

# THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

**Teacher:** Ms Helen Pfau  
**Teacher ref no:** 86/70804  
**Teacher date of birth:** 03/02/1952  
**TA Case ref no:** 7277  
**Date of Determination:** 20/12/2012  
**Former Employer:** Standish Community High School, Wigan

## **A. Introduction**

A Professional Conduct Panel (“the Panel”) of the Teaching Agency convened on 19 & 20 December 2012 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Ms Helen Pfau.

The Panel members were Mr Nicholas Andrew (Lay Panellist– in the Chair), Mr Mike Carter (Teacher Panellist) and Mr Mark Tweedle (Teacher Panellist).

The Legal Adviser to the Panel was Mr Paul Owston of Berrymans Lace Mawer LLP Solicitors.

The Presenting Officer for the Teaching Agency was Ms Sarah Knight of Bevan Brittan LLP Solicitors.

Ms Pfau was not present but was represented by Mr Neil Dewhurst of NASUWT.

The hearing took place in public and was recorded.

## **B. Allegations**

The Panel considered the allegations set out in the Notice of Proceedings dated 18 October 2012.

It was alleged that Ms Pfau was guilty of unacceptable professional conduct, in that:

Whilst employed at Standish Community High School, Wigan she:

1. Allowed pupils and other children under 18 years old into her home on several occasions between about March 2009 and June 2009.
2. Allowed pupils and other children under 18 years old to drink alcohol in her home on several occasions between about March 2009 and June 2009.

3. Allowed pupils and other children under 18 years to smoke in her home between about March 2009 and June 2009.
4. Asked Pupil A, a 16 year old to purchase alcohol on 21 May 2009.
5. Invited Pupil A, a 16 year old to stay overnight at her home on 21-22 May 2009.
6. Used abusive language in front of children, and towards a police officer on 26 May 2009 for which she received a fixed penalty notice.
7. Was convicted of using disorderly behaviour or threatening/abusive/insulting words likely to cause harassment alarm or distress on 5 June 2009 and was given a conditional discharge.
8. Was drunk in front of pupils on various occasions between about March 2009 and June 2009.

Mr Dewhurst confirmed that Ms Pfau admitted the facts of allegations 1, 6, 7 & 8 and that they amounted to unacceptable professional conduct. She did not admit allegations 2, 3, 4 & 5. Mr Dewhurst subsequently also confirmed that Ms Pfau admitted that Pupil A had smoked in her conservatory but she did consider that part of her home and she did not know Pupil A's age. Accordingly, this was not an admission of the facts of allegation 3.

## **C. Summary of Evidence**

### Documents

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

Anonymised pupil list – on pages 1 & 2

Notice of proceedings & Teacher's response – on pages 3 – 9

Witness statements – on pages 10 – 27

Teaching Agency documents – on pages 28 – 128

Teacher's documents – on pages 129 - 141

In addition, the Panel agreed to accept the following:

The correspondence, copy photographs and signed statements produced by Ms Knight and referred to above.

The Panel Members confirmed that they had read all of the documents in advance of the hearing and the additional documents at the hearing.

### Brief summary of evidence given

Please note that this is intended to be a summary – it does not reflect the complete evidence given.

Ms Knight called three witnesses to give evidence – Witness A, ICT teacher at the school, Witness B, of Greater Manchester Police, and Witness C, former Deputy Head Teacher at the school. Their statements were taken as read and they answered questions from Ms Knight and the Panel and were cross examined by Mr Dewhurst. Ms Knight also relied on the hearsay witness statement of Individual A, Human Resources Consultant at Wigan Council, who she did not call to give evidence.

Witness A confirmed what had happened when she had gone round to Ms Pfau's house on 21 May 2009. She did not know Pupil A and it was the first time she had met him. She therefore had no reason not to believe that he was a hairdresser, as he had been introduced by Ms Pfau. She had heard Ms Pfau speak to Pupil B's mother on the telephone. Ms Pfau had a few drinks and was tired. Witness A suggested that Pupil A and Pupil B should leave but Ms Pfau said it was OK for Pupil A to stay. Witness A had not interpreted that as an invitation to Pupil A to stay the night. Pupil B had not had anything alcoholic to drink and was being shown how to look after Ms Pfau's rabbits. He left the house before her. Pupil A had been drinking from a can of cider.

