

THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Ms Diane Elizabeth Rycroft

Teacher ref no: 8642846

Teacher date of birth: 24 May 1965

TA Case ref no: 7900

Date of Determination: 24 January 2013

Former Employer: Manchester City Council Local Education Authority

A. Introduction

A Professional Conduct Panel (“the Panel”) of The Teaching Agency convened on 21, 22, 23 and 24 January 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3HH to consider the case of Ms Diane Elizabeth Rycroft.

The Panel members were Mr Mark Tweedle (Teacher Panellist– in the Chair), Ms Jean Carter (Lay Panellist) and Mr Martin Pilkington (Lay Panellist).

The Legal Adviser to the Panel was Mr Stephen Murfitt of Blake Laphorn Solicitors.

The Presenting Officer for The Teaching Agency was Ms Louisa Atkin of Browne Jacobson Solicitors.

Ms Diane Elizabeth Rycroft was present and was represented by Ms Sarah Gill.

The hearing took place in public and was recorded. The Panel agreed to parts of the hearing being heard in private.

B. Allegations

The Panel considered the allegations set out in the Notice of Proceedings dated 19 November 2012.

It was alleged that Ms Diane Elizabeth Rycroft was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

Whilst employed as Headteacher at St Wilfrid's CE Primary School, Newton Heath, between September 2005 and January 2009, and as Executive Headteacher of St Wilfrid's CE Primary School, Newton Heath, and St Barnabas CE Primary School, Openshaw, between January 2009 and February 2011, Ms Rycroft:

1. Failed to comply with the legal requirements in relation to her responsibilities in respect of SATs examinations at St Barnabas School in 2009, as set out in the 'Assessment and Reporting Arrangements' document in that Ms Rycroft:
 - a. allowed pupils to sit the examination a second time, and;
 - i. provided pupils with a level of assistance that is prohibited;
 - ii. submitted papers from the second examination for assessment;
 - b. altered pupils work prior to submitting the examination papers for assessment;
2. Acted dishonestly, in that Ms Rycroft told the Deputy Headteacher of St Barnabas School in 2009 that the children would only be re-sitting the SATs examination for teacher assessment, which was untrue, as she subsequently sent papers completed during the second examination for external assessment.
3. Made attempts to manipulate and falsify pupil attendance data, in that Ms Rycroft:
 - a. instructed the Business Manager of St Wilfrid's Primary School to alter and falsify pupil attendance data;
 - b. asked staff not to mark pupils as late;
 - c. altered pupil attendance records;
4. Behaved in an inappropriate and unprofessional manner towards staff in that Ms Rycroft :
 - a. bullied members of staff if they did not perform tasks as requested;
 - b. instructed members of staff not to speak to each other;
 - c. caused staff to believe that they may be replaced or face dismissal if they did not comply with certain instructions;
 - d. discussed personal information that had been disclosed to her in confidence with other members of staff on more than one occasion;
5. Took advantage of her professional position, in that Ms Rycroft allowed a family member to work at St Wilfrid's school in September 2009;
 - a. without receiving the necessary CRB check;
 - b. and attempted to have him appointed to a permanent position without following proper recruitment procedures;
6. Received payment for consultancy work which was not completed by her, in that Ms Rycroft;
 - a. received a portion of the fee paid for work completed by Witness A;
 - b. received a portion of the fee paid for work completed by Witness B.
7. Failed to exercise her management responsibilities in that Ms Rycroft;

- a. failed to implement an appropriate system of performance management /appraisals;
- b. failed to implement appropriate sickness and return to work procedures.

Ms Rycroft denied all of the allegations set out in the Notice of Proceedings dated 19 November 2012.

C. Summary of Evidence

Documents

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

Bundle A

Section 1	Notice of Proceedings & Response	Pages 2 - 8
Section 2	Witness Statements	Pages 10 - 32
Section 3	Teaching Agency Documents	Pages 34 - 1146
Section 4	Teacher's Documents	Pages 1148 - 1431

Bundle B

Pages 1 - 100

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

Brief summary of evidence given

Please note that this is intended to be a summary – it does not reflect the complete evidence given.

The Panel heard evidence from Witness A over a video link. Witness A joined St Wilfrid's School as a newly qualified teacher in 2004. Witness A told the Panel that within a short period of arriving at the School she had concluded that it was important to stay on the right side of Ms Rycroft, and if that was not achieved, then Ms Rycroft would refuse to speak to you.

