



National College for  
Teaching & Leadership

# **Mrs Susan Horncastle: Professional conduct panel outcome**

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

**September 2017**

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

**Teacher:** Mrs Susan Horncastle  
**Teacher ref number:** 7352072  
**Teacher date of birth:** 17 February 1955  
**NCTL case reference:** 15174  
**Date of determination:** 19 September 2017  
**Former employer:** Our Lady of Good Help Primary School, Liverpool

### **A. Introduction**

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 18 -19 September 2017 at Radisson Blu Edwardian Manchester, Free Trade Hall, Peter Street, Manchester M2 5GP to consider the case of Mrs Susan Horncastle.

The panel members were Mr Mark Tweedle (teacher panellist – in the chair), Mr John Matharu (lay panellist) and Ms Jean Carter (lay panellist).

The legal adviser to the panel was Mr James Danks of Blake Morgan LLP.

The presenting officer for the National College was Mr Andrew Cullen of Browne Jacobson LLP.

Mrs Horncastle was not present but was represented by Ms Melanie Williamson 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 07 July 2017

1. It was alleged that Susan Horncastle was guilty of unacceptable professional conduct/and or conduct that may bring the profession into disrepute whilst employed as Headteacher of Our Lady of Good Help Catholic Primary School (“the School”) during the period 2013 – 2016 in that:
  - a. In respect of Pupil A, she failed to inform relevant staff members, including Pupil A’s teacher, that Pupil A was not to be collected from School by anyone other than those persons specified in the written request of Pupil A’s guardian, which was provided to the School in 2015;
  - b. She failed to take appropriate action in respect of safeguarding and/or child protection concerns she was made aware of at the School, including in particular:
    - i. in respect of Pupil B following the disclosure of domestic violence by his mother in or around October 2014;
    - ii. in respect of Pupil C following the behaviour displayed by him in the dining hall in or around January 2015;
    - iii. in respect of Pupil D following her disclosure of domestic violence in or around February 2015;
    - iv. in respect of Pupil E by failing to refer concerns to the appropriate agency/agencies in or around 2013;
    - v. in respect of Pupil G by failing to promptly and/or adequately refer issues relating to an injury underneath his eye and his subsequent absence from the School to the appropriate agency/agencies on or around 8 and 9 October 2015;
    - vi. in respect of Pupil H in relation to a burn injury to her ankle in or around January 2015 and/or a burn at the top of her leg in or around September 2015.
  - c. In her conduct, as may be found proven at allegations 1(b)(i) – (b)(vi) above, she failed in regard to safeguarding and/or child protection concerns including:
    - i. failing to provide feedback to one or more staff members after they reported safeguarding and/or child protection concerns to her;

- ii. failing to inform relevant staff member(s) of safeguarding and/or child protection concerns that she had become aware of;
  - iii. failing to implement adequate safeguarding and/or child protection procedures and/or policies within the School;
  - iv. failing to provide and/or arrange adequate safeguarding and/or child protection training for staff members.
2. She has been convicted, at any time, of a relevant offence in that she was convicted on 30 October 2015 at Wirral Magistrates' Court of the following offence: causing unnecessary suffering to an animal contrary to Section 4 of the Animal Welfare Act 2006 for which she was sentenced to a custodial sentence for a period of 3 months, which was suspended for two years and she was ordered to pay RSPCA costs of £997.64 and court costs of £150.00.

A signed and dated Statement of Agreed Facts was provided to the panel prior to the hearing. This document confirmed the admission by Mrs Horncastle of all particulars and sub-particulars of allegation 1 and the facts and conviction that lay behind allegation 2.

Mrs Horncastle also admitted that allegation 1's particulars and sub-particulars amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute. Mrs Horncastle however denied that the admitted conviction amounted to a 'relevant' offence.

## **C. Preliminary applications**

At the start of the hearing, the panel considered an application from Mr Cullen to amend the date of conviction in allegation 2 from 30 to 29 October 2015. He explained that this was a mere typographical error and there could be no confusion as to the conviction being referred to in that allegation. There was no objection from Ms Williamson and the panel determined it was clearly in the interests of justice that this amendment be made.

