



National College for  
Teaching & Leadership

# **Mrs Sarah Kate Cooke: Professional conduct panel outcome**

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

**June 2017**

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

**Teacher:** Mrs Sarah Kate Cooke  
**Teacher ref number:** 9438260  
**Teacher date of birth:** 27 June 1973  
**NCTL case reference:** 15002  
**Date of determination:** 21 June 2017  
**Former employer:** Foxhole Learning Academy, Cornwall

### **A. Introduction**

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 20 June 2017 to 21 June 2017 at the Ramada Hotel, Butts, Coventry, CV1 3GG.

The panel members were Mr Peter Cooper (teacher panellist – in the chair), Mr Kevin Robertshaw (lay panellist) and Ms Jean Carter (lay panellist).

The legal adviser to the panel was Miss Anna Lois Parry of Eversheds Sutherland LLP solicitors.

The presenting officer for the National College was Mr Tom Day of 2 Hare Court Chambers.

Mrs Sarah Kate Cooke was not present and was not represented.

The hearing took place in public and was recorded.

## B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 14 December 2016

It was alleged that Mrs Sarah Kate Cooke was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst working as a headteacher at Foxhole Learning Academy (“the School”) between 1 January 2011 and 12 January 2016 she failed to maintain appropriate professional standards in that:

1. She failed to ensure that her own Disclosure and Barring Service (“DBS”) check was carried out in a timely manner;
2. She failed to ensure that a DBS check had been undertaken on Mr A (who undertook maintenance work at the School);
3. She failed to notify and/or disclose to her employers that Mr A had received a police caution in 2012, for theft of women’s clothing at a leisure centre;
4. She failed to disclose to her employers in August 2015 that Mr A was being investigated by the Police in respect of a potential criminal offence;
5. She continued to allow Mr A to work at the School in spite of the knowledge of the matters set out in paragraphs 2 and/or 3 and/or 4 above;
6. On or around 16 July 2015 she informed a meeting of the School’s Local Advisory Board that the section 175 form for 2015 had been completed and/or submitted on behalf of the School when in fact, it had not;
7. Her conduct as set out in paragraph 6 above was;
  - a. misleading;
  - b. dishonest in that she knew the section 175 form had not been completed and/or submitted on behalf of the School.

In advance of the hearing, Mrs Cooke did not admit the allegations and did not admit being guilty of unacceptable professional conduct or conduct that may bring the profession into disrepute.

## C. Preliminary applications

Following an application made by Mr Day, the panel considered whether the hearing should continue in the absence of Mrs Cooke.

The panel was satisfied that NCTL had complied with the service requirements of paragraph 19.a. to 19.c. of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations").

The panel was also satisfied that the Notice of Proceedings complied with paragraphs 4.11. and 4.12. of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession, (the "Procedures").

The panel determined to exercise its discretion under paragraph 4.29. of the Procedures to proceed with the hearing in the absence of Mrs Cooke.

The panel understood that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one.

In making its decision, the panel noted that Mrs Cooke may waive her right to participate in the hearing. The panel took account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC1. The panel noted that the Notice of Proceedings and all subsequent correspondence had been sent to Mrs Cooke's last known address and that enquiries had been undertaken by the NCTL to establish whether Mrs Cooke still resided at that property. The result of those enquiries revealed that Mrs Cooke was still the registered proprietor of the serviced property and that Mrs Cooke had responded to correspondence by the NCTL in February 2017 before the hearing was first scheduled to be heard. The panel considered that Mrs Cooke must therefore have been aware of the proceedings.

The NCTL continued to correspond with Mrs Cooke by sending letters to her last known address and by e-mailing the e-mail address used by Mrs Cooke. The panel was satisfied that Mrs Cooke was aware of the proceedings and considered that Mrs Cooke had waived her right to be present at the hearing in the knowledge of when and where the hearing was taking place.

The panel had regard to the requirement that it is only in rare and exceptional circumstances that a decision should be taken in favour of the hearing taking place. At 10:14 on 20 June 2017 an e-mail was sent from Mrs Cooke to the NCTL. In that e-mail Mrs Cooke indicated that she was in no fit state to attend the hearing but did not provide any medical evidence to support that position, neither did she request an adjournment or indicate that she wanted to be legally represented at the hearing.

