



National College for  
Teaching & Leadership

# **Ms Lisa Johnson: Professional conduct panel outcome**

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

**October 2016**

## Contents

Contents	2
A. Introduction	3
B. Allegations	4
C. Preliminary applications	4
D. Summary of evidence	7
Documents	7
Witnesses	8
E. Decision and reasons	8
Findings of fact	9
Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute	11
Panel's recommendation to the Secretary of State	13
Decision and reasons on behalf of the Secretary of State	15

## **Professional conduct panel decision and recommendations, and decision on behalf of the Secretary of State**

**Teacher:** Ms Lisa Johnson  
**Teacher ref number:** 9436995  
**Teacher date of birth:** 10 September 1972  
**NCTL case reference:** 14640  
**Date of determination:** 11 October 2016  
**Former employer:** Holy Family Catholic Primary School, Birmingham

### **A. Introduction**

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the NCTL”) convened on 10 and 11 October 2016 at the Ramada Hotel, The Butts, Coventry CV1 3GG to consider the case of Ms Lisa Johnson.

The panel members were Mr Keith Jackson-Horner (teacher panellist – in the chair), Mr Michael Sanderson (lay panellist) and Ms Alison Feist (lay panellist).

The legal adviser to the panel was Ms Victoria Callicott of Eversheds LLP.

The presenting officer for the NCTL was Mr Harry Bentley of Counsel, instructed by Nabarro LLP.

Ms Lisa Johnson 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 Notice of Proceedings dated 22 August 2016.

It is alleged that Ms Lisa Johnson is guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:

1. Whilst Headteacher at Holy Family Catholic Primary School (“the School”) she engaged in a relationship with Mr A who has a conviction for a sexual offence committed against a child under the age of 13 years old;
2. She continued in the relationship with Mr A after having been made aware of the nature of his conviction on the 14 September 2015;
3. She failed to disclose the nature of Mr A’s conviction to the School upon being made aware of them;
4. She continued in her post as Headteacher at the School upon being made aware of the nature of Mr A’s conviction.

The panel notes that Ms Johnson has submitted a Statement of Agreed Facts which was signed by her on 9 May 2016. In the Statement of Agreed Facts, Ms Johnson accepts the facts relating to allegations 1, 2 and 4. However, Ms Johnson denies the facts relating to allegation 3. Her position was subsequently confirmed in the Notice of Proceedings form dated 23 August 2016. Accordingly, this case is proceeding as a disputed case.

## C. Preliminary applications

### Proceeding in the absence

The panel has considered whether this hearing should continue in the absence of the teacher upon the application of the presenting officer.

The panel is satisfied that the NCTL has complied with the service requirements of paragraph 19 a to c of the Teachers’ Disciplinary (England) Regulations 2012 (the “Regulations”).

The panel is also satisfied that the Notice of Proceedings complies with paragraphs 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession, (the “Procedures”). The panel notes that the Notice of Proceedings was only sent to Ms Johnson on 22 August 2016, which is less than the requisite 8-week period prior to this hearing. However, the panel notes that Ms Johnson indicated her consent to receive a shorter notice period between the Notice of Proceedings and the hearing taking place in the Notice of Referral form dated 23 April 2016 which was signed by Ms Johnson.

The panel has determined to exercise its discretion under Paragraph 4.29 of the Procedures to proceed with the hearing in the absence of the teacher.

The panel understands that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one.

In making its decision, the panel notes that the teacher may waive her right to participate in the hearing. The panel has taken account of the various factors drawn to its attention from the case of *R v Jones [2003] 1 AC1*. The panel notes that Ms Johnson returned the Notice of Proceedings form which was signed and dated 23 August 2016 (p.8 to p.13). The panel has also seen emails between Ms Johnson and the presenting officer's firm on 16 September and 20 September 2016 regarding the current hearing and that Ms Johnson had indicated in both the Notice of Referral form and Notice of Proceedings form that she did not intend to attend the hearing or be represented. The panel notes that in a letter dated 1 September 2016 and the email dated 20 September 2016, Ms Johnson was informed that the NCTL intended to make an application to proceed with the hearing should Ms Johnson not attend the hearing and invited Ms Johnson to make any representations on that application. The panel notes that no representations were received. The panel is satisfied that Ms Johnson is aware of the proceedings.

