



National College for
Teaching & Leadership

Victoria Ayris: Professional Conduct Panel outcome

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

June 2014

Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	4
D. Summary of evidence	4
Documents	4
Witnesses	5
E. Decision and reasons	5
Panel's recommendation to the Secretary of State	8
Decision and reasons on behalf of the Secretary of State	11

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

Teacher:	Ms Victoria Ayris
Teacher ref no:	0743649
Teacher date of birth:	25 January 1984
NCTL Case ref no:	0010444/07/43649/AYRIS
Date of Determination:	9 June 2014
Former employer:	Castlebrook School / Bury County Council

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 9 June 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Ms Victoria Ayris.

The Panel members were Ms Alison Walsh, Panellist – in the Chair; Dr Robert Cawley, Teacher Panellist and Dr Geoffrey Penzer, Lay Panellist.

The Legal Adviser to the Panel was Ms Fiona Walker of Eversheds LLP Solicitors.

The Presenting Officer for the National College was Ms Louisa Atkin.

Ms Victoria Ayris was not present and was not represented. The meeting took place in private. The decision and reasons were announced in public and were recorded.

B. Allegations

The Panel considered the allegations set out in the Notice of Meeting dated 29 May 2014.

It was alleged that Ms Victoria Ayris was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed at Castlebrook School, Bury, she:

1. Failed to maintain proper professional boundaries with Pupil A in that she:
 - a. sent more than 2,000 text messages to Pupil A between February 2012 and November 2012;
 - b. exchanged inappropriate messages with Pupil A, including:
 - i. messages containing sexual content;
 - ii. messages about her and Pupil A's personal lives;
 - iii. messages containing photographs of herself.
2. Failed to adhere to a reasonable management instruction in that on or around 16 November 2012 she contacted Pupil A despite having been told not to do so by Individual A, Headteacher.

The facts of the allegations set out at 1 and 2 above are admitted by Ms Victoria Ayris.

Ms Victoria Ayris admits that the allegations amount to unacceptable professional conduct as set out in the paragraphs 2.3-2.4 of the Disciplinary Rules for the regulation of the teaching profession and which may be defined as misconduct of a serious nature. Ms Victoria Ayris also accepts that the facts of the allegation amount to conduct which may bring the profession into disrepute as set out in Disciplinary paragraph 2.3-2.4.

C. Preliminary applications

There were no preliminary applications.

D. Summary of evidence

Documents

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

Section 1: Chronology, Anonymised Pupil List and List of Key People Pages 2-3

Section 2: Notice of Proceedings, response and notice of meeting	Pages 5-10d
Section 3: Statement of Agreed Facts and Presenting Officer Representations	Pages 12-16
Section 4: National College for Teaching and Leadership Documents	Pages 18-551
Section 5: Teacher Documents	Pages 553-588

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

Witnesses

The Panel did not hear oral evidence.

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.

Summary of Evidence

Ms Ayris was employed at the School from September 2008 until 16 April 2013 as a chemistry teacher. It was alleged that from February 2012, Ms Ayris began exchanging text messages with Pupil A. Ms Ayris was Pupil A's chemistry teacher whilst pupil A was in Year 11. The content of the messages was varied and included some content of a personal and sexual nature. In November 2012, concerns were reported about Ms Ayris being in contact with Pupil A via text. On 16 November 2012, Ms Ayris was told by Individual A, the Headteacher, not to have further contact with Pupil A. Following that instruction from the Headteacher, Ms Ayris did make further contact with Pupil A.

Findings of Fact

Our findings of fact are as follows:

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

1a) Whilst employed at Castlebrook School she failed to maintain proper boundaries with Pupil A in that she sent more than 2,000 text messages to Pupil A between February 2012 and November 2012

The Panel considered the transcription of the text messages sent between Ms Ayris and Pupil A contained in the bundle. The Panel noted the number of texts sent and the timings of those texts. The Panel accepted the admission by Ms Ayris that the messages as transcribed and contained in the bundle accurately reflect the content of the messages she exchanged with Pupil A via text and "Whatsapp" between 1 June 2012 and 6 September 2012. The Panel noted that Pupil A was a pupil at the School at the time when many of the texts were sent and that the School's Professional Relations Policy provided that mobile telephone numbers should not be shared with learners, other than in emergency situations. The policy goes on to state that if a learner continues to use personal contacts, this should be reported immediately to the Headteacher. The Panel considers that the sending and receiving of the significant number of texts constituted a failure to maintain proper boundaries.

The Panel therefore finds the facts of this allegation to be proven.

1b) Whilst employed at Castlebrook School she failed to maintain proper boundaries with Pupil A in that she exchanged inappropriate messages with Pupil A, including (i) messages containing sexual content; (ii) messages about their personal lives; (iii) messages containing photographs of herself.

