



National College for  
Teaching & Leadership

**Mrs Elizabeth Keith:**

# **Professional Conduct Panel outcome**

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

**28 May 2014**

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

<b>Teacher:</b>	<b>Mrs Elizabeth Keith</b>
<b>Teacher ref no:</b>	95/38526
<b>Teacher date of birth:</b>	16 March 1963
<b>NCTL Case ref no:</b>	10609
<b>Date of Determination:</b>	28 May 2014
<b>Former employer:</b>	Glendene School and Community Arts College, Peterlee, County Durham.

### **A. Introduction**

A Professional Conduct Panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on Wednesday 28 May 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mrs Elizabeth Keith.

The panel members were Ms Sarah Evans (Teacher Panellist – in the Chair), Mr Martin Pilkington (Lay Panellist) and Ms Judith Barton (Teacher Panellist).

The legal adviser to the Panel was Mr Paddy Roche of Morgan Cole LLP Solicitors.

The presenting officer for the National College was Ms Louisa Atkin of Browne Jacobson LLP Solicitors.

The teacher Mrs Elizabeth Keith was present and was represented by Mr Anthony Harrison of Counsel.

The hearing took place in public and was recorded.

## **B. Allegations**

The panel considered the allegations set out in the Notice of Meeting dated 28 March 2014.

It was alleged that Mrs Elizabeth Keith was guilty of conviction, at any time, of a relevant criminal offence in that:-

1. On 30 August 2012 she was convicted at Durham Crown Court of the offence of taking a child out of the United Kingdom without the appropriate consent, contrary to Section 1 of the Child Abduction Act 1984. She committed this offence between 4 June 2012 and 26 July 2012. She was sentenced on 29 October 2012 to imprisonment for a period of eighteen months.
2. On 30 August 2012 she was convicted at Durham Crown Court of the offence of Blackmail, contrary to Section 21 of the Theft Act 1968. She committed this offence between 21 July 2012 and 23 July 2012. She was sentenced on 29 October 2012 to imprisonment for a period of twelve months (consecutive) and a Restraining Order was imposed on her.
3. On 2 August 2012 she was convicted at Durham Crown Court of the offence of bring/throw/otherwise convey a List B Article into/out of a prison, contrary to Section 40c of the Prison Act 1952. She committed this offence on 7 July 2011. She was sentenced on 29 October 2012 to imprisonment for a period of six months (consecutive).
4. On 29 October 2012 she was convicted at Durham Crown Court of the offence of failing to surrender to custody at the appointed time, contrary to Section 6 of the Bail Act 1976. She committed this offence on 8 June 2012. She received no separate penalty in respect of this offence.

The teacher Mrs Keith admitted the allegations and admitted that this was a case of Conviction of a Relevant Offence.

## **C. Preliminary Applications**

Mr Harrison on behalf of the teacher made an application for the hearing to be held in private to protect the interests of a child mentioned in the case papers. The panel concluded that the hearing should proceed in public and that there were insufficient reasons to justify the hearing going into private session.

## **D. Summary of Evidence**

### **Documents**

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

- |    |  |               |
|----|--|---------------|
| 1. | Chronology   | Page 2.       |
| 2. | Notice of Referral + Response and Notice of Proceedings          | Pages 4-7F.   |
| 3. | Statement of Agreed Facts + Presenting Officer's Representations | Pages 9-13.   |
| 4. | National College for Teaching and Leadership Documents           | Pages 15-96.  |
| 5. | Teacher Documents  | Pages 98-131. |

The presenting officer read the Statement of Agreed Facts to the Panel.

The teacher Mrs Keith gave evidence to the panel in relation to mitigation only.

## **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.

The case concerns an allegation that you were convicted on your own plea of guilty at Durham Crown Court of offences of child abduction, blackmail, conveying a List B Article into a Prison, and failing to surrender to custody. In relation to these offences you were sentenced to a total term of three years immediate imprisonment and a Restraining Order was imposed upon you. The events leading to your various convictions were as follows:-

On 7 July 2011 while employed as a teacher at HMP Haverigg on entry to the Prison you were found to be in possession of a mobile phone and accessories which were discovered in your handbag. On being charged with this offence you were in due course bailed to appear at Preston Crown Court on 8 June 2012 but failed to appear. By that time you were out of the country having left the United Kingdom with your daughter on the 4 June 2012 without obtaining the consent of your ex husband who was the father of the child and from whom you were, by then, estranged. You took your daughter initially to Turkey and after a few days moved to Amsterdam. On 27 July 2012 Durham Police accompanied by

Social Services located you and your daughter in Amsterdam and you were brought back to Newcastle Airport where you were arrested. You were then remanded in custody.