Witness A said that Ms Pfau relied on her for company. Ms Pfau had been good to her and a mentor at school. It was not unusual for Ms Pfau to call and ask her to come round to the house. That had happened on 29 May 2009 when Ms Pfau had been adamant that she visit her and had said that she was on her own and very low. When she got to the house a number of pupils were there and she had told Ms Pfau that she did not think that was appropriate. Ms Pfau told her that she was doing nothing wrong.

Witness A had noticed a change in Ms Pfau. She had always been bubbly but became low and tired. Ms Pfau had told her about her divorce and that she was lonely. Ms Pfau usually just drank white wine and after about half a bottle would get tired.

Witness B confirmed that he made a note of what occurred on 29 May 2009 in his pocket notebook. That was the first time he had been to Ms Pfau's house but he had been aware that there had been issue before. On the night in question he was met at the door by a young lad who he knew and who invited him in. He went into the conservatory and saw two 16 year old lads he knew. One of them was in the photographs and he recognised the conservatory in those. There was quite a lot of alcohol, in the form of red and white wine, lager and cider, in the kitchen and in the conservatory. He did not see anyone drinking or smoking and could not immediately see that any offence was being committed.

Witness B then left the house to consult with a colleague, over the radio, and was advised just to say that he would refer the matter to Ms Pfau's Head Teacher. When he knocked on the door to do so that was when Ms Pfau started swearing at him. One of the young lads was asking her to calm down and there was a neighbour in

his garden shaking his head. Witness B said he had not done anything aggressive and took the abuse to a certain point after which he decided an offence had been committed and he handcuffed Ms Pfau and called for a van. At that point Ms Pfau's son had called her mobile telephone and she was allowed to speak to him but he could not calm her down and when the van arrived she was kicking out in that. She was too intoxicated to be interviewed at the station and when she was released the next day was served with a fixed penalty notice which he understood she had paid within the required 28 days.

Witness B was familiar with Pupil A. He was not involved in any criminal matters but he was in care and vulnerable. He was known to go missing from the care home and stay out late. The burglary allegation against Pupil A was not pursued.

Witness C had worked at the school since 1983 until his retirement in 2009. He had known Ms Pfau since she started at the school and she was a dedicated teacher who was well respected. He had initially identified the pupils that were to be interviewed and contacted their parents. He then attended at the interviews, which were carried out by Individual A, as an observer and facilitator. He described the interview process which followed broadly the same format for each pupil. They were asked if they knew why they were being interviewed, asked to describe what happened and then there were follow up questions. The statements show how the interviews proceeded. There were common themes in the accounts given and an overall picture emerged. As was his experience in such matters the children were not keen to admit to drinking themselves but referred to other doing so. Apart from one child who he had taught he did know any of the pupils and they were just ordinary pupils.

Witness C confirmed that only Year 9 pupils were interviewed. Further pupils, including some in Year 11, were identified but not interviewed because Individual A considered that they had got enough evidence.

### Mitigation

In accordance with the Panel's decision in relation to a private hearing this part of the hearing was dealt with in private.

## **D. 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 and the additional documents we have admitted as evidence.

This case relates to allegations involving children who were in Year 9 and 11 at Standish Community High School, Wigan where Ms Pfau was Head of Media Studies, and a 16 year old male pupil from another school who was in care at the time in question. It is alleged that during the period from March to June 2009 Ms Pfau was guilty of unacceptable professional conduct in relation to several instances

of drunken behaviour at her home where children were present and allowing children to drink and smoke in her home. She was also prosecuted in relation to two instances of abusive behaviour.