The panel therefore considers that Ms Johnson has waived her right to be present at the hearing in the knowledge of when and where the hearing is taking place.

The panel has had regard to the requirement that it is only in rare and exceptional circumstances that a decision should be taken in favour of the hearing taking place. There is no indication that an adjournment might result in Ms Johnson attending the hearing. Ms Johnson has also indicated that she does not wish to be legally represented at the hearing.

The panel has had regard to the extent of the disadvantage to Ms Johnson in not being able to give her account of events, having regard to the nature of the evidence against her. The panel also has the benefit of a Statement of Agreed Facts (p. 14 and p. 15).

The panel notes that all witnesses relied upon are to be called to give evidence and the panel can test that evidence in questioning those witnesses, considering such points as are favourable to Ms Johnson, as are reasonably available on the evidence.

The panel has not identified any significant gaps in the documentary evidence provided to it and should such gaps arise during the course of the hearing, the panel may take such gaps into consideration in considering whether the hearing should be adjourned for such documents to become available and in considering whether the presenting officer has discharged the burden of proof.

The panel is also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account.

The panel has had regard to the seriousness of this case, and the potential consequences for Ms Johnson and has accepted that fairness to Ms Johnson is of prime importance. However, it considers that in light of Ms Johnson's waiver of her right to appear; by taking such measures referred to above to address that unfairness insofar as is possible; and taking account of the inconvenience an adjournment would cause to the witnesses; that on balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time is in favour of this hearing continuing today.

#### The form of the published decision

The panel has considered the presenting officer's application that the decision notice of today's hearing, if published, be published in both Ms Johnson's maiden name and married name.

The panel has taken legal advice from the legal adviser who confirmed that there is no express guidance in the Procedures in respect of this application. In those circumstances, the panel notes that it has to make a decision in light of what is fair and reasonable and in the interests of justice.

The panel has considered that the purpose of publishing decision notices is to ensure that a third party can undertake appropriate checks to see whether a teacher has been prohibited from teaching and if so, for how long. This enables the appropriate safeguarding of children to take place. The panel also notes the legal advisers advice that the conviction against Ms Johnson's husband, Mr A, is a matter of public record and that the victim will have been anonymised in those proceedings to protect that victim's identity. The panel has also given consideration to the fact that Ms Johnson is likely to want any decision to be in her married name given her comments in correspondence (p.42) but notes that these comments are made without her having the benefit of taking legal advice.

The panel however considers in this case that the interests of protecting the victim in respect of Mr A's conviction outweigh the interests of publishing the decision in Ms Johnson's married name. The panel considers that the public would still be protected even if the decision is published only in the name of Ms Johnson, thereby fulfilling the purpose for which decision notices are published. Ms Johnson would have to give her name, former name and teacher reference number upon any subsequent possible application for any teaching role and that these details will be sufficient for the decision of the panel in this case to be identified upon reasonable enquiry. The panel considers that it is of utmost importance that the child's identity is protected in relation to Mr A's conviction and therefore considers it reasonable to only publish the decision in the name

of Ms Johnson. The panel reminds the press to respect that decision in case of inadvertent disclosure of Ms Johnson's married name.

The legal advisor advised the panel that there were other ways of protecting the victim's identity if the panel felt such measures necessary. For example, paragraph 4.60 of the Procedures allows the panel if it considers to be in the interests of justice to decide the name and identity of the school should be anonymised. However, given that the panel has decided to not publish the decision in Ms Johnson's married name, the panel declined to take any further legal advice on anonymisation.

### Additional documents

The panel during the hearing considered whether it required the presenting officer to submit copies of the documents which were appended to Witness A's witness statement. The panel is mindful of its obligations to ensure it tests any gaps in the evidence given that it has decided to proceed in Ms Johnson's absence.