Ms Rycroft was appointed as the Head Teacher of St Wilfrid's School in 2005 and in 2006 Witness A was appointed by Ms Rycroft to the role of Assistant Head Teacher. Witness A said that she constantly did as asked by Ms Rycroft because it was clear to Witness A that Ms Rycroft got rid of staff who didn't agree with her. In 2008 Witness A was appointed as the acting Deputy Head Teacher and then as Head-designate of St Wilfrid's.

Witness A gave evidence of a number of occasions when unwittingly she caused Ms Rycroft to be cross, which resulted in Witness A being sick and on one occasion

vomiting. Witness A gave evidence of seeing other staff reduced to tears, following a discussion with Ms Rycroft. Witness A said that she was concerned that personal and private information shared with Ms Rycroft had been shared with other staff.

Following the Ofsted inspection of 2008 the matter of school attendance became a matter of importance to Ms Rycroft. Witness A was present when Ms Rycroft told Witness C to falsify the attendance figures. Witness A also witnessed Ms Rycroft applying correction fluid to the attendance registers.

Witness A told the Panel that no performance management was carried out at the School. Ms Rycroft would take part of the fees for consultancy work undertaken by Witness A.

Mrs Witness C, the School Business Manager at St Wilfrid's School gave evidence to the Panel by video. One of Witness C's responsibilities was the attendance register and Witness C told the Panel that Ms Rycroft had asked her to falsify attendance records. Witness C said that Ms Rycroft told parents not to bother signing their children in as late and that Ms Rycroft refused to issue penalties when these occurred. Witness C said that the common theme underlying her time working with Ms Rycroft was one of constant intimidation and harassment. Witness C witnessed other staff leaving Ms Rycroft's office in tears, including Witness A who she found vomiting. Ms Rycroft said to Witness C in relation to Witness A "I made her so I can break her".

In relation to consultancy work undertaken by teachers in the School, Witness C told the Panel that both Witness B and Witness A had conducted consultancy work but that Ms Rycroft had arranged to take one half of the fee.

The Panel heard evidence from Witness B over a video-link. Witness B was the Foundation Unit Manager at St Wilfrid's Primary School at the relevant times. Witness B gave evidence as to a number of issues when there were tensions with Ms Rycroft and in particular at the time of the building of the Foundation Unit. In relation to visits to the Foundation Unit by others, a charge was made to some visiting schools in the sum of £120. Witness B only received a cheque for £50 per visit, the remaining monies being given to Ms Rycroft.

Witness D gave evidence to the Panel. Witness D began working at St Barnabas School in September 2009 as Head Teacher Designate. Her current position was that of Principal of St Barnabas School. Within a few weeks of September 2009 Witness D realised that everything centred around Ms Rycroft. Witness D said that she was "told off" by Ms Rycroft on a number of occasions. She witnessed a number of occasions when, if staff did not do as Ms Rycroft wished, then they would be undermined by her, and suffer criticism. Within two weeks of arriving at St Barnabas, Witness D began to seriously reconsider her position in the light of Ms Rycroft's approach.

During Witness D's time with the School Ms Rycroft never formulated or implemented any appraisal or performance management system, nor was there any effective sickness/return to work policy in practice. When questioned, Witness D

said that she found Witness E [Deputy Headteacher of St Barnabas School] to be honest and a person of integrity.

Witness F gave evidence to the Panel. Witness F informed the Panel that in the Autumn of 2008 Ms Rycroft became a Manchester Leader of Education. In December 2008 the LEA asked Ms Rycroft to take on the role of Executive Head Teacher for St Wilfrid's and St Barnabas Schools. This meant that from January 2009 she worked long hours in order to try and solve the problems. Ms Rycroft was physically and mentally exhausted by the Easter of 2009.

The suspension of Ms Rycroft in December 2009 came as a complete shock, and in due course Ms Rycroft came to the view that there was a concerted effort to destroy her. As a consequence she suffered severe stress and anxiety disorder and related severe depression. Witness F said he was an unpaid volunteer at St Wilfrid's School from mid-September 2009 until December 2009. At all times during his three month volunteering period he never heard a cross word between members of staff.