The Panel has considered the transcription of the texts contained in the bundle and noted the nature and content of them. The Panel considered that the texts did contain some content of an inappropriate nature, including sexual content, information concerning Ms Ayris' and Pupil A's personal lives and photographs of Ms Ayris. The panel noted that the photographs in the bundle were not of a sexual nature.

The Panel accepts Ms Ayris' admission and acknowledgment that the messages were inappropriate.

The Panel finds this allegation to have been proven.

2) Whilst employed at Castlebrook School she failed to adhere to a reasonable management instruction in that on or around 16 November 2012, she contacted Pupil A despite having been told not to do so by Individual A, Headteacher.

The Panel has considered the witness statement of Individual A, Headteacher, dated 17 January 2014, in which he confirms his instruction to Ms Ayris not to contact Pupil A and his confirmation that he had no reason to believe that Ms Ayris had not understood what had been said to her. The Panel accepts Individual A's evidence.

Further, the Panel notes Ms Ayris' acceptance that Individual A told her not to have contact with Pupil A at the meeting on 16 November 2012 and that constituted a reasonable management instruction.

The Panel accepts the evidence of Individual A that he had been made aware by Pupil B of a text sent by Ms Ayris to Pupil A following the meeting on 16 November 2012 which contained wording to the effect of "Delete my phone number and all messages including Whatsapp – don't ask why just do it – your mum will want to see your phone when you get home".

The Panel therefore finds that this allegation has been proven.

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

In considering the allegations that the Panel has found proven, the Panel has had regard to the definitions in The Teacher Misconduct – Prohibition of Teachers Advice, which we refer to as the 'Guidance'.

The Panel is satisfied that the conduct of Ms Ayris in relation to the facts found proven, involved breaches of the Teachers' Standards. The Panel considered the evidence in the bundle of the School's Professional Relations Policy which confirmed that personal mobile telephone numbers should not be shared with learners other than in an emergency situation and if a learner continued to use an emergency contact, it should be reported immediately to the Headteacher. The panel accepts the evidence of Individual B in her statement of 20 January 2014 (Paragraph 22) that Ms Ayris was aware of this Policy and had signed a form to confirm she had read it. Individual B also confirms that Ms Ayris attended safeguarding training in 2009 and the Guidance for Safer Working Practice for Adults who work with Children and Young People was provided to all staff at the School on 5 March 2010 along with a memo indicating it must be read by them.

The Panel considers that by reference to Part Two, Ms Ayris 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.

- 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 considered the volume, timing and nature of the texts. The Panel is satisfied that the conduct of Ms Ayris fell significantly short of the standards expected of the profession. The Panel considered the individual allegations and also considered the conduct and the allegations as a whole. The Panel considered that allegation 1a in isolation may not constitute unacceptable professional conduct but when considered in the context of the other allegations, taking into account the content, timing and nature of the texts, the conduct is unacceptable professional conduct.

In relation to the allegation (numbered 2 above in Section B. Allegations) that Ms Ayris failed to adhere to a reasonable management instruction not to contact Pupil A, the Panel accepted the evidence that the instruction was given and that Ms Ayris did contact Pupil A, once, contrary to the instruction. The Panel considered the reasons why Ms Ayris sent the text communication after the instruction and considered her evidence that she “panicked” (Investigation Report, Page 39 of the bundle, paragraph 3.3.11) after the instruction. The Panel consider that the instruction given by the Headteacher was reasonable. Her communication to Pupil A following the instruction suggested that she was aware there was something to cover up and the Panel has considered her motivation in sending that communication which the Panel finds is relevant to whether it constitutes unacceptable professional conduct. The Panel finds that it was.

Accordingly, the Panel is satisfied that Ms Ayris is guilty of 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 pupil’s lives and that pupils must be able to view teachers as role models in the way they behave. The Panel noted the evidence that the interactions between Ms Ayris and Pupil A had apparently become the subject of rumour and gossip amongst other pupils and staff at the School.

The Panel therefore finds that Ms Ayris’ actions 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.

The Panel's conclusions have been influenced by the fact that Ms Ayris sought to cover up the communications by asking Pupil A to delete her number and, in doing so, she deliberately disobeyed a reasonable management instruction by having the further communication with Pupil A. The Panel has also taken into account that she did not, when first requested, provide all the communications with Pupil A, albeit she did provide them after being asked again. Moreover, she indicated that she did not even have Pupil A's number, when asked by Individual A, at the outset. The Panel considers that a number of her actions suggest that she was not initially forthcoming in providing the full truth and nature of her interaction with Pupil A.

