



National College for
Teaching & Leadership

Jacqueline Conn: Professional Conduct Panel outcome

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

December 2013

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

Teacher:	Miss Jacqueline Conn
Teacher ref no:	8160153
Teacher date of birth:	25 May 1961
NCTL Case ref no:	0009539
Date of Determination:	2 nd and 3 rd December 2013
Former employer:	School A

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 2 December 2013 and 3 December 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Miss Jacqueline Conn.

The Panel members were Mr Mike Carter (Teacher Panellist– in the Chair), Ms Jean Carter (Lay Panellist) and Mr Tony Heath (Lay Panellist).

The Legal Adviser to the Panel was Ms Eve Piffaretti of Morgan Cole LLP Solicitors.

The Presenting Officer for the National College was Miss Sophie Lister of Kingsley Napley LLP Solicitors.

Miss Jacqueline Conn was not present and was not represented.

The hearing took place in public and was recorded. Part of the hearing relating to Miss Conn’s medical condition took place in private.

B. Allegations

The Panel considered the allegations set out in the Notice of Proceedings dated 17 September 2013.

It was alleged that Miss Jacqueline Conn was guilty of unacceptable professional conduct and / or conduct that may bring the profession into disrepute, in that :

Whilst employed at School A :

1. She drove to, and attended work on 1 March 2012 whilst under the influence of alcohol

2. During 2011 she was under the influence of alcohol whilst performing her professional duties on the following date;

a) on 26 March 2011 whilst attending School B for a netball match

The facts of particulars 1 and 2a were admitted but no statement of facts had been agreed and some of the material facts were disputed by Miss Conn. The Presenting Officer presented her case, called witness evidence and referred the Panel to Miss Conn's written submissions.

Miss Conn admits that the facts could amount to unacceptable professional conduct/ conduct that may bring the profession into disrepute.

C. Preliminary applications

Application to proceed in the absence of the teacher

Miss Conn was not present nor represented. The Presenting Officer applied for the hearing to proceed in the absence of Ms Conn. The Presenting Officer stated that the Notice of Proceedings dated 17 September 2013 had been sent to Miss Conn's address more than 8 weeks prior to today's hearing. In addition it was clear from the documentation in the case papers that Miss Conn was aware of today's hearing. She had responded on a Notice of Proceedings Form indicating that she did not intend to appear. Ms Lister submitted that, as Miss Conn was aware of the hearing arrangements but had decided not to attend, Miss Conn had voluntarily waived her right to attend. No application for an adjournment had been made,

The Chair announced the decision of the Panel as follows:

The Panel has decided that the hearing should proceed in the absence of Miss Conn for the following reasons:

- The Panel is satisfied that the Notice of Proceedings has been served in accordance with Rule 4.10.
- The Panel has taken into consideration each of the criteria outlined in the legal advice representing guidance on what it should assess when reaching its decision.
- The Panel notes that Miss Conn is fully aware of the hearing today, and, whilst not present, has indicated that she consents to the hearing proceeding both in

her absence and in the absence of any representation. The Panel is satisfied that Miss Conn has voluntarily waived her right to attend.

Submission of additional documents

The Presenting Officer requested the Panel to agree to the admission of some late documents sent from Miss Conn. The Presenting Officer had no objection to the documents to be admitted.

A hand written letter dated 20 November 2013 prepared by Miss Conn and two letters dated 4 April 2013 addressed to Miss Conn had been submitted. The Presenting Officer did not object to its admission into the bundle.

The Chair announced the decision of the Panel as follows:

The additional documents submitted by the Teacher are relevant to the case and the Panel are satisfied that they should be admitted and included in the bundle, in the interests of a fair hearing. These documents will be numbered pages 91 to 99.

D. Summary of evidence

Documents

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

- Section 1** Chronology on pages 1 to 2
- Section 2** Notice of proceedings and response on pages 3 to 10
- Section 3** National College for Teaching and Leadership Witness statements on pages 11 to 28
- Section 4** National College for Teaching and Leadership documents on pages 29 to 77
- Section 5** Teacher's documents on pages 78 to 99

The Panel Members confirmed that they had read all of the documents in advance of the hearing, including the additional documents admitted at the discretion of the Panel.

