



National College for
Teaching & Leadership

Ms Debbie Evans: Professional Conduct Panel outcome

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

January 2015

Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	4
D. Summary of evidence	4
Documents	4
Witnesses	5
E. Decision and reasons	5
Findings of Fact	5
Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute	6
Panel's recommendation to the Secretary of State	7
Decision and reasons on behalf of the Secretary of State	10

Professional Conduct Panel decision and recommendations, and decision on behalf of the Secretary of State

Teacher:	Ms Debbie Evans
Teacher ref no:	84/57369
Teacher date of birth:	2 June 1959
NCTL Case ref no:	0011608
Date of Determination:	19 January 2015
Former employer:	South Wilts Grammar School

A. Introduction

A Professional Conduct Panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 19 January 2015 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Ms Debbie Evans.

The panel members were Dr Geoffrey Penzer (Lay Panellist– in the Chair), Mrs Kathy Thomson (Teacher Panellist) and Prof Janet Draper (Lay Panellist).

The legal adviser to the panel was Mr Thomas Whitfield of Eversheds LLP Solicitors.

The presenting officer for the National College was Mr Ben Bentley of Browne Jacobson LLP Solicitors.

Ms Debbie Evans was not present but was represented by Mr Andrew Faux of counsel.

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 October 2014.

It is alleged that Ms Debbie Jane Evans is guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed by South Wilts Grammar School, between 2011 and 2012:

1. She abused her position of trust by entering into an inappropriate relationship, including of a sexual nature, with a female student aged 18, Student A, who was on the school roll at the time; and
2. In doing so her conduct was sexually motivated.

Ms Evans admits the facts of the allegations and that they amount to unacceptable professional conduct / conduct that may bring the profession into disrepute.

C. Preliminary applications

There were no preliminary applications.

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, with page numbers from 2 to 4

Section 2: Notice of Proceedings and response, with page numbers from 6 to 12

Section 3: National College for Teaching and Leadership Witness Statements with page numbers from 14 to 19.

Section 4: National College for Teaching & Leadership Documents, with page numbers from 21 to 95.

Section 5: Teacher Documents, with page numbers from 97 to 129.

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

Witnesses

The panel did not hear any oral evidence.

E. Decision and reasons

The panel announced its decision and reasons as follows:

We have now carefully considered the case before us and have reached a decision.

We confirm that we have read all the documents provided in the bundle in advance of the hearing.

Ms Debbie Evans started working at South Wilts Grammar School in May 1990. In September 2010, Student A, referred to in the allegations, joined the School. At this point Ms Evans was head of the art department. In May 2011, Ms Evans supported Student A when she was taken ill at the School. In the Summer of 2011, Ms Evans was invited to a meal at Student A's home and Ms Evans began to give Student A lifts to and from school. In late 2011 Student A turned 18. The following month, Student A and Ms Evans went for a meal and it is the National College's case that after this meal they kissed.

It is alleged that they entered a sexual relationship from this time onwards. Student A finished at the School in July 2012. It is alleged that the relationship continued until October 2013. Student A's mother contacted the School on 27 October 2013, to discuss unspecified concerns about a teacher. On 31 October 2013, Ms Evans resigned with effect from 31 December 2013. On 11 November 2013, Student A's parents reported the alleged relationship to the School.

On 11 March 2014 the School determined that, had Ms Evans remained in the employment of the School, they would have found her guilty of gross misconduct, on the basis of allegations substantially the same as allegation 1 to be considered by this panel and an allegation that this conduct breached part 2 of the Teachers' Standards.

Findings of Fact

Our findings of fact are as follows:

We have found the following particulars of the allegations against Ms Evans proven, for these reasons:

1. She abused her position of trust by entering into an inappropriate relationship, including of a sexual nature, with a female student aged 18, Student A, who was on the school roll at the time.