Witness F told the Panel that he completed a CRB form, as requested, and handed it into the office. Notification of the CRB check was received at home in October 2009. In November 2009 Witness F said he was approached by Witness A and asked whether he would be interested in becoming a full time teaching assistant. Witness F explained that this was not a role that interested him.

Ms Rycroft gave extensive evidence in relation to each of the seven allegations set out in the Notice of Proceedings. Ms Rycroft denied each and every one of the allegations and maintained that there was a conspiracy within both Schools to force her out. Ms Rycroft provided a number of documents in support of her case. In particular at pages 1152 to 1431 Ms Rycroft prepared a witness statement in which she provided comments on all of those witness statements that had been used within the School disciplinary process and were before the Panel.

D. 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, and those documents submitted during the hearing.

Ms Rycroft was employed as Headteacher at St Wilfrid's CE Primary School, Newton Heath, and as Executive Headteacher of St Wilfrid's CE Primary School, Newton Heath, and St Barnabas CE Primary School, Openshaw. The Notice of Proceedings sets out seven allegations of alleged misconduct on her part, which include a failure to follow statutory requirements for the conduct of the SATs examinations, employing a family member without following the required procedures, bullying staff, and acting dishonestly.

Findings of fact

The Notice of Proceedings dated the 19 November 2012 detailed an allegation of unacceptable professional conduct, and/or conduct which may bring the profession into disrepute. The particulars of the allegations are as follows:

Whilst employed as Headteacher at St Wilfrid's CE Primary School, Newton Heath, between September 2005 and January 2009, and as Executive Headteacher of St Wilfrid's CE Primary School, Newton Heath, and St Barnabas CE Primary School, Openshaw, between January 2009 and February 2011, Ms Rycroft:

1. Failed to comply with the legal requirements in relation to her responsibilities in respect of SATs examinations at St Barnabas School in 2009, as set out in the 'Assessment and Reporting Arrangements' document in that Ms Rycroft:
 - a. allowed pupils to sit the examination a second time, and;
 - i. provided pupils with a level of assistance that is prohibited;
 - ii. submitted papers from the second examination for assessment;
 - b. altered pupils work prior to submitting the examination papers for assessment.
2. Acted dishonestly, in that Ms Rycroft told the Deputy Headteacher of St Barnabas School in 2009 that the children would only be re-sitting the SATs examination for teacher assessment, which was untrue, as she subsequently sent papers completed during the second examination for external assessment.
3. Made attempts to manipulate and falsify pupil attendance data, in that Ms Rycroft:
 - a. instructed the Business Manager of St Wilfrid's Primary School to alter and falsify pupil attendance data;
 - b. asked staff not to mark pupils as late;
 - c. altered pupil attendance records.
4. Behaved in an inappropriate and unprofessional manner towards staff in that Ms Rycroft :
 - a. bullied members of staff if they did not perform tasks as requested;
 - b. instructed members of staff not to speak to each other;
 - c. caused staff to believe that they may be replaced or face dismissal if they did not comply with certain instructions;
 - d. discussed personal information that had been disclosed to her in confidence with other members of staff on more than one occasion.
5. Took advantage of her professional position, in that Ms Rycroft allowed a family member to work at St Wilfrid's school in September 2009;
 - a. without receiving the necessary CRB check;

- b. and attempted to have him appointed to a permanent position without following proper recruitment procedures.
- 6. Received payment for consultancy work which was not completed by her, in that Ms Rycroft;
 - a. received a portion of the fee paid for work completed by Witness A
 - b. received a portion of the fee paid for work completed by Witness B.
- 7. Failed to exercise her management responsibilities in that Ms Rycroft;
 - a. failed to implement an appropriate system of performance management /appraisals;
 - b. Failed to implement appropriate sickness and return to work procedures.

In summary, we have found all of the factual allegations proved except allegations 3c, 5a and b, 6a and b and 7b. We also find proved unacceptable professional conduct and conduct which may bring the profession into disrepute.

At a case management hearing on the 14 January 2013 it was directed by a single Panel member that Witness A, Witness B and Witness C should be treated as vulnerable witnesses. Accordingly we have received their evidence by video link in accordance with the direction made at the case management hearing. In addition, the Presenting Officer called Witness D to give oral evidence. Witness F and Ms Rycroft both gave oral evidence. The Panel was told, and accepted, that a number of the witnesses found it a difficult experience to give evidence to the Panel. Witness A had to interrupt her evidence owing to distress. Ms Rycroft placed medical evidence before us which set out her medical condition, and which detailed her own difficulties in attending before us.