In the panel's view, there was no evidence to indicate that an adjournment might result in Mrs Cooke attending the hearing at a later date.

The panel had regard to the extent of the disadvantage to Mrs Cooke in not being able to give her account of events, having regard to the serious nature of the evidence against her. The panel had the benefit of written representations made by Mrs Cooke during the internal investigation carried out by the School and the representations made by her in her letters addressed to the NCTL dated 27 April 2016 and 19 June 2017 and could place some weight on that evidence.

The panel noted that all witnesses relied upon were to be called to give evidence and the panel could test that evidence in questioning those witnesses, considering such points as are favourable to the teacher, as are reasonably available on the evidence. The panel did not identify any significant gaps in the documentary evidence provided to it and should such gaps arise during the course of the hearing, the panel could take such gaps into consideration in considering whether the hearing should be adjourned for such documents to become available and in considering whether the presenting officer had discharged the burden of proof. The panel was also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account.

The panel had regard to the seriousness of this case, and the potential consequences for Mrs Cooke and accepted that fairness to the teacher is of prime importance. However, it considered that in light of Mrs Cooke's waiver of her right to appear; by taking such measures referred to above to address that unfairness insofar as is possible; and taking account of the inconvenience an adjournment would cause to the witnesses; that on balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time was in favour of the hearing continuing.

## **D. Summary of evidence**

### **Documents**

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

Section 1: Chronology and anonymised individual list – pages 1 to 3

Section 2: Notice of Proceedings, postponement notification and re-list letter – pages 4 to 12b

Section 3: NCTL witness statements – pages 13 to 33

Section 4: NCTL documents – pages 34 to 283

## Section 5: Teacher documents – pages 284 to 288

The panel also took into account a bundle of service documents and referred to these documents as “the service documents”. The service documents were numbered pages 1-64.

In addition, the panel decided to exercise its discretion under paragraph 4.20. of the Procedures and accept the e-mail and supporting letter sent from Mrs Cooke to the NCTL on the morning of 20 June 2017 as evidence. The panel considered that it would be fair and appropriate to admit the evidence. The panel noted that there was no objection from the presenting officer to these documents being adduced as evidence. These documents were numbered pages 289 to 294.

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

### **Witnesses**

The panel heard oral evidence from:

Witness A – the business director;

Witness B – the executive headteacher;

Witness C – the family liaison officer; and

Witness D – the human resources consultant.

All were called by the presenting officer.

### **E. Decision and reasons**

The panel announced its decision and reasons as follows:

We have 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.

Mrs Cooke was employed as the headteacher of Foxhole Learning Academy (“the School”) from 1 January 2011 until 12 January 2016. The School is a member of The Learning Academy Trust (“TLAT”). In or around June 2015, child protection concerns were raised by TLAT when it was discovered that members of staff at the School, including Mrs Cook and Mr A, who undertook maintenance work at the School, did not have a DBS check.

Further, in July 2015, Mrs Cooke informed a meeting of the School's Local Advisory Board that the section 175 form (which is a declaration of compliance of safeguarding procedures) for the year 2014/2015 had been completed and submitted when in fact it had not.

Mrs Cooke also allegedly failed to disclose to her employers that Mr A had received a police caution in 2012 for theft of women's clothes and was being investigated by the police in respect of a potential criminal offence.

Mrs Cooke was suspended from the School on 23 September 2015 and resigned on 12 January 2016.

## **Findings of fact**

Our findings of fact are as follows.

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

The panel heard oral evidence from the 4 witnesses identified above and found each to be credible, reliable and forthright. The panel was particularly persuaded by the fact that the witnesses corroborated their written evidence, and was also struck by the consistency across the witnesses' evidence.

### **1. You failed to ensure that your own Disclosure and Barring Service ('DBS') check was carried out in a timely manner;**

The panel heard evidence that the safeguarding duties at the School were the responsibility of Mrs Cooke, in her role as headteacher and designated safeguarding lead. Although Mrs Cooke could delegate some of her safeguarding duties on an administrative level, the School's safeguarding duties were primarily her responsibility.

Concerns were raised in or around May or June 2015 that the School's Single Central Record ("SCR") was not up to date and that Mrs Cooke did not have an up-to-date DBS check.