The facts of this allegation are admitted by Ms Evans and are consistent with the evidence before the panel, including the witness statement of Student A. In particular, the witness statements of both Ms Evans and Student A give considerable detail of the existence of the relationship, its timing and its sexual nature. On all of these bases, the panel finds this allegation proven.

2. In doing so her conduct was sexually motivated.

The panel has found that the relationship was of a sexual nature and Ms Evans has admitted that her conduct was sexually motivated. This admission is consistent with all of the evidence before the panel. On these bases, the panel finds this allegation proven.

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

Ms Evans acknowledges and understands that her actions amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. Nonetheless, these are matters that the panel is obliged to consider and it has done so, independent of Ms Evans' acknowledgment and understanding.

In considering the allegations that the panel has found proven, the panel has had regard to the definitions in The Teacher Misconduct – Prohibition of Teachers Advice, which we refer to as the 'guidance'.

The panel is satisfied that the conduct of Ms Evans in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Ms Evans 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;
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position; and
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions; and
- 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.

The panel is satisfied that the conduct of Ms Debbie Evans fell significantly short of the standards expected of the profession.

The panel has also considered whether Ms Evans' conduct displayed behaviours associated with any of the offences listed on page 8 and 9 of the guidance and we have found that none of these offences is relevant.

The panel notes that most of the facts giving rise to the allegations took place outside of the education setting. The panel has therefore considered, in accordance with the guidance, whether this conduct affected the way Ms Evans fulfilled her teaching role or may have led to pupils being exposed to, or influenced by, the behaviour in a harmful way. The panel finds that Ms Evans' behaviour related directly to a student at the School and did expose Student A to Ms Evans' behaviour in a harmful way, in particular by Ms Evans abusing Student A's trust.

Accordingly, the panel is satisfied that Ms Debbie Evans 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 Debbie Evans' actions constitute conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, 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 guidance and having done so has 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 light of the panel's findings against Ms Evans, which involved sexual activity with a student who was on the school roll at the time, there is a strong public interest consideration in the protection of pupils.

Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Evans 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 Evans was outside that which could reasonably be tolerated.

Notwithstanding 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 Evans.

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 Evans. The panel took further account of the guidance, 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; and
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk; and
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils; and
- sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position.

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.

There was no evidence that the teacher's actions were not deliberate, nor was there any evidence to suggest that the teacher was acting under duress.

Ms Evans did however have a previously good history. The panel notes that the decision of the School Governors' Personnel Committee formally recorded that Ms Evans had a long and unblemished career as Head of Art and was a respected member of the school team.

The panel is of the view that prohibition is both proportionate and appropriate. We have decided that the public interest considerations outweigh the interests of Ms Evans. The direct impact on Student A, the importance of maintaining public confidence in the profession and of declaring and upholding proper standards of conduct were significant factors 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 them to decide to recommend that a review period of the order should be considered. The panel was mindful that the guidance 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 two years.

The guidance indicates that there are behaviours that, if proven, would militate against a review period being recommended. One of these is serious sexual misconduct, eg where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons. The panel has found that Ms Evans has abused her position of trust, that her actions were sexually motivated and have caused Student A emotional harm. On these bases, the panel considers that Ms Evans' conduct did amount to serious sexual misconduct.

This does not mean that the panel is *bound* to recommend that there be no provision for a review; rather, in such circumstances the panel should *consider* such a recommendation. The panel found this to be the most difficult element of their deliberations, reflecting the fact that it was also the only area of substantial dispute between the National College and Ms Evans.

The panel is of the view that Ms Evans does not pose a continuing threat to pupils or others. The panel understands, from the evidence before it, that in 23 years of teaching at South Wilts Grammar School, no concerns had been raised about Ms Evans' conduct previously, whether in respect of inappropriate relationships with students, or otherwise. The conduct in question appears to have been confined to Ms Evans' relationship with Student A. Ms Evans has shown insight into her actions, accepted that they were inappropriate and is remorseful. Ms Evans has co-operated with the National College, going so far as to accept that it is proper that she be prohibited from teaching, leaving to the panel only the question of her ability to apply in future for the prohibition order to be lifted.