The panel considered its discretion to admit additional documents under paragraph 4.25 of the Procedures. The panel considered in accordance with paragraph 4.18 whether it was fair to admit any additional evidence. Although the panel would have liked to have seen the documents enclosed with the witness statement of Witness A (referred to on p.19), in particular, the suspension letter from Witness A to see what terms it was couched in, the panel considers that Ms Johnson has not had the opportunity to make any representations in respect of the admission of additional documents and it is not in the interests of justice for such documents to be admitted given the likely limited probative relevance to the only disputed allegation.

## **D. Summary of evidence**

### **Documents**

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

Section 1: Chronology – pages 4 to 5

Section 2: Notice of Proceedings – pages 7 to 15

Section 3: NCTL witness statements – pages 17 to 20

Section 4: NCTL documents – pages 22 to 34

Section 5: Teacher documents – pages 36 to 43

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

## Witnesses

The panel heard oral evidence from Witness A (Chair of Board of Governors of Holy Family Catholic Primary School).

## E. Decision and reasons

The panel announced its decision and reasons as follows:

The panel has carefully considered the case before it and has reached a decision.

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing.

Ms Lisa Johnson was employed as headteacher at Holy Family Catholic Primary School (the "School") since 1 September 2014. In or around June 2015, Ms Johnson engaged in a relationship with Mr A. On 14 September 2015, Ms Johnson was informed by Mr A that he had been convicted of a sexual offence against a child under the age of 13 years old. On 15 September 2015, Ms Johnson was informed of the nature of Mr A's conviction by the police. On 16 September 2015, Ms Johnson was also informed of the nature of Mr A's conviction by the probation service. Ms Johnson's account is that she informed Witness A of the relationship with Mr A on 15 September 2015 in a telephone call. Witness A does not consider that Ms Johnson did disclose her relationship with Mr A during that telephone call and instead simply commented that she would receive a telephone call regarding a relationship that Ms Johnson was in.

On 30 September 2015, a multi-disciplinary meeting took place and Witness A stated it was at this meeting that she was first informed of the nature of Mr A's conviction. Following this meeting, Witness A met with Ms Johnson later on the same day at the School and verbally informed her that she was suspended pending the outcome of an internal investigation. On 2 October 2015, Ms Johnson's suspension was confirmed in writing by Witness A.

In late October 2015, an independent investigator was appointed to conduct an investigation on behalf of the School. As part of the investigation, the independent investigator conducted interviews with Ms Johnson, a representative of the police, and a representative of the probation service. On 30 October 2015, Ms Johnson resigned from her post with effect from 31 October 2015.



## Findings of fact

Our findings of fact are as follows:

The panel has found the following particulars of the allegations proven, for these reasons:

It is alleged that you are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:

- 1. Whilst Headteacher at Holy Family Catholic Primary School (“the School”) you engaged in a relationship with Mr A who has a conviction for a sexual offence committed against a child under the age of 13 years old;**

The panel notes Ms Johnson’s admissions of the facts underlying this allegation in the Notice of Proceedings form signed and dated 23 August 2016 (p.11), the Statement of Agreed Facts (p.14) and in her statement to the panel dated 25 August 2016 (p.42). Further, Ms Johnson acknowledges her relationship with Mr A in her letter of 10 May 2016 to the presenting officer’s firm (p.38).

Turning its independent mind to the admissions, the panel also notes that Ms Johnson’s admissions are corroborated by the witness statement of Witness A (p.18), and in the contemporaneous answers she gave to the independent investigator during an interview on 29 October 2015 (p.26).

The panel is satisfied that there is sufficient evidence to support Ms Johnson’s admissions, and the panel therefore finds the facts of this allegation proven.

- 2. You continued in the relationship with Mr A after having been made aware of the nature of his conviction on the 14 September 2015;**

The panel notes Ms Johnson’s admissions of the facts underlying this allegation in the Notice of Proceedings form signed and dated 23 August 2016 (p.11), the Statement of Agreed Facts (p.15) and in her statement to the panel dated 25 August 2016 (p.42).