We have received factual evidence from the witnesses called by the Presenting Officer, which is strongly disputed by Ms Rycroft. Subject to an application of the burden and standard of proof requirements it is clear to us that we are required to make a determination in a number of cases where the evidence of Ms Rycroft and Witness F is at variance with some witnesses called by, or relied upon by the Presenting Officer. Both representatives in their submissions told us that we will have to make judgements of credibility in relation to the witness evidence.

We make three preliminary observations in relation to the evidence which we have received over a period of three consecutive days.

Firstly, we received evidence from a substantial number of witnesses, either orally or as hearsay evidence, who have commented on the management style of Ms Rycroft at both schools. The evidence has been given by senior members of the leadership team and employees of long standing. In essence the staff did not want to find themselves in a position of conflict with Ms Rycroft because the personal consequences would have been serious. Witness A, Head Designate of St Wilfrid's described the position as 'I felt that you had to stay on the right side of Mrs Rycroft, and that if you did not do things as she wished, she would refuse to speak with you'. In giving evidence she expanded on this by saying that she would do anything asked

by Ms Rycroft in order to stay in her favour. Witness D, Head Designate of St Barnabas told us that 'if staff didn't do as Ms Rycroft wished they would be undermined by her and suffer criticism'.

Secondly, we were told that the effect of the management style of Ms Rycroft had long lasting consequences for a number of the staff members of both schools. We acceded to a request for three members of the school staff to be treated as vulnerable witnesses owing to their concern and anxiety about giving evidence in the presence of Ms Rycroft, a number of years after the events had taken place. We received evidence of staff receiving counselling as a consequence of the events at both schools. Ms Rycroft has told us that she suffered, and continues to suffer, medical consequences as result of the allegations she has faced at the school, and now before this Panel.

Thirdly, and finally, we comment on the management structures themselves at the time in relation to the two relevant schools imposed by the Local Education Authority. The concept of a federation of schools, with Ms Rycroft as an Executive Head and two individuals classified as Head-designate, appeared to us to lack both clarity of responsibility and a clear definition of respective roles. Ms Rycroft told us that once appointed as Executive Head she found it very difficult to talk to anyone at the Local Education Authority to seek clarity concerning a number of administrative matters. It was crucial for matters such as safeguarding to be clearly assigned to particular roles. We are satisfied on the evidence before us that Ms Rycroft took ultimate responsibility for major decisions and that both Witness A and Witness D were keen to defer to her in such matters. We have noted for example that when the subject of Witness F's employment was raised Witness A sent a text to Ms Rycroft making it clear it was Ms Rycroft's 'call'.

We make the following findings of fact by reference to the numbered paragraphs of the Notice of Proceedings:

1.a.i. Allowed pupils to sit the examination a second time and receive assistance.

We are satisfied that pupils sat the SATs examination for a second time and received assistance.

We have to consider carefully the hearsay evidence of Witness E. Her evidence has been tested before the school disciplinary hearing in October 2010, and the appeal hearing in February 2011. We accept that we have not, in this forum, been able to test her evidence. However, we were helped by the evidence of Witness D who told us that in her opinion she was honest and a person of integrity.

Witness A told us that a telephone conversation had taken place with Witness E when she was told that the pupils were sitting the SATs test for a second time.

In the morning three groups of pupils sat the SATs test. Ms Rycroft had a group of gifted and talented children in the school office owing to a lack of appropriate accommodation. Two SEN children were with a reader in a different room and the

remaining pupils were with Witness E. Both Witness E and Ms Rycroft were supervising the tests on their own.

Ms Rycroft's group finished early and Ms Rycroft told us that she returned the test papers to the office. She then went to Witness E's room where Ms Rycroft told us that she considered the pupils were distressed. Witness E disputes this evidence and states that her children were happy to leave the room upon completion of the test.