The panel does, however, consider that it must take into consideration the wider public interest which includes the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

Whilst any prohibition order will apply for life, a review period would provide at least the possibility that Ms Evans could apply to return to teaching, despite having engaged in such long-running and serious sexual misconduct as found in this case. Such a possibility could, in the panel's view, seriously undermine public confidence in the profession.

Similarly, the panel feels that providing Ms Evans with the possibility of returning to teaching, by allowing her to apply for any prohibition order to be lifted in future, would undermine proper standards of conduct in the profession. Those in the profession need to understand that sexual relationships with school students, even when they are 18 and appear to the teacher involved to be consenting to the relationship are wholly inappropriate and are inconsistent with being a teacher. Allowing the possibility of someone who has breached this core relationship of trust with students to apply to return to teaching would undermine the need to declare and uphold proper standards of conduct.

The panel is acutely aware that prohibition orders should not be made in order to be punitive or to apportion blame. By extension, the panel understands that a decision not to provide a review period should not be done for such reasons.

Moreover, the panel is mindful that any sanction should be appropriate and proportionate.

As the panel has noted above, this is a difficult case. The panel accepts that Ms Evans has been remorseful, does not consider her to be a continuing threat to pupils, is mindful that it should not act so as to be punitive and is mindful of the need for sanctions to be appropriate and proportionate. However, Ms Evans' conduct was, in the panel's view, serious sexual misconduct and the panel must have regard to the wider public interest, which includes maintaining public confidence in the profession and declaring and upholding proper standards of conduct. On balance, given the seriousness of Ms Evans' conduct, the panel finds that this is a situation in which a review period would not be appropriate and as such has decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provision for a review period.

Decision and reasons on behalf of the Secretary of State

I have given careful consideration to the findings and recommendations of the panel in this case. The allegations have been admitted by Ms Evans and the panel have found the allegations proven. The panel have judged that those facts amount to both

unacceptable professional conduct and conduct that may bring the profession into disrepute. Ms Evans accepts this to the case.

Ms Evans has abused her position of trust by entering into an inappropriate relationship, including of a sexual nature, with a female student on her school's roll. The panel have determined that her behaviour was sexually motivated.

In deciding whether it would be appropriate to recommend a prohibition order the panel have considered the public interest considerations and have 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.

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider any mitigating factors. There was no evidence to suggest that Ms Evans actions were not deliberate nor was there evidence to suggest she was acting under duress. The panel did see compelling evidence that she had a previously long and unblemished career in teaching.

The panel have judged on balance that a prohibition order is an appropriate and proportionate sanction in this case and I agree with their recommendation.

In deciding whether to recommend whether it would be appropriate to recommend a review period, the panel have referenced the Secretary of State's guidance '*Teacher misconduct – the prohibition of teachers*'. It indicates that there are behaviours that, if proven, would militate against a review period being recommended. One of these is serious sexual misconduct, eg where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons. The panel has found that Ms Evans has abused her position of trust, that her actions were sexually motivated and have caused Student A emotional harm. The panel considers that Ms Evans' conduct did amount to serious sexual misconduct.

Ms Evans has shown insight into her actions and is remorseful. She has co-operated with this process and the panel have judged that she does not pose a continuing threat to pupils. However, having paid due regard to the maintenance of public confidence in the profession and the declaring and upholding of proper standards of conduct, the panel have recommended that the order should be without the opportunity for an application to have it set aside. I agree with this recommendation.

This means that Ms Debbie Evans 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 Debbie Evans 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 Debbie Evans 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 'P Heathcote', with a large, stylized flourish at the end.

NAME OF DECISION MAKER: Paul Heathcote

Date: 20 January 2015

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