



National College for  
Teaching & Leadership

# **Kay Elizabeth Hollingsworth: Professional conduct panel outcome**

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

**May 2016**

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

**Teacher:** Kay Elizabeth Hollingsworth  
**Teacher ref number:** 0638829  
**Teacher date of birth:** 19 June 1985  
**NCTL case reference:** 0014526  
**Date of determination:** 23 May 2016  
**Former employer:** Notley Green Primary School, Essex

### **A. Introduction**

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 23 May 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Kay Elizabeth Hollingsworth.

The panel members were Fiona Tankard (teacher panellist – in the chair), Martin Greenslade (lay panellist) and Ann Walker (lay panellist).

The legal adviser to the panel was Isabelle Mitchell of Eversheds LLP.

The presenting officer for the National College was Kayleigh Brooks of Brown Jacobson LLP.

As this was a meeting, the parties were not present.

The meeting took place in private, save for the announcement of the panel’s decision, which was announced in public and recorded.

## **B. Allegations**

The panel considered the allegations set out in the notice of meeting dated 4 April 2016.

It was alleged that Miss Hollingsworth was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed at Notley Green Primary School Miss Hollingsworth:

1. Failed to maintain professional boundaries with pupils in that she:
  - a. engaged in inappropriate communication using social media with one or more pupils; and
  - b. sent inappropriate messages via social media, which included conversations of a sexual nature, to one or more pupils.

In the agreed statement of facts, Miss Hollingsworth admitted the facts of the allegations and that they amounted to unacceptable professional conduct and conduct which may bring the profession into disrepute.

## **C. Preliminary applications**

Whilst there were no preliminary applications, the panel considered at the outset whether the allegation should be considered at a public hearing which the parties would be entitled to attend, or a private meeting without the parties present. The panel considered the interests of justice and given that the facts of the allegation have been admitted, that Miss Hollingsworth had requested a meeting and the panel had the benefit of her representations, the panel was of the view that justice would be adequately served by considering this matter at a meeting.

The panel carefully considered the public interest. The panel noted that if the case proceeded in a meeting, there would be a public announcement of the panel's decision. The panel also had in mind that if a hearing were convened, there would be a cost to the public purse, which may not be justified if the matter could be determined in a meeting. The panel also had regard to the delay that would be caused by convening a hearing and considered it to be in the public interest to reach a final determination in this matter without further delay. The panel therefore decided to proceed with a meeting, but noted that it could, at any stage of the meeting, reconsider this issue.

## **D. Summary of evidence**

### **Documents**

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

Section 1: Chronology, anonymised pupil list and list of key people – pages 2 to 4

Section 2: Notice of referral, response and notice of meeting – pages 5 to 11B

Section 3: Statement of agreed facts and presenting officer representations – pages 11 to 17

Section 4: NCTL documents – pages 18 to 100

Section 5: Teacher documents – pages 101 to 106

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

## **Witnesses**

The matter was convened as a meeting and no oral evidence was heard.

## **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.

Miss Hollingsworth was employed as a phase leader / class teacher at Notley Green Primary School. In November 2014, the school's Headteacher received a phone call from the mother of Pupil C, who was a former female pupil of the school, who had concerns that Miss Hollingsworth was having conversations with Pupil C via Instagram. The Headteacher spoke to Miss Hollingsworth, following which Miss Hollingsworth agreed to 'de-friend' and cease social media contact with all current and former pupils.

On 9 January 2015, Pupil A's parents attended the school with screen shots of Instagram messages passing between Miss Hollingsworth and Pupil A, who was a male pupil in year 6 at the time. Miss Hollingsworth accepts that the messages she sent to Pupil A were inappropriate and included sexual references, and also admits that she instigated these conversations with Pupil A. Following the disclosure the matter was investigated and during the course of those investigations it became apparent that Miss Hollingsworth had also had conversations on Snapchat with Pupil B, who was a former male pupil of the school.

On 5 May 2015, following a period of suspension, the school dismissed Miss Hollingsworth on the grounds of gross misconduct.

## Findings of fact

Our findings of fact are as follows:

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

### **Whilst employed at Notley Green Primary School, Ms Hollingsworth:**

#### **1. Failed to maintain professional boundaries with pupils in that she:**

##### **a. engaged in inappropriate communication using social media to one or more pupils; and**

Miss Hollingsworth admitted this allegation in the agreed statement of facts signed by Miss Hollingsworth on 19 February 2016 (page 15) and during her disciplinary hearing on 5 May 2015 (page 78). The panel has also seen copies of the Instagram messages passing between Miss Hollingsworth and Pupil A (pages 41 to 65).