Witness A stated during her oral evidence that she had asked Mrs Cooke in or around June 2015 to update her DBS check. The panel also heard evidence that the DBS form had been passed from the School's secretary to Mrs Cooke to complete.

Mrs Cooke's DBS check remained outstanding in September 2015 and the panel heard evidence from Witness C that she had reminded Mrs Cooke again on 8 September 2015 to complete her DBS check.

Witness A stated that when she attended the School on 15 September 2015, Mrs Cooke's DBS check had still not been completed and she requested that the check be completed as a matter of urgency.



The panel has not had the benefit of questioning Mrs Cooke about her failure to complete the DBS check but did take into account the representations made by her during Witness D's internal investigation and in the written representations made to the NCTL; Mrs Cooke accepted that she knew her DBS check needed to be undertaken, but asserted that she had not appreciated the urgency of the situation.

The panel was persuaded that Mrs Cooke would certainly have been aware of her obligation to undertake her DBS check since June 2015 and considered that the delay from June 2015 to September 2015 was significant in light of the potential child protection implications and in light of her role as the headteacher and designated safeguarding lead.

The above evidence led the panel to conclude that the allegation in paragraph 1 was proven on the balance of probabilities.

## **2. You failed to ensure that a DBS check had been undertaken on Mr A (who undertook maintenance work at the School);**

The panel heard that it was Mrs Cooke's responsibility to undertake DBS checks on any external contractors which were not centrally approved by TLAT.

The panel considered that as the headteacher and designated safeguarding lead that Mrs Cooke ought to have known that a DBS check had to be undertaken on Mr A. The panel had no doubt that Mrs Cook had received safeguarding training and therefore ought to have known, and indeed did know, that a DBS check should be carried out on Mr A.

Further, the panel heard evidence from Witness A and C that they had specifically told Mrs Cooke in June and September 2015 about the need to ensure that Mr A had a DBS check. The panel considered that the witnesses' evidence was credible and consistent and the panel was persuaded by their evidence.

The panel also had regard to the notes from a meeting between Witness D and Mrs Cooke on 4 November 2015. The panel heard that the notes of this meeting had been sent to Mrs Cooke and that their accuracy had not been challenged.

In this meeting, Mrs Cooke acknowledged that there had been a conversation in or around May or June 2015 that a DBS check should be undertaken on Mr A.

The panel heard evidence that no DBS check had been undertaken on Mr A and also noted the admission by Mrs Cooke in her letter of 19 June 2017 to the NCTL that no DBS had been undertaken. Mrs Cooked stated that this was a "complete oversight". The panel was not convinced that the failure to undertake a DBS check on Mr A was an oversight and considered that Mrs Cooke had motivation not to undertake the check in light of her knowledge of his police caution.

Based on the evidence available, it was apparent to the panel that Mrs Cooke failed to ensure that a DBS check had been undertaken on Mr A. The panel therefore found this allegation proven on the balance of probabilities.

**3. You failed to notify and/or disclose to your employers that Mr A had received a police caution in 2012, for theft of women's clothing at a leisure centre;**

The panel accepted that Mrs Cooke had received training on the importance of disclosing potentially relevant information to her employers about people with whom she was associated to enable an appropriate risk assessment to be carried out. The panel was persuaded by the evidence of Witness A and C that in addition to this training, Mrs Cooke would also have been aware of her duties under TLAT's code of conduct which stated that any actions that may bring the School into disrepute would need to be reported and that despite this, Mrs Cooke chose not to disclose the information available to her at that time.

The panel heard oral evidence from Witness C that the training regarding Disqualification by Association (Disqualification Under the Childcare Act 2006) provided a good opportunity for members of staff at the School to disclose potentially relevant information and that some members of staff did indeed come forward to disclose or verify potentially relevant information. However, the panel heard from Witnesses A, B and C that Mrs Cooke did not disclose the existence of Mr A's police caution in 2012 to her employers.

The panel accepted, by Mrs Cooke's own admission in her letter dated 19 June 2017, that she had knowledge of Mr A's police caution.

The panel considered whether Mrs Cooke knew the precise nature of the police caution. The panel was not persuaded and concluded that it was more likely than not that Mrs Cooke did not know that the police caution was for theft of women's clothing at a leisure centre.