During the hearing, Mr Cullen also made a further application to narrow the dates contained within the head of allegation 1 to accurately reflect the year that Mrs Horncastle resigned from her position at Our Lady of Good Help School . Again, there was no objection from Ms Williamson and the panel determined it was in the interests of justice for the allegations to reflect the evidence. As such, the panel allowed the 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 4
- Section 2: Notice of Proceedings and response – pages 6 to 16.8
- Section 3: NCTL witness statements – pages 17 to 32
- Section 4: NCTL documents – pages 34 to 124
- Section 5: Teacher documents – pages 126 to 141

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

## **Witnesses**

In light of the Statement of Agreed Facts and the only issue being that of the relevancy of the offence within allegation 2, the panel did not hear oral evidence from any witness.

## **E. Decision and reasons**

The panel announced its decision and reasons as follows:

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

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing.

Mrs Horncastle had been employed as headteacher at Our Lady of Good Help School (“the School”), Liverpool since 1997. During this employment, she was also the designated safeguarding lead at the School.

On 6 October 2015, the local authority conducted a Staff Wellbeing Questionnaire at the School. Following the responses to these questionnaires, the local authority decided to undertake a Safeguarding Review on 23 October 2015 that led to Mrs Horncastle's suspension. Separately, Mrs Horncastle was convicted at Wirral Magistrates' Court for causing unnecessary suffering to an animal and subsequently resigned from her position at the School on 25 November 2015.

## **Findings of fact**

Our findings of fact are as follows:

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

- 1. It is alleged that you are guilty of unacceptable professional conduct and or conduct that may bring the profession into disrepute whilst employed as**

**Headteacher of Our Lady of Good Help Catholic Primary School (“the School”) during the period 2013 – 2015 in that:**

- a. In respect of Pupil A, you failed to inform relevant staff members, including Pupil A’s teacher, that Pupil A was not to be collected from School by anyone other than those persons specified in the written request of Pupil A’s guardian, which was provided to the School in 2015;**

The panel made reference to the Statement of Agreed Facts that set out Mrs Horncastle's unequivocal admission of this allegation. In particular, the panel considered paragraphs 8 and 9 to be particularly relevant, which state:

"Mrs Horncastle admits that she received a letter from Pupil A's grandmother, which set out her instructions that Pupil A was only to be collected from the School by three individuals: her, Pupil A's grandfather or Pupil A's auntie. Mrs Horncastle accepts that she was informed via the letter that Pupils A's parents had no parental rights over him. Mrs Horncastle admits that the grandmother of Pupil A's clear intention was that she wanted her instructions and concerns to be brought to the attention of staff.

Mrs Horncastle accepts that Pupil A's class teacher at the relevant time was Individual A, and that she had responsibility for releasing the pupils in her class at the end of the school day. Mrs Horncastle admits that she failed to inform Individual A of the instructions as set out in the aforementioned letter. Mrs Horncastle admits that she failed to inform relevant staff members that Pupil A was not to be collected from School by anyone other than those persons specified in the letter she received".

In light of the clear and unequivocal admission by Mrs Horncastle, the panel has found this allegation proved.

- b. You failed to take appropriate action in respect of safeguarding and/or child protection concerns you were made aware of at the School, including in particular:**

- i. in respect of Pupil B following the disclosure of domestic violence by his mother in or around October 2014;**

The panel made reference to the Statement of Agreed Facts that set out Mrs Horncastle's unequivocal admission of this allegation. In particular, the panel considered paragraphs 11 and 12 to be particularly relevant, which state:

"Mrs Horncastle accepts that in around October 2014 Pupil B's mother attended the School and made a disclosure to Pupil B's class teacher, Individual B. Mrs Horncastle admits that she was on the School premises at this time and was informed by Individual B of the details of her conversations with Pupil B's mother. Mrs Horncastle accepts that

she was told by Individual B that Pupil B's mother disclosed that Pupil B's father had spat at her and kicked her in the stomach and that Pupil B had witnessed the assault.

