



Teaching
Regulation
Agency

Ms Bethan Thomas Professional conduct panel outcome

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

November 2020

Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	4
Documents	4
Witnesses	5
Decision and reasons	5
Findings of fact	6
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:	Ms Bethan Thomas
Teacher ref number:	1172374
Teacher date of birth:	24 April 1994
TRA reference:	18760
Date of determination:	19 November 2020 to 20 November 2020
Former employer:	St Mary's Catholic Primary School, Newcastle-under-Lyme

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 19 November 2020 by video conference to consider the case of Ms Bethan Thomas.

The panel members were Ms Esther Maxwell (lay panellist – in the chair), Professor Roger Woods (former teacher panellist) and Mr John Martin (teacher panellist).

The legal adviser to the panel was Ms Josie Beal of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Rebecca Harris of QEB Hollis Whiteman.

Ms Thomas was present and was represented by Mr Jonathan Storey of Cornwall Street Barristers.

The hearing took place in public (save for in respect of certain parts of witness evidence) and was recorded.

Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 15 October 2020.

It was alleged that Ms Thomas was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst a teacher at St Mary's Catholic Primary School:

1. On 9 May 2019, Ms Thomas was in possession of a class A drug;
2. By her conduct in paragraph 1, Ms Thomas failed to maintain high standards of behaviour.

Ms Thomas admits the facts of the allegations against her and that her behaviour amounts to unacceptable professional conduct and conduct that may bring the profession into disrepute falling short of the standards of behaviour expected of a teacher, as set out in the Statement of Agreed Facts dated 15 September 2020.

Preliminary applications

The panel considered an application from Ms Thomas' representative that part of the hearing should be held in private. It decided that it was in the public interest for the hearing to be held in public but decided it would hear certain parts of the witness evidence in private.

Summary of evidence

Documents

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

Section 1: Introduction – pages 1 to 9

Section 2: Notice of Proceedings and Response – pages 10 to 22

Section 3: Teaching Regulation Agency Documents – pages 23 to 86

Section 4: Teacher Documents – pages 87 to 104

Section 5: Further Teacher Documents – pages 105 to 147

Section 6: Virtual Hearing Application Form – 148 to 151

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

Witnesses

The panel heard oral evidence from the following witnesses called by Ms Thomas' representative:

- Witness A, retired teacher
- Witness B, teacher

The panel additionally heard oral evidence from Ms Thomas.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Ms Thomas was employed at St Mary's Catholic Primary School from 1 September 2015 as a Year 5 classroom teacher. Ms Thomas had previously undertaken work experience at the school when she was a trainee student teacher from March to May 2014. She also worked as a supply teacher at the school in June 2015 before the end of the academic year. Ms Thomas moved classes and began teaching Year 2 in September 2018.

It was alleged that on 9 May 2019, Ms Thomas was found in possession of a class A drug. At approximately 6.40pm on 9 May 2019, Ms Thomas was stopped by the police whilst driving. During a stop and search, Ms Thomas was found in possession of 1 gram of cocaine. The police initiated an inquiry.

On or around 14 May 2019, Ms Thomas disclosed this information to the headteacher of the school. An initial meeting took place on 21 May 2019 followed by a disciplinary investigation meeting on 10 June 2019. On 19 June 2019, a disciplinary hearing was held and the school found that Ms Thomas had breached the Teachers' Standards and she was summarily dismissed.

On or around 27 June 2019, the police inquiry concluded. Ms Thomas was not convicted; the police dealt with the matter by way of a Community Resolution Order. The agreed resolution was that Ms Thomas was not to be in possession of any controlled drug for 12 months.

Findings of fact

The panel found the following particulars of the allegations against Ms Thomas proved, for the following reasons:

1. On 9 May 2019, you were in possession of a class A drug

On examination of the documents before the panel and on consideration of the oral evidence, the panel was satisfied that the allegation was proved. The panel noted the Statement of Agreed Facts dated 15 September 2020, in which Ms Thomas admitted the allegation.

The panel considered Ms Thomas' witness statement and witness evidence and noted that she admitted to purchasing one gram of what she believed to be cocaine (a class A drug) and that she was later stopped by the police in possession of this substance.

2. By your conduct in allegation 1, you failed to maintain high standards of behaviour

On examination of the documents before the panel and on consideration of the oral evidence, the panel was satisfied that the allegation was proved. The panel noted the Statement of Agreed Facts dated 15 September 2020, in which Ms Thomas admitted the allegation and her similar admission in oral evidence.

The panel concluded that possession of a class A substance amounted to a failure to maintain the high standards of behaviour expected of the teaching profession.

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

Having found the allegations proved, the panel went on to consider whether the facts of those proved 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 is referred to as "the Advice".