The panel received legal advice that it was entitled to divide this allegation and find part of the allegation proven and part of the allegation not proven. However, the panel was advised that it had to be satisfied that Mrs Cooke had not been deprived of the proper opportunity to present her defence on all the alleged facts.

The panel took account of the fact that Mrs Cooke had admitted knowing about the police caution for theft. It was not persuaded that Mrs Cooke would have presented her defence differently if she had thought that the panel might make a different factual finding in relation to each of the two component parts.

Mrs Cooke admitted failing to disclose to her employers that Mr A had a police caution for theft in 2012 and this part of the allegation is therefore found proven on the balance of probabilities. However, the panel did not find that Mrs Cooke had failed to disclose that the theft was in relation to women's clothes and accordingly this part of the allegation is not proved on the balance of probabilities.

**5. You continued to allow Mr A to work at the School in spite of the knowledge of the matters set out in paragraphs 2 and/or 3 and/or 4 above;**

The panel accepted the oral and written evidence of Witness A and Witness B that they had told Mrs Cooke in no uncertain terms on 15 September 2015 that Mr A could not

work at the School until the DBS check had been completed, even if the work was carried out outside school hours. Both witnesses were convinced that Mrs Cooke's had understood the situation. The panel was convinced by their credible evidence.

Mrs Cooke accepted in her written representation dated 19 June 2017 that Mr A did complete work at the School without a DBS check.

The panel found that Mrs Cooke took a cavalier attitude towards safeguarding and actively ignored instructions from her employers, including a safeguarding officer. The panel found that had Mrs Cooke followed the appropriate safeguarding principles and complied with the procedures, it would have been apparent that Mr A had the potential to pose a significant risk to the children in her care.

The panel found that Mrs Cooke did continue to allow Mr A to work at the School in spite of the knowledge of the matters set out in paragraphs 2 and 3 and therefore find this element of allegation 5 proven on the balance of probabilities.

However, as allegation 4 was not found proven, for the reasons provided below, the panel did not consider this matter further in respect of allegation 5.

**6. On or around 16 July 2015 you informed a meeting of the School's Local Advisory Board that the section 175 form for 2015 had been completed and/or submitted on behalf of the School when in fact, it had not;**

The panel heard oral evidence from Witness A that the deadline for submitting a section 175 form is in the June of each year. Witness A gave evidence that she had been present at the School's Local Advisory Board meeting on 16 July 2015 and stated that Mrs Cooke had confirmed that the section 175 form for 2015 had been completed and submitted on behalf of the School.

The panel noted that it was not clear from the minutes of the meeting whether Mrs Cooke had confirmed that she had submitted the form for the year ending 2014 or 2015. When questioned about this during her oral evidence, Witness A was absolutely clear that Mrs Cooke was referring to the form for year ending 2015. Witness A had no doubt in her mind that Mrs Cooke had told the Local Advisory Board that the section 175 form for 2015 had been completed and the panel was persuaded by this evidence.

Witness C also gave convincing evidence that she had been told by Mrs Cooke that the section 175 form had been completed and submitted.

The panel was struck by the fact that Mrs Cooke did not address this allegation in her written submissions to the NCTL. Mrs Cooke offered no evidence to persuade the panel in relation to this allegation.

The panel had regard to the email exchange between the School and the Local Safeguarding Board which confirmed that the section 175 form for 2015 had not been submitted. The panel therefore found this allegation proven on the balance of probabilities.

## **7. Your conduct as set out in paragraph 6 above was;**

### **a. misleading;**

The panel were not persuaded that Mrs Cooke's conduct was careless. The panel was satisfied that Mrs Cooke was deliberately misleading when she told those present at the meeting on 16 July 2015 that the section 175 form 2015 had been completed.

### **b. dishonest in that you knew the section 175 form had not been completed and/or submitted on behalf of the School.**

The panel went on to consider whether Mrs Cooke's actions were dishonest. The panel received legal advice that there was a further requirement to consider two questions when deciding whether Mrs Cooke's actions were dishonest.