Mrs Horncastle admits that following this conversation she told Individual B to deal with the matter, gave no further instructions to Individual B and closed the door. Mrs Horncastle admits that she failed to take appropriate action in respect of this concern.”

In light of the clear and unequivocal admission by Mrs Horncastle, the panel has found this allegation proved.

**ii. in respect of Pupil C following the behaviour displayed by him in the dining hall in or around January 2015;**

The panel made reference to the Statement of Agreed Facts that set out Mrs Horncastle's unequivocal admission of this allegation. In particular, the panel considered paragraphs 16, 17 and 19 to be particularly relevant, which state:

"Mrs Horncastle accepts that in or around January 2015, she was in the vicinity of the School's dining hall with Pupil C. Mrs Horncastle accepts that Pupil C was shouting and scratching himself and had to be removed from the dining hall.

Mrs Horncastle admits that she told Pupil C to stop scratching himself and then left him with other staff members. Mrs Horncastle admits that she did not notify Pupil C's mother of his behaviour nor did she notify Care Line.

Mrs Horncastle admits that she failed to take appropriate action in response to Pupil C's behaviour".

In light of the clear and unequivocal admission by Mrs Horncastle, the panel has found this allegation proved.

**iii. in respect of Pupil D following her disclosure of domestic violence in or around February 2015;**

The panel made reference to the Statement of Agreed Facts that set out Mrs Horncastle's unequivocal admission of this allegation. In particular, the panel considered paragraphs 22 to 25 to be particularly relevant, which state:

“Mrs Horncastle accepts that in February 2015 she was informed by Individual C that Pupil D had disclosed that her mother had been whipped by her father with an electric wire and that she and her mother had marks over their bodies.”

Mrs Horncastle accepts that she did not make a record of this disclosure in Pupil D's file and did not ask Individual C for her record of this disclosure.



Mrs Horncastle accepts that she did not speak with Pupil D's teacher or make any referrals after she was informed of the disclosure. [redacted].”

Mrs Horncastle admits that she failed to take appropriate action in respect of this disclosure.

In light of this clear and unequivocal admission from Mrs Horncastle, the panel has found this allegation proved.

**iv. in respect of Pupil E by failing to refer concerns to the appropriate agency/agencies in or around 2013;**

The panel made reference to the Statement of Agreed Facts that set out Mrs Horncastle's unequivocal admission of this allegation. In particular, the panel considered paragraphs 29 to 31 to be particularly relevant, which state:

“Mrs Horncastle accepts that at some point during 2013 Pupil E was brought into the School in a police car because she and her mother had been threatened by her mother's partner. Mrs Horncastle admits that she was aware of this on the morning Pupil E arrived in School but did not inform Pupil E's teacher, Individual B.

Mrs Horncastle accepts that Individual B informed her that Pupil E was upset that morning and told her that she had been brought into the School in a police car as she thought Mrs Horncastle was not aware.

Mrs Horncastle admits that she failed to take appropriate action as she failed to refer these concerns to the appropriate agency/agencies.”

In light of this clear and unequivocal admission from Mrs Horncastle, the panel has found this allegation proved.

**v. in respect of Pupil G by failing to promptly and/or adequately refer issues relating to an injury underneath his eye and his subsequent absence from school to the appropriate agency/agencies on or around 8 and 9 October 2015;**

The panel made reference to the Statement of Agreed Facts that set out Mrs Horncastle's unequivocal admission of this allegation. In particular, the panel considered paragraphs 34 to 37 to be particularly relevant, which state:

“Mrs Horncastle accepts that on 8 October 2015, Individual D, a teaching assistant, spoke with her about Pupil G. Mrs Horncastle accepts that she was told that Pupil G had a mark under his eye and that he said 'no one's hit me' when asked about it by Individual D. Mrs Horncastle accepts that she was aware that Pupil G had a social worker.

