

## THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

**Teacher:** Ms Christine Frances Foulds  
**Teacher ref No:** 0837510  
**Teacher date of birth:** 21 March 1954  
**TA Case ref No:** 8447  
**Date of Determination:** 31 October 2012  
**Former Employer:** Woodbank Primary School, Bury

### **A. Introduction**

A Professional Conduct Panel (“the Panel”) of the Teaching Agency convened on 29 October 2012 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Ms Christine Frances Foulds.

The Panel members were Dr Geoffrey Penzer (Lay Panellist in the Chair), Mr William Brown (Lay Panellist) and Mrs Margaret Simpson (Teacher Member).

The Legal Adviser to the Panel was Miss Françoise Snape of Berrymans Lace Mawer LLP Solicitors.

The Presenting Officer for the Teaching Agency was Ms Sophie Lister of Kingsley Napley Solicitors.

Ms Christine Frances Foulds was not present and was not represented.

The hearing took place in public and was recorded.

### **B. Allegations**

The Panel considered the allegations set out in the Notices of Proceedings dated 18 July 2012 and 22 August 2012.

It was alleged that Ms Christine Frances Foulds was guilty of unacceptable professional conduct in that whilst employed as a supply teacher at Woodbank Primary School, Bury, in a Year 6 class on 28 January 2011 she:

1. Behaved in an inappropriate and unprofessional manner towards pupils in that she;

- a. Physically assaulted Pupil A;
- b. Encouraged Pupil B to physically assault Pupil A;
- c. Did not prevent or reprimand Pupil B when he hit Pupil A.

Ms Foulds made no admission of the facts; neither did she make any admission that her alleged behaviour amounted to unacceptable professional conduct.

## **C. Summary of Evidence**

### Documents

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

- Section 1 An anonymised pupil list - page 1
- Section 2 Notice of Proceedings and Teacher's Response - pages 2 – 4
- Section 3 Teaching Agency Statement - pages 5 – 10
- Section 4 Teaching Agency Documents - pages 11 - 95
- Section 5 Teacher's documents – no documents were provided

In addition, the Panel agreed to accept the following documents:

Copy emails dated 18 and 20 August 2012, emails dated 24 and 26 October 2012 and a letter to Ms Foulds dated 22 August 2012. These documents were added to Section 4 of the bundle of documents and numbered pages 96-100

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

### Opening Address

Ms Lister outlined the allegations against Ms Foulds and stated that she intended to call Witness A, the former Head Teacher of Woodbank Primary School to give evidence

Ms Foulds had been employed as a supply teacher at the school in January 2011. Concerns were expressed in respect of her conduct with a Year 6 class on 28 January 2011. Following those concerns Witness A made arrangements for the allegations to be investigated and pupils were asked to write statements. Some of the Year 6 pupils were also interviewed by Witness A and his Deputy, Individual B. A

summary of their finding can be found at page 47 of the Teaching Agency's bundle of documents. It was alleged that Ms Foulds had placed her hands around the neck of Pupil A, that allegation being corroborated by Pupils D, E, F, and G whose accounts were contained in pages 47, 49 and 50 of the above bundle of documents.

It was also alleged that Ms Foulds had encouraged Pupil B to assault Pupil A and furthermore that she had taken no action to prevent or to reprimand Pupil B when this had taken place. The pupils' accounts of this incident were contained in the documents numbered 48, 75, 51, 52, 66, 87 and 88.

### 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 the former Head Teacher at Woodbank Primary School, whose statement on pages 5 – 10 was taken as read.

- Witness A recounted that prior to his retirement he had been the Head Teacher at the school for 19 years. He described the school as a mixed primary school which had grown significantly in size in 1999 – 2000 as the result of the closure of another local school.
- He had no day-to-day contact with Ms Foulds whose role was that of a supply teacher working for Randstad, an agency. His recollection was that on the Thursday and Friday she taught Year 6 pupils.
- Witness A recounted a conversation that he had with his secretary late in the afternoon of Friday 28 January 2011 when she told him that some of the parents and children were waiting to speak to him after school. He recalled that complaints were made that Ms Foulds had allowed the children to hit each other and had called them names. Witness A asked the children to write down what they had witnessed. He contacted Randstad immediately after he had spoken to parents and advised them of the complaints which he had received concerning Ms Foulds and that it would be necessary for him to carry out an investigation.
- On the following Monday, Witness A and his Deputy Individual B commenced an investigation. Both Witness A and Individual B interviewed children. According to Witness A's recollection the allegations which were being made against Ms Foulds were that she had allowed children to hit each other. He stated that he had read the notes on page 47 which Individual B had produced summarising their findings, and that he was satisfied that the contents accurately reflected what the children had said.
- Witness A was also satisfied that the notes which had been produced of strategy meeting which he had attended on 3 and 15 February 2011 were accurate (pages 31 and 39). Witness A's was not present when Ms Foulds was subsequently questioned concerning the allegations by her employers, Randstad.