Ms Rycroft, in her evidence, accepted that she had organised a second activity for the pupils who had been distressed. The pupils had access to the official blank answer sheets and the pupils received support and encouragement. Witness E confirmed in her evidence that 'they were going through the writing paper. It was the same tests, a re-sit'. We are satisfied that a group of pupils completed SATs papers for a second time. This was confirmed by our scrutiny of two answer booklets for the long writing task which were completed by the same pupil, only one of which had been submitted for marking.

We do not accept Ms Rycroft's explanation that this second test was a pastoral activity or intended to boost morale of the pupils.

We have therefore decided we are able to give weight to the evidence of Witness E and in so doing we prefer her evidence in circumstances where it conflicts with Ms Rycroft.

In reaching a determination about matters at St Barnabas we were assisted by the statements of Individual G (page 288) and Individual H (page 287) that, prior to 2009, pupils from St Wilfrid's had received assistance from Ms Rycroft when completing their SATs.

We find this allegation proved.

1.a.ii. Allowed pupils to sit the examination a second time and submitted the papers for assessment.

Witness E, in her evidence, states that the papers completed on the second occasion were on Ms Rycroft's table together with the original test papers completed in the morning. Witness E states that Ms Rycroft put both sets of papers in a large bag and took them home. Ms Rycroft in evidence confirms this position, which in itself is clearly contrary to the Assessment and Reporting Arrangements.

The Panel has scrutinised papers that were sent for marking and returned to the school. There was evidence on the scripts of a number of pupils starting their writing by describing sounds. Witness E, who had taught these pupils, in her evidence to the disciplinary hearing (page 345) stated that she had been told by Ms Rycroft that starting with a sound was level 5. Witness E said that pupils had been prompted, and confirmed this point by reference to a particular pupil. The Panel also considered this evidence and formed the view that the papers submitted for external marking were papers where pupils had received coaching.

Witness E commented upon return of the marked papers that 47% of the pupils were graded at level 4 or above and this was above her expectations for the group, given that the results had been achieved in a school where the year six teacher was new to the school and inexperienced in preparing pupils for SATs.

Taking all these matters into account we find the allegation proved.

1.b. Altered work prior to submission.

Ms Rycroft has admitted the scripts were taken to her home and returned to the school the next day. Witness E gives evidence that Ms Rycroft told her that, 'she had been doing that all night. Using a hand gesture like pointing as if she was using a pen to do a full stop. I said what do you mean. She replied putting full stops. I understood her to mean amending the SATs papers'.

The Panel in its scrutiny of the marked scripts saw evidence which appeared to indicate punctuation had been added. The Panel considered the assertion that scripts had been tampered with on their return to school. The Panel is of the view that Ms Rycroft altered pupils' work prior to submission for assessment.

We find this allegation proved.

1. Failed to comply with the legal requirements in respect of SATs Examinations as set out in the 'Assessment and Reporting Arrangements' document'.

We have considered the document entitled 'Assessment and Reporting Arrangements' that is in our hearing bundle at pages 962-975. It is clear to us that only one attempt is allowed by pupils in relation to SATS tests. Furthermore the pupils must work independently (10.2) and must not be given inappropriate support (10.2). The guidance makes clear that the scripts must not 'be looked at, annotated or reviewed'.

In the light of our earlier determinations, above, we find this allegation proved.

2. Acted dishonestly, in that you told the Deputy Headteacher of St Barnabas School that the children would only be re-sitting the SATs examination for teacher assessment, which was untrue, as you subsequently sent papers completed during the second examination for external assessment.

We have been advised that we need firstly to decide whether on the balance of probabilities we find the facts proved as set out in allegation 2. If we find the facts proved then we need to ask ourselves whether Ms Rycroft's actions would be regarded as dishonest according to ordinary standards of reasonable and honest people. If the answer to that question is yes, then we then have to ask ourselves the further question as to whether on the balance of probabilities Ms Rycroft herself must have realised that her actions would be regarded as dishonest by those standards.

We have already determined that the re-sit papers were submitted for assessment. Ms Rycroft in her account states that the re-sit activity 'was never planned to be and never was a second go at the SATS' and 'this was made very clear to the children and Witness E.' Witness E in her account says that Ms Rycroft told her 'that we will do it again for teacher assessment'.

The Panel determines that Ms Rycroft made an untrue statement with the intention of misleading Witness E as to the true purpose of the re-sitting of the SATs test.