Mrs Horncastle accepts that on the morning of 9 October 2015, Pupil G's class teacher, Individual E, spoke with her and advised her that Pupil G was absent from the School. Mrs Horncastle accepts that she told individual E that she would email Pupil G's social worker. Mrs Horncastle accepts that later that morning Individual E came back to see her for an update and at that point she had emailed the social worker and showed Individual E the email.

Mrs Horncastle admits that she did not attempt to call the social worker on 8 or 9 October 2015 and that she did not receive a response from the social worker until 13 October 2015.

Mrs Horncastle admits that she failed to take appropriate action in respect of the injury to and subsequent absence of Pupil G as she failed to promptly refer these concerns to Pupil G's social worker”.

In light of the clear and unequivocal admission by Mrs Horncastle, the panel has found this allegation proved.

**vi. in respect of Pupil H in relation to a burn injury to her ankle in or around January 2015 and/or a burn at the top of her leg in or around September 2015.**

The panel made reference to the Statement of Agreed Facts that set out Mrs Horncastle's unequivocal admission of this allegation. In particular, the panel considered paragraphs 42 to 45 to be particularly relevant, which states:

”Mrs Horncastle accepts that in January 2015 she was informed verbally by Individual E that Pupil H had a burn to her rear ankle area.

Mrs Horncastle accepts that on 28 September 2015, she was informed verbally by Individual E that Pupil H had a burn to the top of her leg.

Mrs Horncastle accepts that there were no forms for Individual E to complete setting out the injuries to Pupil H and instead Individual E kept personal notes, which were not requested by Mrs Horncastle until October 2015 when she needed to complete forms about the injuries.

Mrs Horncastle accepts that she failed to take appropriate action in respect of these injuries as she failed to keep her own record and failed to refer these concerns to the appropriate agency/agencies”.

In light of Mrs Horncastle's clear and unequivocal admissions, the panel has found this allegation proved.

**c. In your conduct, as may be found proven at allegations 1(b)(i) – (b)(vi) above, your failures in regarding to safeguarding and/or child protection concerns included:**

**i. failing to provide feedback to one or more staff members after they reported safeguarding and/or child protection concerns to you;**

In light of the proven conduct at allegation 1.b. and the admission to this allegation by Mrs Horncastle, the panel has found this allegation proved in respect of Pupils C, E and G.

**ii. failing to inform relevant staff member(s) of safeguarding and/or child protection concerns that you had become aware of;**

In light of the proven conduct at allegation 1.b. and the admission to this allegation by Mrs Horncastle, the panel has found this allegation proved in respect of Pupil E.

**iii. failing to implement adequate safeguarding and/or child protection procedures and/or policies within the School;**

In light of the proven conduct at allegation 1.b. and the admission to this allegation by Mrs Horncastle, the panel has found this allegation proved in respect of Pupils B, D, G and H.

**iv. failing to provide and/or arrange adequate safeguarding and/or child protection training for staff members.**

In light of the proven conduct at allegation 1.b. and the admission to this allegation by Mrs Horncastle, the panel has found this allegation proved in respect of Pupils B, C, D, G and H.

**2. You have been convicted, at any time, of a relevant offence in that you were convicted on 29 October 2015 at Wirral Magistrates' Court of the following offence: causing unnecessary suffering to an animal contrary to Section 4 of the Animal Welfare Act 2006 for which you were sentenced to a custodial sentence for a period of 3 months, which was suspended for two years and you were ordered to pay RSPCA costs of £997.64 and court costs of £150.00.**

The facts behind the conviction were admitted by Mrs Horncastle. It was however denied that that the conviction was for a relevant offence and the panel carefully considered both parties' arguments on this point.

The panel noted the following points that were clearly set out in the Memorandum of Conviction that is produced within the bundle:

- The time period involved for the crime was a month;

- Mrs Horncastle was sentenced to a custodial sentence, albeit that it was suspended. It was therefore clear that the custodial threshold had been crossed;
- The reasons for custody were the 'serious nature of the offence, the serious neglect of a dog', and the failure to provide veterinary care at an early stage;
- As a result of these reasons the dog was caused to suffer.