The panel was therefore satisfied that this allegation was proven.

##### **b. sent inappropriate messages via social media, which included conversation of a sexual nature, to one or more pupils**

Miss Hollingsworth admitted this allegation in the agreed statement of facts signed by Miss Hollingsworth on 19 February 2016 (page 15) and during her disciplinary hearing on 5 May 2015 (page 77). The panel has also seen copies of the content of the Instagram messages passing between Miss Hollingsworth and Pupil A, which include messages containing sexual innuendo (pages 41 to 65). This included the following messages to Pupil A:

- 'About to have a shower #mental image for you lol. Bk in a min x';
- 'U probs distracted thinking about how fabulous I am (jokes)';
- 'Going to bed now dimples xx';
- 'Should I delete our convo in case someone sees it? <3';
- 'See u don't like me telling you stuff. U won't love me anymore...bet u won't look at me tomorrow'; and
- 'I split up with that guy back in October so now I'm single and ready to mingle lol'.'

The panel was therefore satisfied that this allegation was proven.

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

Having found all of the allegations to have been proven, the panel went on to consider whether the facts of those proven allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document *Teacher Misconduct: The Prohibition of Teachers* (the “Advice”).

The panel was satisfied that Miss Hollingsworth’s conduct in failing to maintain appropriate boundaries with pupils by engaging in inappropriate communication with both current and former pupils via social media, including sending messages of a sexual nature, was misconduct of a serious nature, falling significantly short of the standard of behaviour expected of a teacher. The panel also had regard to the Teachers’ Standards, and considered that the following standards had been breached:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position;
  - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions...;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...;
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

In the panel’s view, Miss Hollingsworth had clearly failed to uphold public trust in the profession and maintain high standards of ethics and behaviour. By sending messages to an 11 year old pupil, including some messages containing sexual innuendo which could have been confusing to the pupil, Miss Hollingsworth failed in her position of responsibility to that pupil and her obligation to safeguard pupils’ well-being.

The panel also considered that Miss Hollingsworth failed to have regard to the practices and policies of the school. The school’s Acceptable Use Agreement/Code of Conduct (page 85), which Miss Hollingsworth signed on 22 September 2014, states that teachers will not communicate with children via social networking sites. Miss Hollingsworth disregarded this policy by communicating with former and current pupils of the school via social media. The case papers also indicate that Miss Hollingsworth received a request from the Headteacher to ‘de-friend’ and cease all contact with current and former pupils of the school when the issue first arose with Pupil C in November 2014, although the

panel has not seen any written confirmation from Miss Hollingsworth that she would take such action. Nevertheless, by continuing to communicate with Pupil A via social media, Miss Hollingsworth failed to follow the school's Code of Conduct and thereby disregarded the ethos, policies and practices of her school and the statutory framework of her professional duties and responsibilities.

The panel did consider the offences on page 8 of the Advice and whether Miss Hollingsworth had displayed behaviours associated with any of the offences. The panel did not consider that any of the offences applied. The only potentially relevant offence might be one of sexual activity and the panel did not consider that Miss Hollingsworth displayed behaviours associated with such an offence. Whilst there was sexual innuendo contained within some of the messages sent to Pupil A, the panel did not consider that the messages contained anything sinister or that there was any suggestion of grooming. Rather the panel considered the conversations to be immature in nature, albeit that they were inappropriate.

Nevertheless, the panel was satisfied that Miss Hollingsworth was guilty of unacceptable professional conduct.

The panel also considered the allegation of conduct that may bring the profession into disrepute. The panel took into account how the teaching profession was viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel took 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 was satisfied that Miss Hollingsworth's actions also constituted conduct that may bring the profession into disrepute.

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

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate and proportionate to recommend the imposition of a prohibition order by the Secretary of State. The panel was mindful that prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they would be likely to have punitive effect.

The panel considered the particular public interest considerations set out in the Advice, and having done so found a number of them to be relevant in this case, namely:

- public confidence in the profession could be seriously weakened if conduct such as that found against Miss Hollingsworth were not treated with the utmost seriousness when regulating the conduct of the profession; and



- there was also a strong public interest consideration in declaring proper standards of conduct in the profession, as Miss Hollingsworth's conduct was outside that which could reasonably be tolerated.

Notwithstanding the clear 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 Miss Hollingsworth.

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 Miss Hollingsworth.

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; and
- abuse of position of trust (particularly involving vulnerable pupils) or violation of the rights of pupils.