Witnesses

The Panel heard oral evidence from three witnesses called by the Presenting Officer, namely, Witness A , Headteacher of School A and Witness B, Deputy Headteacher of School A and Witness C, who is employed by School A as a Assistant Headteacher.

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. In particular, we confirm that, taking account of the fact that Miss Conn is neither present nor represented, we have read very carefully her response to the Notice of Proceedings pro forma at page 7 , her letter to School A at page 35 and her letters at pages 79 to 83, 84, 88 to 90 and 91 to 95.

On 1st September 1986, Miss Conn commenced employment as a Physical Education teacher at School A. She became the School A's Sports Co-ordinator linking in with feeder primary schools in relation to sports activities. Miss Conn remained employed at the school until her resignation on 31 August 2012. School A is a comprehensive school with approximately 700 pupils and 44 staff.

Following an incident involving Miss Conn on Saturday 26 March 2011 when Miss Conn attended School B, with School A's netball team, Miss Conn was referred to Occupational Health by the Headteacher, Witness A.

Further concerns arose with regard to Miss Conn's conduct following an alleged incident at School A on 1 March 2012, in which it was alleged that she had driven to and attended the School whilst under the influence of alcohol. Miss Conn was suspended on 2 March 2012. A disciplinary investigation was undertaken by Witness C, Assistant Headteacher, which involved interviewing two members of staff at School A and Mother X, the parent of Pupil X at School A.

During the investigation evidence was gathered, which included reports of telephone calls received by the Headteacher, Witness A from Mother X and Mother Y and discussions with Pupil X on 1 March 2012.

Witness C wrote to Miss Conn on 16 March 2012 to tell her about the disciplinary investigation and asking to meet her on 22 March 2012 to discuss the alleged incident. Miss Conn did not attend on that date due to not having been given seven days prior notice and was, in any event, unable to attend for health reasons.

Witness C was unable to arrange further meetings due to Miss Conn's ill health. A meeting was eventually arranged for 12 July 2012 but Miss Conn was unwell on that date and did not attend. During this meeting Miss Conn's Union Representatives submitted her letter of resignation with effect from 31 August 2012, so a disciplinary hearing did not take place.

Findings of Fact

Our findings of fact are as follows:

1. [Miss Conn] drove to, and attended work on 1 March 2012 whilst under the influence of alcohol

We found this allegation proved. Miss Conn admits that she drove to and attended work whilst under the influence of alcohol but states that she had drunk the alcohol the previous evening.

In making this finding the Panel took account of the oral evidence provided by Witness A, Witness B and Witness C. The Panel carefully listened to and tested, by our own questions, the evidence given to the hearing by all three witnesses. The Panel is satisfied that all three witnesses told the truth and believed them. The Panel took account of the signed statement of Mother X dated 5 July 2012 at page 59 and the oral and written evidence provided by Witness A relating to her discussions with Pupil X at 08.55am and Mother Y on 1 March 2012.

The Panel is satisfied that on 1 March 2012, Miss Conn drove to work whilst under the influence of alcohol. Miss Conn has admitted that she had had a drink the previous evening. The Panel is also satisfied that, during a meeting on 1 March 2012, Miss Conn admitted to Witness B and Witness A that she had been drinking into the early hours of the morning, that she was unable to sleep and got up at around 4.00 am on 1 March 2012 when she finished off about half a bottle of wine.

In addition, the Panel was provided with oral evidence by Witness C as to the roads that Miss Conn was seen driving on by Mother X, Mother Y and Pupil X. He described a well used, steep, downhill road which had a number of bends culminating in a wide bend before a T-junction with a main road. The Panel is satisfied that the evidence of Mother X, Mother Y and Pupil X was consistent, coherent and reliable and find that Miss Conn had been driving erratically and at times, on the wrong side of the road on the way to School A.

The Panel also accepted the first-hand evidence of Witness A and Witness B who described Miss Conn's demeanour when she attended for work on 1 March 2012. They both told us that Miss Conn looked "dishevelled", "red in the face", "unwell", "unsteady on her feet", that she was at times "veering to the left", "confused" as to the location of the

Headteacher's office and as to where to sit, "smelling of alcohol", "swaying, incoherent and her speech was slurred". They asked her if she had drunk alcohol; initially Miss Conn denied this but she then admitted that she had previously been drinking alcohol and was drunk. Witness B and Witness A told us that they had both, in any event, formed the view that Miss Conn was drunk due to her demeanour.