We now need to apply the objective test as to whether the actions of Ms Rycroft would be regarded as dishonest according to ordinary standards of reasonable and honest people. We are satisfied that ordinary people would consider such actions to be dishonest.

We now need to apply the subjective test namely whether on the balance of probabilities Ms Rycroft must herself have realised that her actions would be regarded as dishonest by those standards. Given Ms Rycroft's experience, position and knowledge of the Assessment and Reporting Arrangements document we find that she must have realised at the time her actions were dishonest.

We find this allegation proved.

3.a. Instructed the Business Manager of St Wilfrid's Primary School to alter and falsify pupil attendance data.

The Business Manager, Witness C, who was responsible for the attendance procedure at St Wilfrid's gave oral evidence. Witness C's written statement before us (page 19) stated 'Mrs Rycroft asked me to falsify attendance records' and ' I should tippex out the records and change the information'. When challenged by Witness C, Ms Rycroft told her that ' to falsify them was not illegal and I should always go one step further'.

In her evidence Witness A states she was present when Ms Rycroft asked Witness C to falsify the attendance records.

Ms Rycroft denies that this exchange took place, although accepts there were discussions with Witness C regarding attendance when improving attendance was identified as a key issue following the Ofsted inspection.

We found the evidence of Witness C, which was challenged in cross examination, to be credible and persuasive. In relation to this allegation we prefer the evidence of Witness C to that given by Ms Rycroft.

We find this allegation proved.

3.b. Asked staff not to mark pupils as late.

Ms Rycroft told us that her understanding of being 'late' was different to the guidance issued by Manchester LEA, a copy of the relevant document being at page 1009 of

our bundle. The school operated a system where pupils could arrive up to 30 minutes after the start of the school day and not be recorded as late. Pupils arriving between 9.30 and 10.00 should according to Ms Rycroft have been recorded as late and those arriving after 10.00 recorded as absent.

We were taken in evidence to a copy of the Late Book and corresponding registers at pages 1011 to 1034. It was evident to us that pupils arriving after 9.30 were not recorded as late.

In Witness C's statement (page 20) she says, 'Ms Rycroft asked me to falsify records in relation to pupil lateness' and that, 'Ms Rycroft told parents not to bother signing their children in as late'.

Individual J the school attendance coordinator for St Barnabas comments in her statement (page 245) that Ms Rycroft told her 'not to record any children arriving late as it affects the whole school attendance percentage'. In response Ms Rycroft said that the discussion did not take place and such a suggestion was 'astounding'.

Given that we received evidence from both schools, including documentary evidence from St Wilfrid's that lateness was not recorded, we prefer the evidence of Witness C and Individual J to that of Ms Rycroft.

We find the allegation proved.

3.c. Altered pupil attendance records.

Witness A in her witness statement at page 15, and in her oral evidence, told us that she found Ms Rycroft applying correction fluid to the registers when Witness C was absent. However, there was no evidence at the attendance audit that records had been amended with correction fluid and there were no such records before us.

We have decided that the burden of proof has not been satisfied and we do not find this allegation proved.

3. Made attempts to manipulate and falsify pupil attendance data.

Having regard to our findings under paragraphs a and b, we find the allegation proved.

4. Behaved in an inappropriate and unprofessional manner towards staff.

We have received extensive written evidence in the form of thirty-six statements from staff at both schools. We received oral evidence from three senior members of staff at St Wilfrid's and from the then Head Designate, now Principal of St Barnabas. This evidence indicated that Ms Rycroft behaved in an inappropriate and unprofessional manner towards staff. Ms Rycroft denied these serious allegations against her in forthright and unequivocal terms.

The statements came from persons in a variety of roles including Head Designate, Deputy Headteacher, teacher, classroom assistant, lunchtime organisers, and

cleaners. Some of the statements were from staff who had been at the schools for a long period of time. Some statements were from staff who had been managed by Ms Rycroft for a short period of time.

In the report to the Disciplinary committee (at page 320 of our hearing bundle) we noted the following list of words which staff used to describe their experience of being managed by Ms Rycroft. The list is: '*abused, demoralised, ignored, threatened, victimised, bullied, destroyed, nervous, manipulated, intimidated, frightened, humiliated, uncomfortable, tense, pressurised drained, unprofessional, scared, anxious, unpleasant, stressed, isolated, suppressed, filled with dread and hounded*'.