Further, Ms Johnson acknowledges the continuing nature of her relationship with Mr A in her letters of 2 February 2016 and 10 May 2016 (pp.36 and 38). Ms Johnson also confirms her marriage to Mr A in an email of 20 June 2016 (p.40) and in a letter of 21 July 2016 (p.41).

Turning its independent mind to Ms Johnson’s admissions, the panel notes that these are corroborated by the representative of the probation service during an interview on 17 November 2015 (p.32).

The panel is satisfied that there is sufficient evidence to support Ms Johnson’s admissions, and the panel therefore finds the facts of this allegation proven.

#### **4. You continued in your post as Headteacher at the School upon being made aware of the nature of Mr A's conviction.**

The panel notes Ms Johnson's admissions of the facts underlying this allegation in the Notice of Proceedings form signed and dated 23 August 2016 (p.11) and the Statement of Agreed Facts (p.15).

The panel notes that Ms Johnson repeats on several occasions that she continued to lead the school upon being made aware of the nature of Mr A's conviction in her statement to the panel dated 25 August 2016 (p.42). In particular, the panel notes that Ms Johnson states "...*they allowed me to continue to lead the school despite the safeguarding referral being made by the police*" (p.43).

The panel also notes that Ms Johnson's admissions are corroborated by her letter to the presenting officer's firm on 10 May 2016 (p.38) and by the oral evidence of Witness A given to the panel on 10 October 2016. Witness A's oral evidence is further supported by paragraph 19 of her witness statement (p.19).

The panel is satisfied that there is sufficient evidence to support Ms Johnson's admissions, and therefore finds the facts of this allegation proven.

The panel has found the following particulars of the allegation not proven, for these reasons:

#### **3. You failed to disclose the nature of Mr A's conviction to the School upon being made aware of them;**

The panel notes that Ms Johnson denies the facts underlying this allegation in the Notice of Proceedings form signed and dated 23 August 2016 (p.11), the Statement of Agreed Facts (p.15) and in her statement to the panel dated 25 August 2016 (p.42).

The panel also notes that it is not disputed that Ms Johnson was informed about the nature of Mr A's conviction on 14 September 2015 by Mr A (pp.14, 25 and 42). It is also not disputed that Ms Johnson was then informed about the nature of Mr A's conviction by the police on 15 September 2015 and by the probation service on 16 September 2015 (pp.14, 15, 30, 32, 36 and 38).

Ms Johnson alleges however that there was a telephone conversation with Witness A in the afternoon of 15 September 2015, at the end of which she informed Witness A of her relationship with Mr A (p. 25, 38 and 42).

In her witness statement, Witness A confirms that she made a telephone call about routine matters to the School in late September 2015. At the end of this conversation, Ms Johnson informed her that she "*may receive a phone call from someone in relation to a relationship she was currently in or words to that effect*" (p.18).

The panel then heard oral evidence from Witness A at the hearing that Ms Johnson did not “*fully disclose*” her relationship with Mr A during the call. Although there was some detail provided regarding the telephone call in her witness statement signed on 8 August 2016 (p.17 to p.20), Witness A was unable to recall the substance of the conversation during oral evidence and unable to provide detail in respect of her own response.

The panel finds it important to note that Ms Johnson has consistently maintained that she disclosed her relationship with Mr A, upon being made aware of his conviction. The panel also notes that she has provided a detailed description of the telephone call in her letter to the panel on 25 August 2016 (p.38 and p.42).

The panel had consideration to the fact that Ms Johnson did not attend the hearing and so it was unable to fully test her evidence. However, given that Witness A could not recall details of the telephone call during oral evidence, and in light of the fact that Ms Johnson had consistently maintained that she had disclosed Mr A’s conviction during the telephone call and had provided detailed description of that call, the panel prefers the evidence of Ms Johnson in this instance.

For these reasons, the panel therefore finds the facts relating to this allegation not proven on the balance of probabilities.