### Findings of fact

Our findings of fact are as follows:

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

Whilst employed at Standish Community High School, Wigan she:

1. Allowed pupils and other children under 18 years old into her home on several occasions between about March 2009 and June 2009.
2. Allowed pupils and other children under 18 years old to drink alcohol in her home on several occasions between about March 2009 and June 2009.
3. Allowed pupils and other children under 18 years to smoke in her home between about March 2009 and June 2009.
6. Used abusive language in front of children, and towards a police officer on 26 May 2009 for which she received a fixed penalty notice.
7. Was convicted of using disorderly behaviour or threatening/abusive/insulting words likely to cause harassment alarm or distress on 5 June 2009 and was given a conditional discharge.
8. Was drunk in front of pupils on various occasions between about March 2009 and June 2009.

Ms Pfau, through her representative Mr Dewhurst, has admitted allegations 1, 6, 7 and 8.

In relation to allegation 1, both Witness A, Teacher at Standish Community High School, and Witness B, of Greater Manchester Police, gave direct evidence that pupils and young people were in Ms Pfau's home, unaccompanied by adults. That corroborates the statements made by the Year 9 pupils who were interviewed at school by Ms Burns, HR Consultant employed by Wigan Council.

In relation to allegation 6, Witness B gave clear and credible evidence, supported by his contemporaneous notebook and the official police record, that Ms Pfau repeatedly used foul and abusive language towards him when he attended her house on 29 May 2009. That was in the presence of at least one pupil and a neighbour, and she accepted a fixed penalty notice.

In relation to allegation 7, the offence is formally confirmed in a Memorandum of an Entry in the Register at Wigan Magistrates Court, dated 11 June 2009.

In relation to allegation 8, Witness A gave evidence that she saw children in Ms Pfau's home on a number of occasions and that although not drunk Ms Pfau had consumed alcohol to the extent that she had grown tired, which was an indication that Ms Pfau had consumed a quantity of alcohol. Witness B gave evidence that when he attended on 29 May 2009 Ms Pfau was drunk in the presence of young people. The evidence of these witnesses corroborates the evidence of some of the Year 9 pupils.

In relation to those matters which Ms Pfau does not admit Mr Dewhurst has been very open in stating on her behalf that not all these matters are entirely within Ms Pfau's knowledge, by reason of her health and consumption of alcohol. Accordingly, we have approached her non-admissions with caution and consider that witness evidence is likely to be a more reliable guide to what occurred during the period in question. We have, though, taken care to consider the reliability of the evidence and approached any hearsay evidence with great care and sought corroboration where available.

In relation to allegation 2, of the pupils who were interviewed by Individual A, all but one confirmed that alcohol was consumed by them and/or that they saw others doing so. As Witness C, the former Deputy Head of Standish Community High School, related this is evidence of the sort that young people might give when they wish to minimise their own involvement whilst describing the behaviour of others. It therefore has an air of authenticity and having heard Witness C describe the interview process we are satisfied that this was carried out properly although as Mr Dewhurst has pointed out some issues could have been explored in more detail. Witness C also confirmed that in his opinion the pupils interviewed were likely to be reliable. Some pupils also refer to alcohol being offered directly to them by Ms Pfau.

Witness B confirmed that on 29 May 2009 he saw three youths under the age of 18 at Ms Pfau's house and there was a quantity of alcohol, of a variety of sorts, apparently being consumed.

Witness A said that she did not see pupils drinking, save for Pupil A. At the time that did not concern her because she thought he was a hairdresser who was over 18. The Panel considered that, in light of her involvement in the school's investigation, Witness A might have reason to deny that she witnessed the consumption of alcohol and also that when she was present the pupils might have been reticent about drinking in her presence.

The issue has been raised by Ms Pfau of whether the pupils had parental consent or whether parents were present. Parents were not present when Witness B attended and Pupil A did not have parents who were in a position to give consent. Whilst parents may have been present on occasions there is substantial evidence that Ms Pfau did on other occasions allow pupils and children under 18 years old to drink alcohol in her home on several occasions during the period in question.

In relation to allegation 3, Mr Dewhurst has said that Ms Pfau accepts that she allowed Pupil A to smoke in the conservatory. That is consistent with the account Pupil A gave to the police. Mr Dewhurst said that Ms Pfau was unaware of his age and denies that the conservatory is a part of her home. On the latter point we cannot

accept that a conservatory does not form part of a home. Further, if for example a shopkeeper sold cigarettes to someone who was under age it would be no defence that they did not know the age. In any event we do not accept that Ms Pfau was unaware of Pupil A's age, given that he was in care at the time, and in any event consider that the onus was upon her to find out. There is also a photograph of a youth with a cigarette in his hand sitting in Ms Pfau's conservatory. Witness B identified this person as someone who was under the age of 18 and someone who he had seen when he attended at the house on 29 May 2009.