While residing in Amsterdam you called one of your friends on 21 July 2012 and made a demand that the friend should pay the sum of £1,000 into your bank account. You made threats to your friend including telling her that if she did not pay you would contact her employer and accuse her of plagiarism, contact her mother and accuse her of sordid affairs and would arrange for an article to be published about her in a local newspaper. As indicated above you were convicted of blackmail in relation to these threats on your appearance at Durham Crown Court.

You admit the facts of your various convictions and express your shame, regret and remorse for your behaviour. You say that you had been a dedicated and hardworking professional and that your offending followed a period of severe depression, incidents of domestic abuse from your ex husband and the death of your mother. You say that you were not behaving rationally and at the time were – as you now recognise – quite ill. You say your behaviour was erratic and incomprehensible and you are deeply ashamed. However you recognise your responsibility for the decisions that you made and their repercussions. You indicate that you will not be returning to teaching and have lost everything including your daughter, career and your life (p129 – case papers).

The case papers contain at pages 9 to 11 a Statement of Agreed Facts.

## **Findings of Fact**

Our findings of fact are as follows:-

We find the following particulars of the allegation against you proved:-

1. On 30 August 2012 you were convicted at Durham Crown Court of the offence of taking a child out of the United Kingdom without the appropriate consent, contrary to Section 1 of the Child Abduction Act 1984. You committed this offence between 4 June 2012 and 26 July 2012. You were sentenced on 29 October 2012 to imprisonment for a period of eighteen months.
2. On 30 August 2012 you were convicted at Durham Crown Court of the offence of Blackmail, contrary to Section 21 of the Theft Act 1968. You committed this offence between 21 July 2012 and 23 July 2012. You were sentenced on 29 October 2012 to imprisonment for a period of twelve months (consecutive) and a Restraining Order was imposed on you.
3. On 2 August 2012 you were convicted at Durham Crown Court of the offence of bring/throw/otherwise convey a List B Article into/out of a prison, contrary to Section 40c of the Prison Act 1952. You committed this offence on 7 July 2011. You were

sentenced on 29 October 2012 to imprisonment for a period of six months (consecutive).

4. On 29 October 2012 you were convicted at Durham Crown Court of the offence of failing to surrender to custody at the appointed time, contrary to Section 6 of the Bail Act 1976. You committed this offence on 8 June 2012. You received no separate penalty in respect of this offence.

Our reasons are that the facts of this case are admitted by you as set out in the Statement of Agreed Facts in the case papers.

We are satisfied both from the Statement of Agreed Facts and the supporting documents in the case papers that you were convicted as alleged.

## **Findings as to conviction of a relevant offence**

Conviction of a Relevant Offence is defined as “conviction of an offence which is relevant to a person’s fitness to be a Teacher by a British Criminal Court.”

In this case you were convicted of very serious offences of taking prohibited items into prison, child abduction and blackmail which led to your appearance before the Crown Court. We have considered particularly the Judge’s sentencing remarks which are set out in the case papers at Pages 22 and 23. We note that even though you appeared as a woman of previous good character you were sentenced to a total term of three years immediate imprisonment.

The Judge identified various aggravating features in relation to the case and indicated that in respect of the items taken into the Prison, you “knew full well that (you were) forbidden to do that and knew the consequences it could have for order and discipline within the Prison”.

In relation to the child abduction the Judge noted that you had bought one way tickets, had abandoned your car at the airport and vacated your home giving every indication to those looking for your daughter that you had left the country indefinitely. Her Honour went on to say that “it must have been very frightening for your daughter to be taken out of school and taken away from her friends and her home and everybody else that she knew and it must have caused a massive anxiety to all those with an interest in her welfare.”

In relation to the blackmail the Judge said that it appeared to have emanated from some great hostility that you had towards that lady. She went on to say “you had at an earlier stage already telephoned her and been hostile towards her. This was persisted with. You made a number of calls to her. You made particularly unpleasant threats to her and particularly unpleasant threats which would have caused great distress to her elderly mother. That offending clearly was for financial gain in my view because you were by then short of money”.

The Judge went on to consider the mitigation taking account of your pleas of guilty, giving you credit for them and accepted that you had mental health problems. However she went on to say that those mental health problems did not relieve you of responsibility for your actions resulting in the matters before the Court.

These were grave offences – the offences of taking prohibited articles into prison and the abduction offences both being committed when you were employed as a teacher.

Applying the Teacher’s Standards we recognise that teachers are expected to demonstrate consistently high standards of personal and professional conduct and are expected to uphold public trust in the profession.

In the circumstances we determine that this is a case of Conviction of a Relevant Offence which you also admit yourself.

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

Counsel appearing on behalf of Mrs Keith conceded in his closing submission that the offences which Mrs Keith admitted before the Crown Court were “very serious.” We entirely agree with that assessment and its accuracy is reflected in the sentence of 3 years immediate imprisonment imposed by the Crown Court Judge who had the benefit of both a psychiatric report and a pre sentence report prepared for the hearing – neither of which we have seen. We have, thus, given careful consideration to the judge’s sentencing remarks and the fact that she stated that Mrs Keith’s mental health problems did not relieve her of responsibility for her offences.