### **Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute**

Having found allegations 1, 2 and 4 proven, the panel went on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel has had regard to the document Teacher Misconduct: The Prohibition of Teachers, which the panel refers to as “the Advice”.

The panel notes that unacceptable professional conduct is defined as misconduct of a serious nature, falling significantly short of the standard of behaviour expected of a teacher. In making a judgement as to whether the behaviour demonstrated falls significantly short of the standard expected of a teacher, the panel has drawn on its own knowledge and experience of the teaching profession as well as the Teachers’ Standards.

The panel is satisfied that the conduct of Ms Johnson in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Ms Johnson 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 having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions; and

- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

Ms Johnson has confirmed that she was a headteacher of the School and was the designated safeguarding lead (p. 36). The panel therefore considers that Ms Johnson was in a unique position of trust as headteacher, and has significant knowledge and experience of safeguarding issues and statutory frameworks.

By continuing to act in her role until her suspension following her awareness of Mr A's conviction, the panel considers that Ms Johnson failed to proactively pursue measures to fully safeguard children. The panel notes that Ms Johnson did not necessarily need to suspend herself, despite Witness A's suggestion in oral evidence but the panel considers that, in light of the inactivity of Witness A to respond, Ms Johnson should have made further attempts to raise and deal with the potential safeguarding issue. Ms Johnson failed to do this and there was therefore an increased risk of harm to children.

The panel has also considered whether Ms Johnson's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. However, the panel has found that none of these offences are applicable in this case.

The panel is satisfied that the conduct of Ms Johnson fell significantly short of the standards expected of the profession.

With reference to conduct that may bring the profession into disrepute, the panel has taken into account how the teaching profession is viewed by others and has 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 pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

In the circumstances, the panel is of the view that the public's confidence in teachers would be undermined as the public would expect teachers to take all necessary measures to protect the children in their care, particularly once it became known that a teacher was engaged in a relationship with someone with a serious conviction. The panel considers this particularly to be the case given Ms Johnson was headteacher and responsible for all safeguarding issues in the School. The panel therefore considers that Ms Johnson's conduct in failing to pursue proactively measures to protect children would likely have a negative impact on her status as a teacher, potentially damaging the public perception. The panel finds that Ms Johnson's actions also 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/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.

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 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;
- declaring and upholding proper standards of conduct.

In light of the panel's findings against Ms Johnson, which involved her continuing in her role as headteacher without taking further action to ensure the safeguarding of children despite her continuing relationship with Mr A, there is a strong public interest consideration in respect of the future protection of pupils.

The panel has considered that the public confidence in the profession could be damaged as the public would expect Ms Johnson as a headteacher and the designated safeguarding lead to proactively pursue measures to ensure the safeguarding of children. Similarly, her role meant she would have had a heightened awareness of safeguarding proceedings and the proper standards of conduct which should be applied in respect of safeguarding issues.

Notwithstanding the clear public interest considerations that were present, the panel considered carefully whether or not it would be appropriate and proportionate to impose a prohibition order taking into account the effect that this would have on Ms Johnson.

The panel notes that the public interest in protecting children and Ms Johnson's interest can both still be achieved without the need for a prohibition order. Children could still be protected even if a prohibition order is not imposed and the profession would not be denied the services of a successful and experienced teacher.

This decision will be published on the GOV.UK website and any future employer making reasonable enquiries will be able to identify and locate the decision of the panel. This decision will also appear on the DfE employer access check.

Further, the panel notes that Ms Johnson would have to provide references for any future job applications for teaching roles and those references are likely to disclose the nature of her resignation from the School. Therefore, any prospective employer would be in a position to take appropriate steps to safeguard children, should Ms Johnson decide to resume her teaching career.

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 Johnson. The panel took further account of the 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, those that are relevant in this case 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;

The panel did not consider in this case that there had been a serious enough departure from the Teachers' Standards or that the misconduct seriously affected the well-being of pupils. This was a one-off incident and the panel has some sympathy with Ms Johnson's position.

The panel further considers that there are sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose.

