



National College for
Teaching & Leadership

Mrs Yvonne Preston: Professional Conduct Panel outcome

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

July 2014

Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	4
D. Summary of evidence	5
Documents	5
Witnesses	5
E. Decision and reasons	5
Panel's recommendation to the Secretary of State	9
Decision and reasons on behalf of the Secretary of State	12

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

Teacher:	Mrs Yvonne Preston
Teacher ref no:	08/83210
Teacher date of birth:	16 February 1965
NCTL Case ref no:	10761
Date of Determination:	7 July 2014
Former employer:	Castle Hall School, Kirklees

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 7 July 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mrs Yvonne Preston, in a meeting.

The Panel members were Mr John Elliott (Lay Panellist – in the Chair), Dr Robert Cawley (Teacher Panellist) and Mrs Sheba Joseph (Teacher Panellist).

The Legal Adviser to the Panel was Mr Thomas Whitfield of Eversheds LLP Solicitors.

The Presenting Officer for the National College was Mr Ben Bentley of Browne Jacobson LLP Solicitors. The Presenting Officer was not present at the meeting.

Mrs Preston was not present and was not represented at the meeting.

The meeting took place in private.

B. Allegations

The Panel considered the allegations set out in the Notice of Proceedings dated 24 January 2014, as amended in the agreed statement of facts and letter from the National College to Mrs Preston dated 4 June 2014.

It was alleged that Mrs Yvonne Preston was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed at Castle Hall School between December 2011 and May 2013 she:

1. Behaved inappropriately toward Student A by:
 - a. Writing communications of an inappropriate nature to him;
 - b. Sending greeting cards which contained inappropriate comments to him;
 - c. Giving gifts to him;
 - d. Calling him into the English store cupboard to discuss a Twitter comment he had made.
2. Made inappropriate comments to Student A by:
 - a. Asking him to see her again after he leaves school.
 - b. Asking him if he would dance with her at the prom in front of his form.
3. Downloaded and stored photographs from social networking sites of Student A on her work laptop.
4. Sent inappropriate text messages on 1 March 2013 to Student B regarding Student A.

In a statement of agreed facts Mrs Preston admits the facts of the allegations and admits that they amount to unacceptable conduct and / or conduct that may bring the profession into disrepute.

C. Preliminary applications

The Panel noted that the allegations in the statement of agreed facts signed by Mrs Preston on 27 April 2014 and the letter from the National College to Mrs Preston dated 4 June 2014 differed from the allegations in the Notice of Proceedings dated 24 January 2014. The Panel determined that the amendment of the allegations, to those in the statement of agreed facts, was in the interests of justice and that the Panel would consider the allegations as amended.

D. Summary of evidence

Documents

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

Document	Pages
A chronology, anonymised pupil list and itemised list of gifts.	2 to 4
Notice of referral, response and notice of meeting	5 to 10b
Statement of agreed facts and Presenting Officer's representations	15 to 16
National College's documents	18 to 56
Mrs Preston's documents	58 to 78

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

Witnesses

The Panel did not hear any 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

Mrs Yvonne Preston was employed as an English Teacher at Castle Hall Academy, a secondary school in Mirfield, Yorkshire, between March 2009 and June 2013.

It is agreed by the National College and Mrs Preston that between December 2011 and May 2013 Mrs Preston gave to Student A gifts including a personalised mug and calendar, each of which included Mrs Preston's home address and photos from the school; a Hollister brand t-shirt, a DVD box set; and concert ticket to see Kendrick Lamar

at O2 Leeds. Over the same period Mrs Preston sent Christmas and birthday cards to Student A which contained messages including:

“Sending my love and best wishes to someone who has touched my heart and mind in a most unexpected way ... You light up my world like nobody else.”

“I send you my love ... My only wish is that next Christmas you are still in my life in some way, shape or form. You mean far too much to me than you should – but I wouldn’t have it any other way. I am, always and forever – Yours xx”

“I have loved having you in my life; I’ve loved spoiling you ... The thought of not seeing you, talking to you + just being with you breaks my heart – so I’m asking ... don’t go ... don’t leave ... please stay ... with me! I have love you so ... enjoy this on me + remember me fondly my love, Yvonne x”

Mrs Preston also asked Student A to see her again after he was to leave the school and at the school prom asked Student A to dance with her.

Student A made a comment on Twitter about teachers that cry and Mrs Preston called Student A into the English department’s store cupboard to discuss the tweet. Mrs Preston then contacted another student, Student B, sending him four lengthy text messages, in the space of four minutes on 1 March 2013, regarding Student A’s tweet.