The panel did note that Mrs Horncastle had shown remorse and that there was no evidence that there was any intent for cruelty. Compared to the offences listed on page 8 of the Teacher misconduct – the prohibition of teachers document, the panel accepted that this particular offence was towards the lower end of the scale with regard to seriousness.

The panel did nevertheless consider that the offence was serious, given that elements of neglect were shown, and that a custodial sentence had been imposed. In addition, the panel considered that the public's confidence in the teaching profession would be negatively affected by Mrs Horncastle's conviction for this offence.

On balance, the panel does therefore consider this conviction to be relevant and therefore finds this allegation proved.

### **Findings as to unacceptable professional conduct and conduct that may bring the profession into disrepute and conviction of a relevant offence**

Having found all of the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel has had regard to the document Teacher misconduct: the prohibition of teachers, which the panel refers to as “the Advice”.

The panel noted Mrs Horncastle accepted that the admitted conduct for allegation 1 amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel did however take an independent approach and made its own determination irrespective of the teacher's admissions.

The panel is satisfied that the conduct of Mrs Horncastle in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mrs Horncastle 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;
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
- showing tolerance of and respect for the rights of others;
- 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.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel is satisfied that the conduct of Mrs Horncastle fell significantly short of the standards expected of the profession. The safeguarding procedures that were in place were manifestly inadequate and impacted on the safety and wellbeing of all pupils. Vulnerable pupils were not properly protected including in cases such as Pupil A when the concerns were so serious that the police were asked to be called if the pupil's parents came to pick him up. There was clear evidence that a number of pupils either witnessed or were subjected to physical violence at their homes and Mrs Horncastle's failure to take prompt and effective action could easily have led to even more serious harm. As both headteacher and the designated senior person with responsibility for safeguarding Mrs Horncastle's actions were a failure of leadership and an abdication of her duty to protect the well-being of pupils.

Safeguarding is one of the most important, if not the most important, responsibility that any teacher holds. As an experienced headteacher Mrs Horncastle must have been fully aware of the standards that were expected of both her and her staff. Her failure to communicate appropriately, put robust systems in place and provide training for all staff were shortcomings of the utmost seriousness.

For all of these reasons, Mrs Horncastle's conduct regarding allegation 1 amounts to 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. Because of the seriousness of Mrs Horncastle's behaviour, this must be conduct that brings the profession into disrepute.

In respect of allegation 2, the panel has also taken account of how the teaching profession is viewed by others. The panel considered that Mrs Horncastle's behaviour in committing the offence could affect the public confidence in the teaching profession given the influence that teachers may have on pupils, parents and others in the community.

The panel has noted that Mrs Horncastle's behaviour has ultimately led to her receiving a sentence of imprisonment, albeit that it is suspended, which is indicative of the seriousness of the offences committed.

The panel has also taken into consideration Mrs Horncastle's account of the emotional difficulties she describes that she was suffering at the relevant time as a result of pressures from work and her medical issues.

Overall, the panel has found the seriousness of the offending behaviour that led to the conviction is relevant to the teacher's ongoing suitability to teach. The panel considers that a finding that this conviction is a "relevant offence" is necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

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

Given the panel's findings in respect of unacceptable professional conduct, conduct that may bring the profession into disrepute and a conviction of a relevant offence, 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 Advice 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 Mrs Horncastle, which involved repeated instances over a period of time of failing to safeguard pupils there is a strong public interest consideration in respect of the protection of pupils. The panel noted that with regard to the conviction there was some similarity between her failure to take timely and effective action to protect the welfare of her dog and the failure to protect the children put into her care. Caring for pupils and safeguarding their welfare must be a core priority for all teachers. In the view of the panel, public confidence in the profession would be seriously weakened if conduct such as that found against Mrs Horncastle was not treated with the utmost seriousness when regulating the profession.

The panel also considered there to be a strong public interest consideration in declaring and upholding proper standards for the profession since the conduct found against Mrs Horncastle was outside that which could reasonably be tolerated.