The panel was advised that the first limb of the traditional test to which panels are referred is "whether the panel is satisfied on the balance of probabilities that Mrs Cooke's actions would be regarded as dishonest according to the standards of ordinary and reasonable people."

The panel was also informed of judicial comment in a November 2014 case which was of persuasive authority, which stated that the question the panel should ask itself was whether according to the standard of the reasonable and honest professional (in that case a doctor, in this case a teacher) what Mrs Cooke had said was dishonest. If so, is the panel satisfied that Mrs Cooke herself must have realised that her action would be regarded as dishonest by those standards? The panel accepted that only if the answer to both these questions is yes, can the allegation of dishonesty be established in this case.

On the objective test, the panel was satisfied that both reasonable and honest people and reasonable and honest teachers would consider it dishonest for a teacher to lie regarding the completion and submission of the section 175 form for 2015.

The panel went on to consider whether Mrs Cooke would have known that what she was doing was, by those standards, dishonest. The panel was satisfied that Mrs Cooke gave an indication to the Local Advisory Board that the section 175 form 2015 had been completed and submitted when in fact she knew that it had not been. It considered that she must have known that her response would offend the normally accepted standards of honest conduct.

The panel was in no doubt that this action was dishonest according to the standards of reasonable and honest people. The panel was also satisfied that Mrs Cooke must have appreciated that her conduct was dishonest by those standards. In coming to this view, the panel has taken into account the fact that it was Mrs Cooke's responsibility to complete and submit the section 175 form. At the time of the meeting in July 2015, Mrs Cooke would have known whether the form had been completed and submitted. The panel was satisfied that Mrs Cooke gave deliberately dishonest information

The panel found that there has been no representations to the panel by Mrs Cooke on this particular allegation and found no evidence that her failure was as a result of a mistake or carelessness.

The panel therefore found this allegation proven on the balance of probabilities.

We have not found the following particulars of the allegation against you proven, for these reasons:

**4. You failed to disclose to your employers in August 2015 that Mr A was being investigated by the Police in respect of a potential criminal offence;**

The panel accepted that Mrs Cooke had been sufficiently trained about safeguarding and must have known, as a headteacher, that she should have disclosed to her employers any knowledge that an associate of her was subject to a police investigation.

The panel went on to consider whether Mrs Cooke knew that Mr A was being investigated by the police in respect of a potential criminal offence.

The panel had regard to the evidence of Witness B that when asked why she had not disclosed the incident involving Mr A and the police, Mrs Cooke replied that “she knew she should have but was too ashamed”. The panel was not persuaded that this proved, on the balance of probabilities, that Mrs Cooke had knowledge that Mr A was being investigated by the police at that time in respect of a potential criminal offence.

The panel heard evidence that a letter suspending Mr A from the local surf life saving club had been sent to him via Mrs Cooke’s e-mail address and it was therefore more probable than not that Mrs Cooke did have sight of this letter. However, the panel saw no evidence of what information was contained in that letter and, in particular, whether there was reference to a police investigation into a potential criminal offence.

The panel also had regard to the notes from a strategy meeting held on 24 September 2015 where the incident that led to the police investigation was discussed. The panel took account of the fact that the minutes from the meeting stated that “Sarah Cooke may not be 100% aware of what has happened and that he [Mr A] may be keeping it quiet from Sarah Cooke”. In light of this the panel considered that it was unlikely that the suspension letter explicitly stated that a police investigation was underway in respect of a potential criminal offence.

Witness D was questioned about Mrs Cooke’s knowledge. Mrs Cooke did not admit to Witness D that she knew that a police investigation was underway.

The panel did not have the opportunity to question Mrs Cooke about her understanding of the situation but had regard to her written representations where she stated that she had no idea that Mr A was being investigated by the police. The panel could not test Mrs Cooke’s evidence but heard no evidence to persuade it that, on the balance of probabilities, Mrs Cooke knew before her suspension that Mr A was being investigated by the police in respect of a potential criminal offence. The allegation that Mrs Cooke

failed to disclose to her employers in August 2015 that Mr A was being investigated by the police in respect of a potential criminal offence is therefore not proved on the balance of probabilities.

The panel considered that even if Mrs Cooke was not aware of the police investigation, she had sufficient information to be suspicious about the police incident and Mr A's suspension from the surf life saving club that she ought to have reported the matter in accordance with her safeguarding obligations to an independent third party who could have undertaken a risk assessment in relation to Mr A.