On 3 June 2013 Mrs Preston was suspended from work, whilst allegations against Mrs Preston were investigated. The allegations were very similar to those now being considered by the Panel. The investigations were delayed in light of Student A’s GCSE examinations taking place that time. On 25 June 2013, as part of the school’s disciplinary investigation, Mrs Preston was interviewed and reported to the Governors’ disciplinary committee. Mrs Preston tendered her resignation on 28 June 2013 before the Governors met.

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:

Whilst employed at Castle Hall School between December 2011 and May 2013 you:

1. Behaved inappropriately toward Student A by:

a. Writing communications of an inappropriate nature to him;

The allegation has been admitted and is found proved.

b. Sending greeting cards which contained inappropriate comments to him;

The allegation has been admitted and is found proved.

c. Giving gifts to him;

The allegation has been admitted and is found proved.

d. Calling him into the English store cupboard to discuss a Twitter comment he had made.

The allegation has been admitted and is found proved.

2. Made inappropriate comments to Student A by:

a. Asking him to see you again after he leaves school.

The allegation has been admitted and is found proved.

b. Asking him if he would dance with you at the prom in front of his form.

The allegation has been admitted and is found proved.

3. Downloaded and stored photographs from social networking sites of Student A on your work laptop.

The allegation has been admitted and is found proved.

4. Sent inappropriate text messages on 1 March 2013 to Student B regarding to Student A.

The allegation has been admitted and is found proved.

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 Mrs Preston in relation to the facts found proven, involved breaches of the Teachers' Standards. The Panel considers that by reference to Part Two, Mrs Preston 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; and
 - showing tolerance of and respect for the rights of others.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality; and
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The Panel finds that Mrs Preston made Student A feel uncomfortable over a long period of time and infringed his right to privacy. The Panel notes that Mrs Preston received child protection training on 4 January 2010 and safeguarding training on 7 January 2013.

The Panel is satisfied that the conduct of Mrs Preston fell significantly short of the standards expected of the profession.

The Panel has also considered whether the Teacher's conduct displayed behaviours associated with any of the offences listed on page 8 and 9 of the Guidance and we have found that none of these offences are relevant.

Accordingly, the Panel is satisfied that Mrs Preston 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 therefore finds that Mrs Preston's 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 unprofessional 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 understands from the evidence before it that Mrs Preston is of previous good character. The Panel has also considered the character statements provided by Mrs Preston's former colleagues Individual A and Individual B and also the statement from Mrs Preston's husband, Individual C.

In considering whether to recommend to the Secretary of State that a Prohibition Order should be made, the Panel has to consider whether it is an appropriate and proportionate measure, and whether it is in the public interest to do so. Prohibition Orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

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

In light of the Panel's findings against Mrs Preston, there is a public interest consideration in respect of the protection of pupils. The reasons for this are:

- her writing and sending inappropriate communications to Student A and Student B;
- making inappropriate verbal comments to Student A including calling him into a store cupboard to discuss a comment that the student had made;
- downloading photographs of Student A from social networking sites onto a work laptop; and
- singling Student A out for excessive attention through the giving of gifts.

Similarly, the Panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mrs Preston were not treated with the utmost seriousness when regulating the conduct of the profession.

The Panel considered there is a strong public interest consideration in declaring proper standards of conduct in the profession as the conduct found against Mrs Preston 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 Preston. In forming a judgement in this respect, the Panel took account of the mitigation evidence that was presented to it by Mrs Preston and her colleagues. In her personal statement, Mrs Preston recognised the seriousness of her actions, indicated how much she loves teaching and asked the panel to consider allowing her to teach again when she has recovered from her current medical problems. The Panel noted that prior to these findings being made against her, Mrs Preston 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 Mrs Preston. The Panel took further account of the Guidance, 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;
- misconduct seriously affecting the education and/or well being of pupils, and particularly where there is a continuing risk; and
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils.

The Panel found each of these to be present.

Additionally, the list of behaviours includes:

- sexual misconduct, eg involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position.

The Panel felt that there were elements of Mrs Preston's conduct that could relate to this statement.

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.

On the face of it, Mrs Preston's actions appear to have been deliberate. Mrs Preston has suggested that she was suffering from mental health problems at the time and given various reasons for it. This has been corroborated by her husband. However, the Panel has only been provided with a copy of a prescription that Mrs Preston says is relevant to her conditions. The Panel has not seen any medical or psychiatric evidence to corroborate Mrs Preston's assertions. This would have been helpful, to enable the Panel

to understand the nature and effect of the conditions upon Mrs Preston at the time. Furthermore, evidence of this nature would have assisted the Panel to understand the likelihood and timescale of Mrs Preston's recovery.

There is no suggestion that Mrs Preston was acting under duress.