The panel was satisfied that the conduct of Ms Thomas, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Ms Thomas was in breach of the following standard:

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

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

The panel noted that Ms Thomas was not convicted of a relevant criminal offence but was given a Community Resolution Order. The panel had regard to page 9 of the Advice. This indicates that where an individual displays behaviours associated with any of the offences listed on pages 10 and 11 of the Advice, but is not convicted of an offence, a panel is likely to conclude that an individual's conduct would amount to conduct that may bring the profession into disrepute.

The panel considered whether Ms Thomas' conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The panel noted that this list includes the possession of class A drugs.

The panel was aware that the allegations took place outside the education setting. It noted that the Advice indicates that misconduct outside of the education setting may only be considered to be relevant if it is serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public's perception of them, therefore bringing the profession into disrepute.

The panel therefore concluded that possession of a class A drug was serious and would be likely to have a negative impact on Ms Thomas' status as a teacher, potentially damaging the public perception.

Accordingly, the panel was satisfied that Ms Thomas was guilty of unacceptable professional conduct.

The panel took into account the way 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 recognised the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

The panel concluded that Ms Thomas' behaviour, in committing the misconduct whilst holding a position of authority as a teacher, could affect public confidence in the teaching profession.

The panel therefore found that Ms Thomas' actions constituted conduct that may bring the profession into disrepute.

Having found the facts of the allegations proved, the panel further found Ms Thomas' conduct amounted to both unacceptable professional conduct and 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 had to consider whether it would be an appropriate and proportionate measure, and whether it would be 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 had regard to 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; 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 Thomas, which involved possession of a class A drug, there was a strong public interest consideration in maintaining public confidence in the teaching profession and declaring and upholding proper standards of conduct. However, the panel concluded that there was a strong public interest consideration in retaining Ms Thomas in the profession. There was overwhelming evidence presented to the panel regarding Ms Thomas' abilities as an educator and, indeed, the panel concluded that Ms Thomas appeared to be an outstanding teacher. The panel felt that Ms Thomas had made, and could continue to make, a valuable contribution to 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 Ms Thomas.

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 Ms Thomas. 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 proved. 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

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

The panel heard substantial mitigation on behalf of Ms Thomas. This included information pertaining to Ms Thomas' personal circumstances at the time of and leading up to the incident that took place. As such, although Ms Thomas' actions were deliberate, she was subject to a degree of duress. The panel heard that Ms Thomas was adversely influenced by a third party which caused her to have low self-confidence and resulted in emotional and financial stress and strain. [Redacted]. Ms Thomas was also suffering with health concerns which had caused her to be at a low ebb at the time the incident took place.

Ms Thomas' previous history was good and the panel was presented with evidence that she was a highly effective teacher with a previously unblemished record. This evidence was from Ms Thomas' former head teacher, a current senior leader and colleagues from the school. There was also strong evidence that Ms Thomas' actions were out of character and an aberration.

The panel was impressed with Ms Thomas' contribution to these proceedings, and recognised how daunting it must have been for Ms Thomas, as a young teacher, to participate in them. The panel was also impressed by Ms Thomas' openness, honesty and transparency from the outset of this matter. Ms Thomas disclosed the events that took place to the school at the earliest opportunity and admitted her conduct from the earliest stage.

Ms Thomas accepts full responsibility for her actions and understands the seriousness of them, for which she has communicated her remorse. She has therefore demonstrated insight into her conduct, both in terms of acknowledging its severity and the potential impact on the profession, the public and on pupils. In addition, Ms Thomas has taken steps to better understand the factors that influenced her conduct and to build her resilience and self-esteem in order to avoid an incident of this nature reoccurring. Ms Thomas has obtained alternative employment and is progressing well in a new sector, although it is clear that teaching remains her passion.

The panel had regard to the fact that the police had dealt with this matter at the lowest level possible, and that the Disclosure and Barring Service had decided to take no action in respect of Ms Thomas.

The panel also considered a number of witness statements that were provided on her behalf of which, in particular, the panel noted the following statements:

"During my time at St Mary's I considered Bethan to be a very good class teacher and an asset to the teaching profession. Her lessons were always well prepared and delivered in an engaging manner [...] Her love of teaching shone through her lessons and her daily duties around the school. She worked hard and often went beyond what was asked of her."

“[Bethan’s] professionalism continued as I knew it would. We shared all aspects of the job from planning to assessing. Her relationships with the children were excellent. Her behaviour management was second to none and it soon became apparent that she had a real flair for working with the SEN children. To be honest, it was a breath of fresh air to work with her. We ended up learning from each other.”

“I believe that the incident was an aberration and completely out of character. Bethan was dealt with at the lowest level possible, as befitted the nature of the incident, her complete cooperation with the authorities and her overwhelming remorse. I believe she has learned a hard lesson; one which will remain with her for life and one which will never be forgotten. I am confident the salutary nature of her involvement with the authorities is such that any repetition would be unthinkable.”