Witness B stated that Miss Conn's car had been parked by her in the School car park shortly after being seen driving by Mother X and Mother Y and that it was located within 3 metres of the School where there were other staff and pupils. He took Miss Conn to her home from the School after this meeting.

2. During 2011 [Miss Conn] was under the influence of alcohol whilst performing [her] professional duties on the following date;

a) on 26 March 2011 whilst attending School B for a netball match

We found this allegation proved. Miss Conn admits that she was under the influence of alcohol whilst performing her professional duties at School B. The Panel again took account of the oral evidence provided by Witness A, Witness B and Witness C and were satisfied that the witnesses told the truth and believed their evidence in relation to this incident.

The Panel noted that Miss Conn attended School B on Saturday 26 March 2011 with School A's netball team to play in an inter school netball match. She was the only teacher from School A present, was officiating at the event and was responsible for supervising the pupils from School A. Miss Conn was, therefore, present to perform professional duties

Miss Conn admits that she took an unopened bottle of red wine with her to the netball match as it had been in her bag from the night before. Miss Conn was away from the netball match for some time leaving the pupils in her care unsupervised by her. Following a search by staff from School B, Miss Conn was found in the toilet. We are satisfied that the staff were concerned about Miss Conn as she appeared to be drunk and that they arranged for her to be taken home. A half bottle of red wine was later discovered by the staff of School B in the toilet which Miss Conn had been found in. Miss Conn admits that this was the bottle of wine that she had taken with her that day.

Following this incident, the Headteacher of School B telephoned Witness A to express her concerns about Miss Conn's conduct on 26 March 2011. Taking all the evidence that we have heard and read into account, the Panel is, therefore, satisfied that Miss Conn was under the influence of alcohol at the netball match on 26 March 2011 when she was performing her professional duties.

Findings as to Unacceptable Professional Conduct and/or Conduct that may bring the profession into disrepute

The Panel noted that Miss Conn admits that the facts, if proved, could amount to unacceptable professional conduct and conduct which brings the profession into disrepute, but the Panel has exercised its own judgment.

The Panel is satisfied that taking allegations 1 and 2 individually and together, Miss Conn is guilty of unacceptable professional conduct and conduct that may bring the profession into disrepute. Her conduct is of a serious nature, falls significantly short of the standard expected of a teacher and brings the profession into disrepute.

In making this determination, and by reference to the Teachers' Standards, we find that Miss Conn breached the teaching, personal and professional conduct elements of the Teachers Standards.

In particular, with regard to the Teachers' Standards, Part One, Miss Conn is expected to make the education of the pupils her first concern and is accountable for achieving the highest possible standards in conduct and to work in the best interests of pupils. She has failed to set high expectations which inspire, motivate and challenge pupils in that she has not established a safe environment for pupils and has not demonstrated consistently positive attitudes, values and behaviour. Her conduct had the potential to place pupils in her care at risk which was only off set by the actions of the Headteacher and Deputy Headteacher in relation to allegation 1 and staff at School B in relation to allegation 2. Furthermore, by driving to work whilst under the influence of alcohol, she put pupils, members of the public and herself at risk.

With regard to the Teachers' Standards, Part Two, Miss Conn is expected to demonstrate consistently high standards of personal and professional conduct. She has failed to uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside the school and she has not had proper and professional regard for the ethos, policies and practices of the school in which she taught nor maintained high standards in her own behaviour.

The Panel was concerned to note that Miss Conn's conduct in respect of her driving, as set out in allegation 1, was visible to pupils, parents and the wider public. Her conduct on school premises was also visible to pupils and staff at School A.

In relation to allegation 2, her conduct took place in the presence of pupils and staff at another school, whilst she was acting as an ambassador for her own school and while she had sole responsibility for the pupils in her care.

Panel's recommendation to the Secretary of State

In deciding whether to recommend the imposition of a Prohibition Order to the Secretary of State the Panel had to consider the issue of the public interest and proportionality. The Panel has carefully considered the relevant factors set out in the guidance on the Prohibition of Teachers.

