibition order is not necessary and that a published decision is proportionate and in the public interest.



Decision maker: Alan Meyrick

Date: 24 September 2019

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