## **Findings as to unacceptable professional conduct and conduct that may bring the profession into disrepute**

Having found a number 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 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 we refer to as "the Advice".

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

The panel considered that Mrs Cooke showed not only a lax attitude towards her safeguarding obligations and duties but also a complete disregard for her duty to protect and safeguard children within her care. The panel considered that Mrs Cooke failed to satisfy her most important role as a headteacher; to protect the children at her School and ensure their safety.

The panel is satisfied that the conduct of Mrs Cooke fell significantly short of the standards expected of the profession. Headteachers must uphold the highest standards of integrity and honesty and Mrs Cooke has clearly failed to do this.

The panel has also considered whether Mrs Cooke's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. Whilst Mrs

Cooke has of course not been convicted of any offence, the panel did find that her conduct displayed a behaviour of serious dishonesty. The honesty of headteachers should never be called into question.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount 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.

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 find that Mrs Cooke's allegations 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 a punitive effect.

The panel has considered the particular public interest considerations set out in the Advice and having done so has found all of them to be relevant in this case, namely: the protection of pupils; the protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; the interest of retaining the teacher in the profession.

In light of the panel's findings against Mrs Cooke, which involved a breach and a complete disregard of her safeguarding obligations and a finding of dishonesty, protection of pupils is an important factor, given the failure to adhere to safeguarding regulations identified.

The panel has found unprofessional professional conduct and conduct that may bring the profession into disrepute, and therefore public confidence in the profession could be seriously weakened if conduct such as that found against Mrs Cooke 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 Mrs Cooke was outside that which could reasonably be tolerated.

Notwithstanding the 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 Cooke.

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 Cooke. 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;

Given the findings of unacceptable professional conduct, with involved breaches of Teachers' Standards, this factor is a relevant one. Headteachers have a primary duty to uphold the highest standards and the panel considered that Mrs Cooke fell short of this duty.

- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;

Mrs Cooke did not consider that she was placing the well-being of pupils at risk. However, her misconduct meant that the proper risk-assessments which would have identified any potential risks were not carried out.

- dishonesty especially where there was a potential for serious consequences, and/or it has been repeated and/or covered up;

The panel has found one instance of dishonesty. The panel did not have the opportunity to question Mrs Cooke about this but was concerned that she had deliberately misled the School's Local Advisory Board and had not acknowledged this in her written representations.

The panel noted the mitigation presented by Mrs Cooke in her written representations made on 27 April 2016 and 19 June 2017. The panel took account of her previous good history. The panel had regard to the degree of insight demonstrated by Mrs Cooke.



The panel also noted that Mrs Cooke may have struggled with her responsibilities as a headteacher at the time of these events. The panel took account of Mrs Cooke's claim that her actions were an oversight, rather than a failure to fulfil her statutory obligations. However, the panel was not persuaded by this and found her actions to be deliberate. The panel did not find that Mrs Cooke was acting under duress.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel is sufficient. Having carefully considered all of the above, the panel did not consider that there were sufficient mitigating factors to mitigate against the appropriateness and proportionality of the imposition of a prohibition order, particularly taking into account the disregard Mrs Cooke had for her duties and obligations.

The panel is of the view that applying the standard of the ordinary intelligent citizen recommending no prohibition order is not a proportionate and appropriate response. Recommending that publication of adverse findings is sufficient in the case would unacceptably compromise the public interest considerations present in this case, despite the severity of consequences for the teacher of prohibition.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mrs Cooke. In forming that opinion, a significant factor that was taken into account by the panel was that Mrs Cooke had failed to adhere to her safeguarding obligations. The panel also gave careful consideration to the perception of the public which is, that when parents put their children in the care of teachers, there should be no doubt that they are in safe hands. The panel also considered that Mrs Cooke as the headteacher should have displayed the highest level of integrity and rigour in relation to the protection of pupils. 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 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.

The panel took account of the passion Mrs Cooke expressed for teaching. However, the panel considered that a passion for teaching alone does not make you suitable to be a teacher if you show a disregard to your statutory obligations, particularly when pupil safety is put at risk.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. One of these behaviours includes serious dishonesty. The panel has found that Mrs Cooke was dishonest.