Further, some of the pupils refer to friends smoking at Ms Pfau's house but the scale is not of the same order as the evidence about alcohol consumption. Nevertheless, whilst smoking was not widespread, we do find that Ms Pfau did allow more than one pupil or children under 18 years of age to smoke in her home on more than one occasion during the period in question.

We have found the following particulars of the allegations against Ms Pfau not proven, for these reasons:

Whilst employed at Standish Community High School, Wigan she:

4. Asked Pupil A, a 16 year old to purchase alcohol on 21 May 2009.
5. Invited Pupil A, a 16 year old to stay overnight at her home on 21-22 May 2009.

In relation to these allegations, the Teaching Agency relies on the statement of Pupil A. He does claim that Ms Pfau gave him money and asked him to purchase alcohol. He also indicates that he was left alone with Ms Pfau that evening but did not stay overnight. He gives no clear indication that Ms Pfau invited him to stay overnight.

Pupil A's evidence is hearsay and we have considered very carefully whether we can rely upon it. We have had regard to the fact that it was given in the context of a police interview in relation to stealing money from Ms Pfau and his account may have been somewhat self-serving. Witness B said that Pupil A was known to him, not in relation to previous offences but rather as a vulnerable individual.

Witness A gave evidence that Pupil A was left alone in the evening with Ms Pfau but could not give direct evidence that he was invited by Ms Pfau to stay overnight. Pupil B's evidence provides some corroboration.

Witness A gave evidence that Ms Pfau had consumed at least enough alcohol to start feeling sleepy which she indicated was a sign that Ms Pfau had at least a reasonable quantity to drink. She also confirmed that Pupil A had been drinking cider in the company of Ms Pfau and they were on terms such that she would allow him to do her hair. Witness A did not witness Ms Pfau asking Pupil A to purchase alcohol.

Accordingly, whilst it is credible that Ms Pfau might have asked Pupil A to purchase alcohol and invite him to stay the night, we do not consider that his uncorroborated evidence alone is sufficient on the balance of probabilities to find these allegations proven.

## Findings as to Unacceptable Professional Conduct

Having found the facts of the allegations 1, 2, 3, 6, 7 & 8 proved we further find that those amount to unacceptable professional conduct

This is because:

Ms Pfau's behaviour constituted misconduct of a serious nature, falling significantly short of behaviour expected of a teacher.

We have noted Ms Pfau's admission, through Mr Dewhurst, that her behaviour in relation to allegations 1, 6, 7 & 8 amounted to unacceptable professional conduct.

Ms Pfau's behaviour breached the GTC code of conduct and practice for registered teachers, effective from 1 October 2009. Specifically she:

Failed to put the wellbeing, development and progress of children and young people first by failing to establish and maintain appropriate professional boundaries in her relationships with children and young people, and:

Failed to maintain reasonable standards in her own behaviour to uphold public trust and confidence in the teaching profession.

Ms Pfau's behaviour also breached the latest Teachers' Standards published by the DfE. Specifically, she failed to demonstrate consistently high standards of personal and professional conduct by:

Failing to uphold public trust and confidence in the profession and maintain high standards of ethics and behaviour, outside of school, by failing to at all times observe proper boundaries appropriate to a teacher's professional post.

It is clearly unacceptable for a teacher to allow pupils to come to their home to consume alcohol and smoke cigarettes, to get drunk in their presence and to commit public order offences. This is aggravated in this case by the fact that Ms Pfau was a teacher of long standing who held a senior position in the school and as such was in a position of trust and influence in relation to pupils, parents and colleagues.

We have noted and accept that these matters occurred during a very difficult point in Ms Pfau's life. Whilst that may explain what happened it does not excuse it and the onus was, in our view, on Ms Pfau to seek help.