The panel notes that Ms Johnson was a teacher for around 20 years and had led on child protection issues for around 15 years and that her conduct as a teacher had never been called into question (p.36 to 39 and p.42 to p.43). The panel finds it important that Witness A acknowledges Ms Johnson's ability as a teacher and had no issue with her performance as a headteacher in her witness statement (p.17 to p.20) and during oral evidence. The panel has sympathy with Ms Johnson and the situation in which she found herself. The panel considers it unfortunate that neither Witness A nor the School took sufficient action: this left the burden for further action solely on Ms Johnson.

The panel is persuaded that Ms Johnson did act upon the information once she was aware of Mr A's conviction; she also resigned as she decided to prioritise her relationship with Mr A over her employment as a teacher, she accepted the majority of the allegations against her at an early stage, and has engaged with this process prior to the hearing. The panel is confident that Ms Johnson has shown insight and is reflective of the significance of the allegations and her actions. The panel also finds it important to note that the

allegations, which the panel has found amount to unprofessional acceptable conduct and/or conduct that may bring the profession into disrepute, are a single deviation from Ms Johnson's unblemished career as a teacher for 20 years.

The panel is therefore of the view that prohibition is not an appropriate and proportionate response. Given that the nature and severity of the behaviour is at the less serious end of the possible spectrum, and in light of the mitigating factors that were present in this case, the panel has determined that a recommendation for a prohibition order is not appropriate.

## **Decision and reasons on behalf of the Secretary of State**

I have given very careful consideration to this case and to the recommendation made by the panel in respect of sanction.

I have noted that the panel found one of the allegations not proven, and I have put that allegation from my mind in reaching my own decision in this case.

The panel found the other allegations proven and also found that those allegations amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel has found that Ms Johnson 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 having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions; and
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

I have noted that the panel has considered the particular public interest considerations set out in the 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;
- declaring and upholding proper standards of conduct.

In light of the panel's findings against Ms Johnson, which involved her continuing in her role as headteacher without taking further action to ensure the safeguarding of children despite her continuing relationship with Mr A, there is a strong public interest consideration in respect of the future protection of pupils.

I have also noted that the panel took further account of the 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, those that are relevant in this case 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.

I have read with care the panel's assessment of the risks in this case and I have also taken careful consideration of the panel's judgement as to the seriousness of the behaviours, the fact that this was a one off incident and the previous good history of the teacher.

I have also taken into account the need to balance the interests of the teacher with the wider public interest and the need to consider the reputation of the profession as a whole.

I have given considerable thought to the need to be proportionate and to ensure that a prohibition order is not imposed to have a punitive effect, although recognising that its effect may be punitive.

In this case I differ in my view from that recommended by the panel.

I do not believe that the panel has given sufficient weight to the impact that this behaviour will have on the reputation of the profession. Ms Johnson, in her role as a headteacher had a particular responsibility to lead on the culture regarding safeguarding in the school, and this was all the more pertinent when her own behaviours were at the heart of the concerns.

In my judgement, the public would expect Ms Johnson as a headteacher and the designated safeguarding lead to proactively pursue measures to ensure the safeguarding of children. Similarly, her role meant she would have had a heightened awareness of safeguarding proceedings and the proper standards of conduct which should be applied in respect of safeguarding issues.

Although this was a one-off incident it was in my view so central to the safeguarding responsibilities held by a headteacher that the impact across the wider reputation of the teaching profession must be given considerable weight.

I therefore have decided that Ms Johnson should be subject to a prohibition order. I believe that this is proportionate and in the public interest for the reasons given.

Nonetheless, I have taken into account the other factors in this case and in my view Ms Johnson should be afforded the opportunity to have the prohibition order set aside in two years time.



**This means that Ms Lisa Johnson 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 20 October 2018, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Ms Lisa Johnson remains prohibited from teaching indefinitely.

This order takes effect from the date on which it is served on the teacher.

Ms Lisa Johnson 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 blue ink, appearing to read 'Alan Meyrick', is written above the printed name.

**Decision maker: Alan Meyrick**

**Date: 13 October 2016**

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