“Bethan has accepted that she made a stupid and foolish mistake, has reflected on it and has moved on, I know that she has learned from it and I am convinced that she will never make this kind of mistake again”

In light of the panel’s findings:

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 would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order would be both a proportionate and an appropriate response.

The panel was of the view that whilst Ms Thomas’ conduct was serious there was very strong and compelling mitigation before the panel. In particular, Ms Thomas’ previous good history and significant personal issues that had caused her substantial stress and strain leading up to her taking the action she did. The panel considered that her actions were completely out of character and the panel was satisfied that the risk of repetition was extremely low. The panel concluded that it would not be in the public interest to lose Ms Thomas from the teaching profession.

In light of the mitigating factors that were present, 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 Ms Thomas as to the standards of behaviour that are not acceptable, and the publication would meet 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 both the allegations 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 Ms Bethan Thomas should not be the subject of a prohibition order. The panel has recommended that 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 Ms Thomas 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.

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

The findings of misconduct are particularly serious as they include a finding of possession of a class A drug, after being stopped by the police whilst driving and although Ms Thomas was not convicted of a relevant criminal offence, she was given a Community Resolution Order. In her witness statement she admitted to purchasing one gram of what she believed to be cocaine.

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 Thomas 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 was aware that the allegations took place outside the education setting. However, I have also noted the panel's comment "possession of a class A drug was serious and would be likely to have a negative impact on Ms Thomas' status as a teacher".

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "Ms Thomas accepts full responsibility for her actions and understands the seriousness of them, for which she has communicated her remorse". The panel has also commented "Ms Thomas disclosed the events that took place to the school at the earliest opportunity and admitted her conduct from the earliest stage".

The panel also considered a number of witness statements and I have noted "*I believe that the incident was an aberration and completely out of character. Bethan was dealt with at the lowest level possible, as befitted the nature of the incident, her complete cooperation with the authorities and her overwhelming remorse. I believe she has learned a hard lesson; one which will remain with her for life and one which will never be forgotten. I am confident the salutary nature of her involvement with the authorities is such that any repetition would be unthinkable.*"

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 Thomas, which involved possession of a class A drug, there was a strong public interest consideration in maintaining public confidence in the teaching profession and declaring and upholding proper standards of conduct". I am particularly mindful of the finding of drug possession and as a result a failure to maintain high standards of behaviour and the impact that such a finding has on the reputation of the profession.

I have also considered the panel's comment "the way 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 recognised the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave".

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 given public confidence considerations particular weight in reaching my decision.

I have considered that the panel heard substantial mitigation on behalf of Ms Thomas. "This included information pertaining to Ms Thomas' personal circumstances at the time of and leading up to the incident that took place. As such, although Ms Thomas' actions

were deliberate, she was subject to a degree of duress. The panel heard that Ms Thomas was adversely influenced by a third party which caused her to have low self-confidence and resulted in emotional and financial stress and strain”.

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 Thomas herself. The panel noted that she has obtained alternative employment and is progressing well in a new sector, although it is clear that teaching remains her passion. The panel also commented “there was overwhelming evidence presented to the panel regarding Ms Thomas’ abilities as an educator and, indeed, the panel concluded that Ms Thomas appeared to be an outstanding teacher. The panel felt that Ms Thomas had made, and could continue to make, a valuable contribution to the profession”.

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

Although the panel felt Ms Thomas’ ability as a teacher was not in doubt, in my view due to the serious nature of the allegations found proven I have given this less weight in reaching my decision.

I recognise the serious nature of this case and that Ms Thomas admitted to seeking, obtaining, and possessing a class A drug (cocaine) and I recognise the significant impact that could have on maintaining public trust in the profession. In balancing my decision, I have also had sight of the factors that led to the misconduct found proven. In my view the panel have given disproportionate weight to the mitigating circumstances in this case, along with their consideration of the insight and remorse shown by Ms Thomas. Due to the nature of the allegation found proven and the damaging effect of drugs in wider society, I do not support the panel’s recommendation.

I have also taken into account the published Advice concerning the prohibition of teachers, particularly where an individual has displayed behaviours associated with any of the offences listed in that Advice, which include possession of a class A drug and that it is likely a teacher’s behaviour will be considered incompatible with being a teacher if there is evidence of factors, including – serious departure from the personal and professional conduct of the Teachers’ Standards.

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 given less weight in my consideration of sanction therefore, to the contribution that Ms Thomas 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, 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.

I have considered whether a 2 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. Balancing the panels comments on mitigation and the insight and remorse shown I have decided that a 2 year review period is appropriate in this case.

This means that Ms Bethan Thomas is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. She may apply for the prohibition order to be set aside, but not until 1 December 2022, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Ms Thomas remains prohibited from teaching indefinitely.

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

Ms Thomas has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'S Buxcey', with a stylized flourish at the end.

Decision maker: Sarah Buxcey

Date: 26 November 2020

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