The panel also considered the public interest in not prohibiting Mrs Horncastle from being a teacher. Whilst the panel has not seen many references testifying to Mrs Horncastle's effectiveness as a teacher, the panel does give some, albeit limited, consideration to the public interest in not prohibiting her given her length of career. The panel noted that Mrs Horncastle had fulfilled her role as headteacher for eighteen years and that for the majority, her career had been unblemished.

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 Mrs Horncastle.

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 Mrs Horncastle, who had spent her entire career teaching.

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 are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- commission of a serious criminal offence which resulted in a conviction;
- ...deliberate behaviour that undermines pupils, the profession, the school or colleagues.

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.

It was submitted to the panel, by her representative, that Mrs Horncastle's failings were only for a limited period of time and coincided with her being prescribed medication that affected her ability to concentrate. The panel accepted that the majority of the issues involving safeguarding of pupils did take place within a 12 month period. Whilst Mrs Horncastle provided details of her medication for part of the relevant time, the panel noted that this was not referred to in detail in the medical evidence provided by the teacher's GP. In particular there was no indication from the GP as to how the medication

may have affected the teacher's ability to carry out her day to day duties during the relevant period.

In the view of the panel there is no evidence that Mrs Horncastle's actions were anything other than deliberate nor any suggestion that she was acting under duress. Whilst Mrs Horncastle had not purposely set out to cause harm to either pupils or animals, such was the disregard for her responsibilities that the risk of harm was significantly increased. Although there is no suggestion that pupils came to physical harm as a consequence of Mrs Horncastle's failings it is evident that her dog did suffer.

The teacher did have a previously good history of great length including a significant period of time as a headteacher. The panel accepts that the incident was out of character when viewing her teaching career as a whole. The panel has also had sight of and considered the character references that have been provided by Individual F, Individual G and Individual H that provide support for Mrs Horncastle's positive role in the community and as a teacher.

The panel also considered the further explanation put forward by Mrs Horncastle that at the relevant time, issues were developing between her and the Governors that left her feeling ill-supported in her role at the school. The panel has no doubt that Mrs Horncastle's position will have been pressurised but she was a headteacher of great experience and it appeared to be an attempt to divert blame away from herself. There was also some evidence that Mrs Horncastle's priorities were misplaced. For example, she has explained that the pressures of obtaining quotes for the school to be painted may have led to other matters not being dealt with appropriately. Safeguarding of pupils must always be the highest priority for any teacher and the panel placed little weight on these explanations.

The panel was not satisfied that Mrs Horncastle had demonstrated sufficient insight into the impact of her actions on the pupils and the School. It accepted that the admissions to all allegations provided an indication of developing insight however there was no evidence of any remediation being undertaken nor proposed.

The panel is therefore of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of the teacher. Whilst the majority of the allegations were contained within a twelve month period, the panel did consider there to be a pattern of repeated and serious failings. Further there was evidence that the systems for safeguarding in place at the school had been inadequate for a longer period. The safety of pupils, and future safety of pupils, was therefore a significant factor in forming this opinion and 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 Advice states 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 2 years.

As stated previously, the panel did not consider any particular insight has been provided by Mrs Horncastle with regard to the impact of her actions. The panel takes the view that the admissions provide some evidence of developing insight, and gives an indication that her conduct may be remediable over time. Whilst no adverse inference has been taken, the panel would have been assisted in assessing the degree of insight shown by Mrs Horncastle had she taken advantage of the opportunity to give live evidence.

The panel felt the findings indicated a situation in which a review period would be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with a provision for a review period after 4 years.

## **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 and review period.

In considering this case, I have also given very careful attention to the advice that is published by the Secretary of State concerning the prohibition of teachers.

In this case, the panel has found the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute and conviction, at any time of a relevant offence. The panel has made a recommendation to the Secretary of State that Mrs Horncastle should be the subject of a prohibition order, with a review period of four years.

In particular the panel has found that Mrs Horncastle 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;
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
  - showing tolerance of and respect for the rights of others;

- 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;
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel finds that the conduct of Mrs Horncastle fell significantly short of the standards expected of the profession.