The Panel has decided to recommend a Prohibition Order for the following reasons.

The Panel found that Miss Conn's behaviour was a serious departure from the teaching, personal and professional conduct elements of a significant number of the Teachers' Standards as set out above. The conduct had the potential to seriously affect the wellbeing of pupils and the Panel is concerned that there is a continuing risk. Although Miss Conn's suspension was triggered by a single incident, the Panel is concerned to note that there is evidence of a pattern of behaviour preceding and succeeding this. The Panel is concerned that there is evidence of a deep-seated attitude that leads to potentially harmful behaviour and there is insufficient evidence that Miss Conn recognises this. Whilst the Panel noted that there was limited evidence of the true level of her insight into the seriousness and potential for harmful effects of her behaviour on pupils or the public, albeit the Panel took full account of her expressions of regret and remorse outlined in the documents she submitted.

The Panel took into account the mitigating circumstances, both personal and professional, that existed at the time of the events giving rise to these proceedings. The Panel also heard oral evidence from Witness A, Witness B and Witness C as to Miss Conn's previous good history, that she was a very good teacher, who was well liked and had been described as outstanding in two successive Ofsted inspections.

The Panel has been given a letter from BAC O'Connor dated 4 April 2013 which confirms that Miss Conn completed an 18 week Residential Rehabilitation Programme. She was also an in-patient receiving treatment for her alcohol addiction between 26 March 2012 and 4 April 2012 and 26 June 2012 and 5 July 2012 at Harplands Hospital. However, the Panel has not been provided with any further supporting independent medical evidence in relation to her recovery pathway from which we could draw some reassurance.

In the view of the Panel, a Prohibition Order is necessary in order to: protect children, to maintain public confidence in the teaching profession, and to declare and uphold proper standards of conduct. We are satisfied that this is a proportionate recommendation.

We have decided to recommend that Miss Conn be allowed to apply to have the Prohibition Order set aside after a period of three years. Our reasons are that her behaviour may have been exacerbated by poor health and/or other personal problems. If this is the case, it is right that she should have the opportunity to demonstrate that she

has overcome them. The Headteacher in her evidence made clear that some aspects of Miss Conn's teaching practice were outstanding. A Review Panel might conclude that she should be given the opportunity to return to teaching although no doubt any Review Panel will be looking for significant evidence to reassure itself that there is no risk of a repetition of the sort of behaviour which has led to the making of this Order.

Decision and reasons on behalf of the Secretary of State

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

The panel have found the facts of this case proved and that those facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

It has been found that Miss Conn drove to and attended work in March 2012 whilst under the influence of alcohol and was under the influence of alcohol whilst performing her professional duties in March 2011. Miss Conn did not attend the hearing and was not represented.

The panel have been clear that Miss Conn's behaviour is a serious departure from the standards expected of a teacher and has the potential to seriously affect the wellbeing of pupils. The panel have judged that there is a continuing risk given the evidence of a pattern of behaviour both preceding and succeeding the incidents in question. There is evidence of a deep seated attitude that might lead to harmful behaviour and little evidence that Miss Conn recognises this.

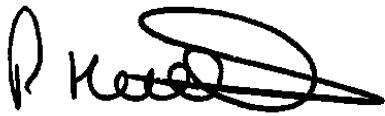
I agree with the panel's recommendation that a prohibition is both appropriate and proportionate in this case.

The panel have acknowledged that her behaviour may have been exacerbated by poor health and other personal problems and have recommended that Miss Conn be allowed the opportunity to demonstrate that she has overcome these issues. They have also taken account of the headteacher's evidence that made it clear that there were aspects of Miss Conn's teaching that were outstanding. Accordingly I agree that Miss Conn should be allowed to apply to have the order set aside after a minimum period of 3 years has elapsed.

This means that Miss Jacqueline Conn 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 12 December 2016, 3 years from the date of this order at the earliest**. If she does apply, a panel will meet to consider whether the Prohibition Order should be set aside. Without a successful application, Miss Jacqueline Conn remains barred from teaching indefinitely.

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

Miss Jacqueline Conn has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date she is given notice of this Order.

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

NAME OF DECISION MAKER: Paul Heathcote

Date: 4 December 2013

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