We have already identified that the offences clearly constitute behaviour which is contrary to the standards of personal and professional conduct the public expect teachers to exhibit. Inevitably the offences also, in our view, would be likely to affect public confidence in the profession.

We have to consider whether our duty to the public requires that a Prohibition Order be imposed in this case, notwithstanding the mitigation advanced on behalf of the teacher. We determine that, in the interests of both the maintenance of public confidence in the profession, and to declare and maintain proper standards of conduct, the imposition of a Prohibition Order would be both justified and proportionate. We believe the number of offences and their perceived gravity leave no realistic alternative available and the public would rightly expect such an outcome to be visited on Mrs Keith.

However we have been very impressed by the teacher in the course of this hearing. She has co-operated in the Disciplinary process, she has attended the hearing in person and has given evidence on oath. We have been very much helped to hear her account of the circumstances that lay behind her offences, the events that led up to them, her state of mental health at the material time, her stressful personal circumstances, her time in prison,



her shame and remorse and her efforts to recover her health and reconstruct her life. She was cross examined by the Presenting Officer and questioned more extensively by the Panel.

We found Mrs Keith to be a truthful and impressive witness. We concluded that at the material time she was in the midst of a marriage which had disintegrated and had a very difficult relationship with her, now, ex husband. She was effectively the sole carer for her daughter and we are satisfied that in relation to the first offence in time – that of smuggling a mobile phone into HMP Haverigg she only did so in response to threats she had received when at home, from someone within the prison. We felt it could properly be said that those circumstances amounted to the offence being committed under duress at a time when she was particularly fragile and vulnerable. She, nonetheless, quite properly accepts responsibility for her actions.

Thereafter, having been advised by Counsel that she probably faced a sentence of custody as a consequence she travelled initially to Turkey and then on to Amsterdam taking her daughter with her – without consulting her ex husband. She was brought back to the North East, arrested, and then remanded in custody. By then she had also committed the blackmail offence. She explained that she lacked any support from immediate family or friends who did not wish to become involved, was taking excessive prescribed medication and that she had gone into “meltdown”, could barely function on a daily basis and was not of a rational mind [Page 129]. In the context of a previous unblemished record and at the time being nearly 50 years of age we were persuaded that this account of events was credible.

We listened to Mrs Keith’s detailed description of how she coped with her sentence of imprisonment, the courses she completed during the 18 months she spent in custody, together with her voluntary support for other inmates, and the strategies she has adopted with professional support to rehabilitate herself. We are all impressed that she is genuine both in her expressions of remorse for what occurred and her determination to recover her health and self esteem. We recognise that she is working up from rock bottom. We believe that she is on the way to recovery but assess that it will take some time yet to achieve.

We therefore recommend – for all those reasons – that she should be allowed to apply for any Prohibition Order that may be made to be set aside after a period of 2 years has elapsed. It may be that if an application is made at that time (or later) that any Panel considering it would be helped by a current medical report being available to it.

## **Decision and reasons on behalf of the Secretary of State**

I have carefully considered the findings and recommendations of the panel in this case.

Mrs Keith has co-operated with the process and has admitted all the allegations and that the facts amount to conviction of relevant offences. The panel have found the facts proven and have judged that they amount to conviction of a relevant offence.

The panel have determined that these were serious offences – taking prohibited items into prison, child abduction and blackmail. Whilst Mrs Keith was of previous good character she was sentenced to a term of 3 years imprisonment. The judge did though give credit for her guilty pleas and accepted that she was suffering from mental health issues at the time.

Given the seriousness of the facts surrounding this case the panel have recommended that a prohibition order is an appropriate and proportionate sanction in the public interest and I agree this recommendation.

The panel have gone on to give detailed consideration to the issue of review. The panel were impressed by the teacher throughout the hearing. She co-operated fully through the process and provided a full account of the circumstances, the events leading up to them, her state of mental health at the time, her stressful personal circumstances, her time in prison, her shame and remorse and her efforts to recover her health and reconstruct her life. The panel found her to be a truthful and impressive witness. Mrs Keith fully accepts responsibility for her actions.

The panel have provided detailed reasoning behind their recommendation that Mrs Keith should be allowed to apply for the order to be set aside after a minimum period of two years has elapsed, and I agree with their recommendation.

This means that Mrs Elizabeth Keith 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 6 June 2016, 2 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, Mrs Elizabeth Keith remains barred from teaching indefinitely.

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

Mrs Elizabeth Keith 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: Paul Heathcote**

A handwritten signature in black ink, appearing to read 'P Heathcote', with a large, sweeping flourish at the end.

**Date: 2 June 2014**

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