The findings of misconduct in this case are particularly serious as they include failures in safeguarding and child protection. The Teachers Standards make clear the expectations of a teacher in relation to this. The panel also comment that, "Caring for pupils and safeguarding their welfare must be a core priority for all teachers." I have therefore given significant weight to the fact that over a period of twelve months there were a number of incidents where the well being of children was put at risk because of the failure to act on the part of Mrs Horncastle.

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 or not 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 Horncastle, and the impact that will have on her, is proportionate.

In this case I have considered the extent to which a prohibition order would protect children. The panel has observed that there was, "clear evidence that a number of pupils either witnessed or were subjected to physical violence at their homes and Mrs Horncastle's failure to take prompt and effective action could easily have led to even more serious harm." The panel also said that Mrs Horncastle's failure to have appropriate systems in place within the school were, "shortcomings of the utmost seriousness." A prohibition order would therefore prevent such a risk from being present. I have also taken into account the panel's comments on insight and remorse where the panel said it was, "not satisfied that Mrs Horncastle had demonstrated sufficient insight into the impact of her actions on the pupils and school. It accepted that the admissions to all allegations provided an indication of developing insight however there was no evidence of any remediation being undertaken nor proposed." In my judgement the lack of full insight and the fact that no evidence of remedial actions was provided means that there is some risk of the repetition of this behaviour and this risks future pupil safety. 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, “public confidence in the profession would be seriously weakened if conduct such as that found against Mrs Horncastle was not treated with the utmost seriousness when regulating the profession.”

I have had to consider that the public has a high expectation of professional standards of all teachers and that failure to impose a prohibition order might be regarded by the public as a failure to uphold those high standards. In weighing these considerations I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mrs Horncastle herself. The panel say Mrs Horncastle had, “a previously good history of great length including a significant period of time as a head teacher. The panel accept that the incident was out of character when viewing her teaching career as a whole.” The panel also saw character references that provided positive support for Mrs Horncastle. I also note the pressure Mrs Horncastle said she was under and that she felt ill-supported in her role. I further observe the panel’s comments that Mrs Horncastle’s explanation of this appeared to “divert blame away from herself” and that the panel “placed little weight on these explanations”.

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

In this case I have placed considerable weight on the panel’s comments concerning the lack of insight or remorse. Although the panel thought admission to the allegations showed a developing insight it did not consider “any particular insight had been provided by Mrs Horncastle with regard to the impact of her actions.”

I have also placed considerable weight on the finding of the panel that Mrs Horncastle’s actions showed a pattern of repeated behaviour and “serious failings” in relation to her safeguarding duties. This in turn, in my view placed pupils at significant risk.

I have given less weight in my consideration of sanction therefore, to the contribution that Mrs Horncastle has made to the teaching profession. In my view it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision that is not backed up by remorse or sufficient insight 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 aims which a prohibition order is intended to achieve.

I have gone on to consider the matter of a review period. In this case the panel has recommended a 4 year review period.

I have considered the panel's comments that it, "takes the view that the admissions provide some evidence of developing insight, and gives an indication that her conduct may be remediable over time. Whilst no adverse inference has been taken, the panel would have been assisted in assessing the degree of insight shown by Mrs Horncastle had she taken advantage of the opportunity to give live evidence."

The panel has also said "the findings indicated a situation in which a review period would be appropriate".

I have considered whether a 4 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. In this case, I consider there has been repeated misconduct which has already placed, and if left to continue would carry on placing, pupils safety at risk. Given the lack of evidence of remedial action, and the panel was not being able to adequately assess the degree of insight shown, my view is that a four year review period is sufficient to achieve the aim of maintaining public confidence in the profession.

I consider therefore that a four year review period is required to satisfy the maintenance of public confidence in the profession.

**This means that Mrs Susan Horncastle 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 5 October 2021, 4 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, Mrs Susan Horncastle remains prohibited from teaching indefinitely.

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

Mrs Horncastle 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 'Dawn Dandy', with a stylized, sweeping flourish at the end.

**Decision maker: Dawn Dandy**

**Date: 27/09/2017**

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