## **Panel's Recommendation to the Secretary of State**

When considering what sanction, if any, to recommend we have had regard to "The Prohibition of Teachers – DfE advice on factors relating to decisions leading to the prohibition of teachers from the teaching profession". In particular we have had regard to the protection of children and other members of the public, the maintenance of public confidence in the profession and declaring and upholding



proper standards of conduct. We have sought to approach the issue bearing in mind the principle of proportionality.

We have concluded that in this instance it is appropriate to recommend that a Prohibition order be made.

We have carefully considered the documents that we have been provided with and the submissions made by Ms Knight and Mr Dewhurst.

Ms Pfau's behaviour is incompatible with being a teacher for the following reasons:

There has been a serious departure from the GTC code of conduct and the personal and professional conduct elements of and the latest teachers' standards published by the DfE. There have been multiple instances of unacceptable conduct involving young people and the consumption of alcohol and tobacco. Two public order offences were also committed, one in the presence of young people.

There has been a serious abuse of Ms Pfau's position of trust. This was particularly of concern in the case of a vulnerable pupil, Pupil A, whose well-being has not been addressed by Ms Pfau, either directly or through Mr Dewhurst. The number of pupils involved and their age are further aggravating features.

There has been misconduct which either did or had the capacity to affect the education and/or well-being of pupils. We do not have direct evidence from Ms Pfau to enable us to form an opinion with any confidence as to the likelihood of there being a continuing risk. Our overriding concern is the protection of pupils and young people.

There is some mitigation but we do not have direct evidence in that regard. We have accepted in some part the verbal assurances put forward by Mr Dewhurst but have to approach those with a degree of caution. Further, he has made admissions on her behalf which indicate a degree of insight and some cooperation with these proceedings but we can see no reason why she could not have provided us with direct evidence, particularly given that at one point we were informed by Mr Dewhurst that she has recently been working in an educational setting.

The submissions about Ms Pfau's previous good character are supported by the evidence of Witness C. She was a valued colleague of good standing prior to the events in question. Further, the incidents occurred over a relatively short period of time and may have been connected to personal and health issues. There is no evidence otherwise that her actions were not deliberate or that she was acting under duress.

Mr Dewhurst gave an account about Ms Pfau's current personal circumstances. Clearly this is a sad case but that does not mean that a sanction is not in the public interest.

We recommend that Ms Pfau should be allowed to apply to set aside the Prohibition Order but not before 3 years have elapsed. This case does not have the very serious factors that would usually merit there being no opportunity to reapply.

Further, allowing this period of time should allow her time to deal with her current domestic difficulties and thereafter may give her the opportunity to reflect on these proceedings and reach the point where she can address these matters fully in the form that we have found is lacking in this case. She may then be able to satisfy a future tribunal that she is a fit and proper person to be teacher.

### **Secretary of State's Decision and Reasons**

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

In this case the panel has found a number of the facts proven and that those facts amount to unacceptable professional conduct. There have been multiple instances of unacceptable conduct involving young people and the consumption of alcohol and tobacco. Two public order offences were also committed, one in the presence of young people.

This is a serious abuse of Ms Pfau's position of trust. This is particularly of concern in the case of a vulnerable pupil, Pupil A. The number of pupils involved and their age are further aggravating features.

This case has therefore featured misconduct which either did or had the capacity to affect the education and/or well being of pupils. There appears to be a continuing risk and a risk to the protection of pupils and young people.

For the reasons given I therefore support the recommendation to impose a prohibition order.

I have also given careful consideration to the recommendation of the panel as to the review period. In this case I have taken into account the ill-health factors and I support the recommendation that a 3 year review period is put in place.

This means that Ms Helen Pfau 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 31 December 2015, 3 years from the date of this order at the earliest. If she does apply, a panel will meet to consider whether the Prohibition Order should be set aside. Without a successful application, Ms Helen Pfau remains barred from teaching indefinitely.

This Order takes effect from the date on which it is served on the Teacher.

Ms Helen Pfau 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.

**NAME OF DECISION MAKER:** Alan Meyrick

**DATE:** 20 December 2012