The oral evidence received by us reflected the sentiments of many of the words used in this analysis. Senior staff at St Wilfrid's said they were afraid to challenge Ms Rycroft. The consequences included ostracism and implied threats to terminate employment. Witness C recalls that in September 2009 she witnessed Witness A leaving Ms Rycroft's office in tears and later vomiting after an incident between the two of them. Ms Rycroft said to Witness C 'I made her (Witness A) so I can break her'. A measure of the impact of this regime is the number of staff who have had reason to seek medical help including counselling.

Witness D who had been appointed Head Designate at St Barnabas in September 2009 gave evidence that, 'I had been excited to work at St Barnabas but after two weeks I had begun to seriously consider my position in the light of Ms Rycroft's approach'. Witness D was commenting on the fact that if staff did not do as Ms Rycroft wished they would be undermined and suffer criticism. We found Witness D an impressive witness.

In oral evidence before us Witness A and Witness C expressed themselves very strongly about Ms Rycroft's disclosure of their personal confidential information to others.

Ms Rycroft told us that she rejected all criticism of her management style. She was shocked when she was suspended in December 2009 when the extent of the allegations against her became apparent. She told us she had a demanding job in turning round an inner city school and this required firm leadership. Throughout she felt she had retained warm relationships with senior colleagues citing the numerous text messages exchanged between them, her nomination by colleagues as an outstanding Head, and the gifts and flowers that were exchanged. Some colleagues did confirm that Ms Rycroft was at times 'lovely' but many confirmed that her mood was inconsistent.

The Panel have decided that the weight of the evidence in relation to each particular of this allegation is considerable. Ms Rycroft urged upon us that there was a conspiracy against her and that evidence had been fabricated. We reject that submission in the light of the considerable evidence against her including that of Witness D who had been newly appointed and quickly came to understand and experience the oppressive working environment of the school.

We find this allegation proved.

5.a. Allowed a family member to work at St Wifrid's school without a CRB check.

The Panel was not given a copy of any policy operated by the school or Manchester LEA regarding CRB clearance for volunteers.

We have received evidence from Witness F that he had submitted documentation to obtain a CRB check when he commenced as a volunteer at the school and that he received his clearance in October 2009. This was confirmed independently by Witness C.

Witness F gave evidence that he was not working in an unsupervised capacity with children.

The allegation is one of implied breach of policy. We have not seen a relevant policy and therefore we do not find this allegation proved.

5.b. Attempted to have a family member appointed to a permanent position at St Wilfrid's without following proper recruitment procedures.

The allegation relates to not following proper recruitment procedures. We have not seen the procedures relied upon by the Teaching Agency. The evidence from all parties was that there was an intention to advertise which was not followed through.

We do not find this allegation proved.

5. Took advantage of your professional position in that you allowed a family member to work at St Wilfrid's school.

Having regard to our findings under a and b, we do not find this allegation proved.

6.a.b. Received payment for consultancy work which was not completed by you.

The Panel received no documentary evidence as to a Policy and contractual arrangements for this consultancy work; no details were provided as to the extent of the consultancy work or the payments involved. There was conflicting evidence as to who completed the work.

The burden of proof has not in our opinion been satisfied and therefore we do not find this allegation proved.

7.a. Failed to implement an appropriate system of performance management/appraisals.

We have considered the Performance Management Regulations at pages 711-727 of our bundle which describe in detail the annual performance management cycle. This is a statutory requirement placed on the two relevant schools.

We received evidence from Witness D who told us there was no performance management system in place at St Barnabas, in that individual staff objectives had not been set or reviewed. This was confirmed by Ms Rycroft who told us that whole school objectives had been set but that these had not been subject to individual discussion between appraiser and appraisee in accordance with the Regulations. We therefore find that there was no performance management system or appraisal system at St Barnabas.

With regard to St Wilfrid's, Witness A told us in paragraph 19 of her statement (page 15) that 'there was no performance management carried out. Although Ms Rycroft would set targets for some people, it was not consistent and targets were not monitored. If targets were given, there was no discussion or feedback, you were simply told to sign a piece of paper with targets set out.'

The Deputy Head at St Wilfrid's (page 246) states that, 'this did not follow accepted guidelines, targets were set and given out with little or no consultation, there were no intermediate reviews and the targets were not reviewed at the final review.'