The Panel has also taken into account that Social Services concluded that there was no harm to Pupil A and the Panel agrees with that finding. The police confirmed that a criminal threshold had not been met despite receiving Ms Ayris' phone records, text transcripts and interviewing her under caution.

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 whether there has been a serious departure from the personal and professional conduct element of the Teachers' Standards.

The Panel has considered the particular public interest considerations set out in the Teacher Misconduct – Prohibition of Teachers Advice and having done so has found a number of them to be relevant in this case, namely the maintenance of public confidence in the profession and, especially, declaring and upholding proper standards of conduct.

In light of the Panel's findings against Ms Ayris, in particular the sexual and graphic nature of the texts sent on 12 June 2012 to Pupil A, there is a strong public interest consideration. The Panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Ayris were not treated with the utmost seriousness. There is a strong public interest in upholding proper standards of conduct in the profession; Ms Ayris' conduct with respect to Allegation 1 b (i) was outside that which could reasonably be tolerated.

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.

Notwithstanding the public interest considerations, 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 Ms Ayris. In forming a judgement in this respect, the Panel took particular account of the mitigation evidence, including the statement made on Ms Ayris' behalf (at Page 559 of the bundle) and her own statement at Page 221 of the bundle, which indicated that she was apologetic and that she would not repeat such actions in the future. The Panel also considered the statements of Pupil A's parents which were supportive of Ms Ayris and her help for Pupil A during a difficult time in his life. Ms Ayris is of previous good character and was well regarded at the School. The Panel has seen no evidence of any issues regarding her prior conduct as a teacher and the evidence before the Panel was that she was a committed professional and contributed significantly to her pupils' academic achievement. Page 1 of the Investigation Report by the Council (Page 27 of the bundle) indicated that Ms Ayris was an outstanding, hard working teacher whose results had been consistently good.

The Panel was also mindful of the fact that prior to these findings being made against her, Ms Ayris was considered to be a person of good character with no criminal or disciplinary sanctions recorded against her.

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 Ms Ayris, the Panel took further account of the Teacher Misconduct – Prohibition of Teachers 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 are :

- serious departure from the personal and professional conduct elements of the teachers' standards
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils.

The Panel has concluded that Prohibition is both proportionate and appropriate. We have decided that the public interest considerations outweigh the interests of Ms Ayris. The need to uphold proper standards of conduct was a significant factor in forming that opinion. Accordingly, the Panel recommends to the Secretary of State that a Prohibition Order should be imposed with immediate effect.

The Panel has considered whether or not to recommend that a review period of the order should be allowed. The Panel were mindful that the Teacher Misconduct – Prohibition of Teachers Advice sets out 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 two years.

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 provisions for the minimum review period to be set at two years.

The Panel repeats the mitigating factors set out above in justifying a two year review period. Ms Ayris has clearly stated that she recognises her mistakes and that she would never repeat them. The Panel does not believe that she is a danger to children. The requirement to uphold standards does not, in the Panel's opinion, require a review period of any longer than two years.

Decision and reasons on behalf of the Secretary of State

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

Ms Ayris has admitted the facts and agreed that those facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

The facts in this case relate to Ms Ayris failing to maintain proper professional boundaries with pupil A as a result of a significant number of text messages over a period of nine months including text messages of an inappropriate nature. The panel have also found that Ms Ayris failed to adhere to a reasonable management instruction to not contact pupil A.

The panel have found all the facts proven and have judged that those facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

In considering whether a prohibition order is an appropriate and proportionate sanction, the panel have taken account of the fact that in the first instance Ms Ayris sought to cover up the communications with pupil A and in doing so deliberately disobeyed a management instruction that she was not to contact pupil A. The panel have judged that there was no harm to pupil A.

The panel have properly balanced the public interest considerations against those of the teacher. In light of the content of some of the text messages the panel have found there to be a strong public interest consideration. There is a strong public interest in upholding proper standards of conduct in the profession.

Notwithstanding these considerations the panel have taken due account of the mitigation evidence. Ms Ayris has apologised for her actions and asserted that she would not repeat them. They also considered the supportive statements from pupil A's parents and that she was of previous good character and well regarded at the school.

Having balanced all these factors the panel have recommended that a prohibition order is an appropriate and proportionate sanction and I agree with this recommendation.

The panel have considered whether the provision of a review period would be appropriate in this case. The panel are of the view that the findings indicate a situation where a review period would be appropriate and in view of the mitigating factors have recommended that Ms Ayris be allowed to apply for the order to be set aside after a minimum period of two years has elapsed. I agree with their recommendation.

This means that Ms Victoria Ayris 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 17 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, Ms Victoria Ayris remains barred from teaching indefinitely.

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

Ms Victoria Ayris 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 at the end.

NAME OF DECISION MAKER: Paul Heathcote

Date: 10 June 2014

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