Mrs Preston has a previously good history. The Panel accepted that the actions related to a single student. There was no evidence of a pattern of previous behaviour of this nature and the material giving rise to allegation 1.a. was not actually sent to Student A. However, there were a significant number of communications that were sent to Student A over a long period of time. The unsent communications are a troubling indication of Mrs Preston's thoughts at the time. The evidence of Student A was that Mrs Preston had said similar things to him as the sentiments expressed in the unsent communications. Moreover, the unsent communications were written on a work laptop. Although relating to a single student, Mrs Preston did involve Student B when she sent him four lengthy and inappropriate texts concerning Student A on 1 March 2013.

The Panel is of the view that Prohibition is both proportionate and appropriate. We have decided that the public interest considerations outweigh the interests of Mrs Preston.

Mrs Preston showed a clear pattern of behaviour indicating infatuation with Student A. This was demonstrated by the sending of numerous inappropriate communications; the giving of several valuable gifts to Student A (some of which were personalised); asking Student A to see her again after he had left school; and asking him to dance with her at the school prom in front of other students. Student A's evidence makes it clear that Mrs Preston's behaviour made him feel very uncomfortable and continued despite Student A asking her not to single him out. These were significant factors in the Panel concluding that prohibition is both proportionate and appropriate. Accordingly, the Panel makes a recommendation to the Secretary of State that a Prohibition Order should be imposed with immediate effect.

The Panel went on to consider whether or not it would be appropriate for them to decide to recommend that a review period of the order should be considered. The Panel was mindful that the Guidance advises 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 Guidance indicates that there are behaviours that, if proven, would militate against a review period being recommended. The Panel found that none of these behaviours were present in this case. In light of the nature of the allegations found proven, the Panel feels it appropriate to record that, notwithstanding the inappropriate nature of Mrs Preston's dealings with Student A, it did not find Mrs Preston's actions to amount to serious sexual misconduct, for the purpose of section 7 of the guidance.

The Panel noted that there was some evidence that Mrs Preston was suffering from mental health problems at the time, which she says contributed to her actions. The Panel also found that Mrs Preston demonstrates, in her letter, real insight as to how inappropriate her actions were and genuine remorse for those actions. Taking into account all of the circumstances, the Panel felt that it would be proportionate to recommend a Prohibition Order with provision for a review after two years. A panel considering any application for review of the Prohibition Order will have the opportunity to assess evidence presented to it relating to Mrs Preston's health at that point and her fitness to return to the profession.

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 both sanction and review.

The panel has found that the allegations in this case are serious ones and are proven.

Mrs Preston's behaviour did involve serious breaches of the Teachers' Standards. The Panel found that Mrs Preston did breach 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; and
 - showing tolerance of and respect for the rights of others.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality; and
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

This conduct fell significantly short of the standards expected of the profession and amounts to unacceptable professional conduct. In addition the panel also found that Mrs Preston's actions constitute conduct that may bring the profession into disrepute.

I have also balanced the public interest considerations both in favour of and against prohibition as well as the interests of Mrs Preston. I have considered the published guidance, 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;
- misconduct seriously affecting the education and/or well being of pupils, and particularly where there is a continuing risk; and
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils.

These are each present in this case.

I have also taken into account the mitigation put forward by Mrs Preston. On balance I believe that the recommendation by the panel is a proportionate one and should be upheld. I agree that Mrs Preston should be prohibited from teaching.

I have also given very careful consideration to the matter of a review period. The panel have properly set out their thinking in this area. In particular I have considered the published guidance which indicates that there are behaviours that, if proven, would militate against a review period being recommended. It is clear that the Panel found that none of these behaviours were present in this case. I agree that notwithstanding the inappropriate nature of Mrs Preston's dealings with Student A, Mrs Preston's actions do not amount to serious sexual misconduct, as set out in the guidance.

A prohibition order is for life, but a review period allows for the teacher to have the opportunity to demonstrate that they are suitable to teach after a period of time has elapsed. I have given careful consideration to this in this case. The panel point to real insight and genuine remorse on the part of Mrs Preston. On balance I support the view of the panel that a review period is proportionate. I agree that a 2 year review period is proportionate and in the public interest.

This means that Mrs Yvonne Preston 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 16 July 2016, 2 years from the date of this order at the earliest**. If she does apply, a panel will meet to consider whether the Prohibition Order should be set aside. Without a successful application, Mrs Yvonne Preston remains barred from teaching indefinitely.

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

Mrs Yvonne Preston 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 grey ink, appearing to read 'Alan Meyrick', with a checkmark at the end.

NAME OF DECISION MAKER: Alan Meyrick

Date: 10 July 2014

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