In response to questions from the Panel, Witness A confirmed that he was not in a position to confirm that Ms Foulds had been provided with a copy of the school's behaviour policy or whether she had been given any information concerning the children in Year 6. However, at the time of the alleged incidents she had been working as a supply teacher at the school for 4 days and should have been aware of what was expected of her. He stated that he was 'aghast' after hearing the complaints and made immediate contact with the agency which had arranged for Ms Foulds to work at the school as a supply teacher. Witness A's also stated that he found it 'hard to believe' that children would have 'invented' these allegations. The catchment area for the school is quite large and it is highly unlikely that many if any of the children would have got together over the weekend.

### Closing Address

Ms Lister referred the Panel to the documentary evidence which had been produced together with the evidence of Witness A whom she described as being a credible witness. She submitted that although the documents which had been produced consisted of hearsay evidence Witness A was content that they accurately reflected what he and Individual B had been told during their investigation. For those reasons there could be no doubt that the facts of the allegations were proven.

As far as unacceptable professional conduct is concerned, Ms Fould's conduct fell short of the standards expected of a teacher. She had assaulted Pupil A, a child with special educational needs. There was no need for her to have had any physical contact with Pupil A whether that was to place her hands around his neck or, according to Ms Foulds' own account, on his shoulders. Furthermore, it was clear that Ms Foulds had been unable to manage the childrens' behaviour because she had allowed and even encouraged them to hit each other and had not taken any preventative or disciplinary steps to stop any physical violence. In acting as she did she had failed to take reasonable care of pupils under her supervision.

## **D. Decision and Reasons**

The Panel announced its decision and reasons;

### Findings of fact

Our findings of fact are as follows:

We have found the allegations against Ms Foulds proven, for these reasons:

Having heard evidence concerning the reaction of pupils and parents on the relevant evening and having considered the written statements of pupils together with the records of the investigation conducted by Witness A and Individual B we find that Ms Foulds assaulted Pupil A on at least one occasion. In reaching that conclusion we have also considered the account given by Ms Foulds during the subsequent investigation in which she accepted that she had made physical contact with Pupil A.

We further find that Ms Foulds encouraged Pupil B to hit Pupil A and did not reprimand him when he did so as alleged. We have reached those conclusions on the basis of the accounts given by Pupils A, B and C which were broadly consistent and corroborated by the accounts of other pupils. We have also considered the records of interviews with the pupils, which we found to be both credible and convincing.

### Findings as to Unacceptable Professional Conduct

Having found the above allegations proved we further find that Ms Foulds' conduct as outlined above amounts to unacceptable professional conduct. This is because she failed to uphold public trust in the profession and failed to maintain high standards of behaviour by treating pupils with dignity, and did not build relationships based on mutual respect. She also failed to observe proper boundaries appropriate to a teacher's professional position and failed to have regard to the need to safeguard pupils' well-being in accordance with statutory provisions.

Furthermore, we find that Ms Foulds failed to put the well-being, development and progress of children first by using her professional judgement to do her best for the children in her care. She also failed to demonstrate self-awareness and take responsibility for accessing help and support in order to ensure that her own practice did not place children at risk of harm.

In reaching those conclusions we have taken into account the Teaching Agency Professional Conduct Standards 2012 and the General Teaching Council's Code of Practice for 2009.

### **Panel's Recommendation to the Secretary of State**

When considering what sanction, if any, to recommend we have had regard to "The Prohibition of Teachers – DfE advice on factors relating to decisions leading to the prohibition of teachers from the teaching profession".

In particular we have had regard to the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct. We have sought to approach the issue bearing in mind the principle of proportionality.

We have been advised by the Presenting Officer that there are no previous adverse findings in respect of Ms Foulds' work as a teacher. We have also noted that Ms Foulds has failed to engage with the disciplinary process. In the absence of any explanation for her actions, statement of mitigating circumstances or expressions of regret for any distress which she may have caused to the children, we have found that Ms Foulds' conduct constitutes a serious departure from the standards expected of a teacher. Her subsequent failure to engage with these proceedings demonstrates a lack of appreciation of the seriousness of this matter. We have concluded that it is appropriate to recommend that a Prohibition Order is made and that Ms Foulds be

eligible to apply for the Prohibition Order to be reviewed after a minimum of two years.

### Secretary of State's Decision and Reasons

I have given careful consideration to the panel's findings and recommendations. Ms Foulds has failed to meet the high standards of behaviour expected of her in her capacity as a teacher. She has failed to observe professional boundaries and failed in her duty to safeguard pupil's well-being.

There are no previous adverse findings in respect of Ms Foulds work as a teacher. However she has failed to engage with this disciplinary process and has provided no explanations nor has she shown any insight into her behaviour.

In all the circumstances I concur with the panel's recommendation that a prohibition order should be imposed and that Ms Foulds be eligible to apply for the order to be reviewed after a minimum period of two years.

This means that Ms Foulds 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 4 November 2014, 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 Foulds remains barred from teaching indefinitely.

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

**NAME OF DECISION MAKER: Paul Heathcote**  
**Date: 31 October 2012**