Following consideration, the panel felt that 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 provision for a review period. At present that panel did consider that Mrs Cooke has sufficient insight, but that she would benefit from a period of reflection. The panel also noted Mrs Cooke's desire to retrain. The panel felt, having taken all the relevant circumstances into account, that a review period of 4 years was appropriate and accurately reflected the severity of the misconduct committed by Mrs Cooke. The panel felt that this period may also provide Mrs Cooke with sufficient time to fully reflect, understand and demonstrate an insight into her actions. The panel also found that this review period would give Mrs Cooke the opportunity to address any personal difficulties which the panel believe may have impacted on her behaviours.

## **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 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 some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. Where the panel has found an allegation not proven, or has found part of an allegation not proven, I have put those matters from my mind entirely.

The panel has made a recommendation to the Secretary of State that Mrs Cooke should be the subject of a prohibition order, with a review period of four years.

In particular the panel has found that Mrs Cooke 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
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel considered that Mrs Cooke showed not only a lax attitude towards her safeguarding obligations and duties but also a complete disregard for her duty to protect and safeguard children within her care. The panel considered that Mrs Cooke failed to

satisfy her most important role as a headteacher; to protect the children at her School and ensure their safety.

The panel is satisfied that the conduct of Mrs Cooke fell significantly short of the standards expected of the profession. Headteachers must uphold the highest standards of integrity and honesty and Mrs Cooke has clearly failed to do this.

The panel has also considered whether Mrs Cooke's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. Whilst Mrs Cooke has of course not been convicted of any offence, the panel did find that her conduct displayed a behaviour of serious dishonesty.

The findings of misconduct are particularly serious as they include a finding of dishonesty on the part of a headteacher.

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 Cooke, 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 Mrs Cooke's behaviour involved "a complete disregard of her safeguarding obligations." A prohibition order would therefore prevent such a risk from being present.

I have also taken into account the panel's comments on insight which the panel sets out as follows, "Mrs Cooke has sufficient insight, but that she would benefit from a period of reflection." The panel also observe that Mrs Cooke needs "sufficient time to fully reflect, understand and demonstrate an insight into her actions."

In my judgement the panel's comments show that it has not identified that Mrs Cooke has shown complete and total insight into her actions. This lack of total insight means that there is some risk of the repetition of this behaviour and this risks future pupils' well-being if their safeguarding needs are not fully protected. 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, "the conduct found against Mrs Cooke was outside that which could reasonably be tolerated."

I am particularly mindful of the finding of dishonesty in this case and the impact that such a finding has on the reputation of 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 Cooke herself. I have read the panel’s comments concerning her teaching. The panel has said that it “took account of the passion Mrs Cooke expressed for teaching. However, the panel considered that a passion for teaching alone does not make you suitable to be a teacher if you show a disregard to your statutory obligations, particularly when pupil safety is put at risk.”

A prohibition order would prevent Mrs Cooke from teaching and 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 dishonesty. The panel has said that it, “found her actions to be deliberate. The panel did not find that Mrs Cooke was acting under duress.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mrs Cooke has made and is making to the profession. In my view it is necessary to impose a prohibition order in order to maintain public confidence in the profession. In taking that decision I have also taken significant note of the guidance that says that a prohibition order is likely where there is dishonesty.

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 “having taken all the relevant circumstances into account, that a review period of 4 years was appropriate and accurately reflected the severity of the misconduct committed by Mrs Cooke. The panel felt that this period may also provide Mrs Cooke with sufficient time to fully reflect, understand and demonstrate an insight into her actions. The panel also found that this review period would give Mrs

Cooke the opportunity to address any personal difficulties which the panel believe may have impacted on her behaviours.”

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, the factors that in my view mean that a two year review period is not sufficient to achieve the aim of maintaining public confidence in the profession, are, the dishonesty and the disregard for statutory obligations especially where pupil safety is put at risk.

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 Sarah Kate Cooke 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 30 June 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 Sarah Kate Cooke remains prohibited from teaching indefinitely.

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

Mrs Sarah Kate Cooke 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.



**Decision maker: Alan Meyrick**

**Date: 23 June 2017**

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