Ms Rycroft gave evidence about the performance management arrangements at St Wilfrid's. Demanding whole school targets were set as confirmed by Ofsted in 2008. However, it was less clear how these were translated into objectives for individuals. Ms Rycroft indicated that the objectives set for her were shared by the senior leadership team.

Having regard to the above we find the allegation proved.

7.b. Failed to implement appropriate sickness and return to work procedures.

The Panel has received no policies as to sickness and return to work procedures. We have received conflicting evidence as to procedures adopted in both schools in relation to these matters.

We do not find this allegation proved.

7. Failed to exercise your management responsibilities.

Having found paragraph (a) we find this allegation proved.

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

We are satisfied that the conduct of Ms Rycroft, in relation to the facts that we have found proved, involved a breach of Teachers Standards. We consider there has been a breach of the following Standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school;
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

We are satisfied that the conduct of Ms Rycroft fell short of the standard expected of the profession.

Accordingly, we are satisfied that Ms Rycroft is guilty of unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's Recommendation to the Secretary of State

We have carefully considered all matters of mitigation that have been advanced by Ms Gill on behalf of Ms Rycroft. In particular we have carefully considered Ms Rycroft's successful career history as outlined to us by Ms Gill, and the nominations/awards received by Ms Rycroft during that period. The Panel has taken into account the demands made upon Ms Rycroft by the challenging Executive Head Teacher role, and the lack of resources, particularly in terms of staff expertise. We have noted the medical history of Ms Rycroft provided to us by Ms Gill in her closing submissions.

We accept that Ms Rycroft was an effective and committed classroom teacher and we have received no evidence that suggests otherwise.

In considering the question of whether to recommend to the Secretary of State that a Prohibition Order should be made we have to consider whether it is a proportionate measure and if 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.

We have considered the public interest and in particular:

- The protection of children and other members of the public;
- The maintenance of public confidence in the profession;
- Declaring and upholding proper standards of conduct.

We have considered the advice on Teacher Misconduct in relation to the Prohibition of Teachers, and have concluded that the following criteria identified in the guidance as to whether prohibition is appropriate are relevant:

- Serious departure from personal and professional conduct elements of the latest Teachers Standards;
- Misconduct seriously affecting the education and /or well-being of pupils;
- Dishonesty;
- Sustained or serious bullying.

We have concluded that Ms Rycroft has shown little insight into these allegations and we reach that conclusion by her continued and stringent denial of all of the allegations in the face of substantial evidence.

We are mindful of our obligation to balance the interests of Ms Rycroft with those of the public interest as outlined above. In undertaking that balancing exercise we are

of the view that the public interest requires us to make a recommendation to the Secretary of State that a Prohibition Order should be imposed.

Panel's Recommendation to the Secretary of State

We have considered the mitigating circumstances advanced by Ms Rycroft and make a recommendation to the Secretary of State that an application for review of the Prohibition Order should be considered after a period of 5 years. We have concluded that Ms Rycroft may have a future contribution to make to the classroom. Prior to her appointment to a senior position she was passionate in her commitment to serving deprived communities.

Secretary of State's Decision and Reasons

I have given very careful consideration to the circumstances surrounding this case, and in particular the recommendations of the panel.

There were a range of allegations set out in the Notice of Proceedings and the panel have set out in detail their findings in relation the facts.

Ms Rycroft's behaviour shows a serious departure from the personal and professional standards expected of a teacher. Her conduct has affected the education of pupils and she has also acted dishonestly. The panel also found allegations relating to bullying colleagues proven.

Ms Rycroft showed little insight into her behaviour evidenced by her continual denial of the allegations in the face of substantial evidence.

In all the circumstances I concur with the panel's recommendation that a prohibition order is a proportionate sanction in the public interest.

Turning next to the matter of a review period I have considered the mitigations put forward and in particular Ms Rycroft's career history, the demanding role she took on as executive headteacher and Ms Rycroft's medical history. I agree with the panel's recommendation that Ms Rycroft be able to apply for the order to be reviewed but **not until 1 February 2018, 5 years from the date of this order at the earliest.**

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

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

NAME OF DECISION MAKER: Paul Heathcote

DATE: 25 January 2013