The panel did consider that Miss Hollingsworth's behaviour was a serious departure from the personal and professional conduct elements of the Teachers' Standards. The panel considered that the nature of the conversations passing between Miss Hollingsworth and Pupil A (which included sexual references and innuendo) and the age of Pupil A, pushed the behaviour over the boundary of seriousness. The panel also felt that most parents of 11 year olds would think Miss Hollingsworth's behaviour was inappropriate and serious.

The panel also felt that Miss Hollingsworth's actions constituted an abuse of her position of trust, in that parents put their trust in teachers to behave in an appropriate manner towards pupils. Miss Hollingsworth had not behaved appropriately towards current and former pupils and had recognised that she had acted in violation of her position when she pleaded with Pupil A's parents not to tell the school.

The panel did not consider that sexual misconduct was a relevant factor in this case, in light of the definition provided in the Advice. Whilst the messages sent by Miss Hollingsworth were inappropriate, the panel did not consider that they were sexually motivated. Rather the panel considered that they were conversations of an immature nature.

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 factors to mitigate 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.

The panel found that Miss Hollingsworth's actions were deliberate, and indeed, as mentioned in Miss Hollingsworth's undated statement to the National College (page 102) she takes "full responsibility" for her actions. The panel did not consider that Miss Hollingsworth was acting under duress.

The panel acknowledged Miss Hollingsworth's representations that she had a previously good history and the National College has not adduced any evidence to the contrary. The panel has also taken note of the fact that Pupil A's parents were very surprised when they discovered the messages passing between Miss Hollingsworth and Pupil A as they had respected her as a teacher.

Nevertheless, in the circumstances the panel concluded that the public interest considerations outweighed the interests of Miss Hollingsworth and prohibition was both proportionate and appropriate. This was a case of a serious departure from the personal and professional conduct elements of the Teachers' Standards, whereby Miss Hollingsworth had acted inappropriately and abused her position of trust. In the panel's view this was serious misconduct, and a prohibition order was appropriate to uphold proper standards of conduct and maintain public confidence in the profession.

The panel went on to consider whether or not it would be appropriate for it to recommend that a review period of the order should be considered. The panel was mindful that the Advice stated that a prohibition order applies for life, but there might be circumstances in any given case that might 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 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period's being recommended. One of these behaviours includes serious sexual misconduct, which is defined in the Advice as follows: "eg where the act was sexually motivated and resulted in or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons". The panel does not consider that this behaviour applies in this case. Whilst the messages sent by Miss Hollingsworth were inappropriate and contained sexual references, the panel did not consider that they were sexually motivated and the panel has seen no evidence that they caused harm to the pupils involved. Rather the panel considered that they were conversations of an immature nature, although they were inappropriate.

The panel found that Miss Hollingsworth had shown remorse for her actions. Miss Hollingsworth admitted the allegations, has taken full responsibility for her actions and says that she "will forever regret the actions that I took" (page 102).

The panel felt the findings indicated a situation in which a review period would be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review period.

The panel noted that Miss Hollingsworth has shown insight into her behaviour. Miss Hollingsworth's statement to the panel states, "I am shocked and horrified by what I wrote, putting the pupil in an inappropriate position, the school's reputation in jeopardy and my own career, [to] which I have dedicated nine successful years, in ruin" (page 102). The panel recognised that Miss Hollingsworth has since gained medical advice and assistance as she was going through a low period at the time of the allegations.

In light of the remorse and insight shown by Miss Hollingsworth, balanced against the need to uphold the standards of the profession, the panel was satisfied that the minimum period of review would be appropriate in all the circumstances. The panel felt that it would be disproportionate to ban Miss Hollingsworth for any period beyond the minimum.

The panel therefore recommended that a prohibition order be imposed with a review period of 2 years.

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

I have given very careful consideration to this case and to the recommendations of the panel both in respect of a sanction and review period.

This is a case in which the teacher has admitted the facts and admitted that those facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

In considering this case I have taken into account the need to balance the public interest with the interests of Miss Hollingsworth. I have also taken into account the guidance published by the Secretary of State.

I have taken into account the need to be proportionate.

In this case the panel has found that Miss Hollingsworth's behaviours breached the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions...;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...;

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

I also note that the panel found the following behaviours relevant:

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

In my view Miss Hollingsworth's behaviour was a serious departure from the personal and professional conduct elements of the Teachers' Standards. The nature of the conversations passing between Miss Hollingsworth and Pupil A (which included sexual references and innuendo) and the age of Pupil A, pushed the behaviour over the boundary of seriousness. I agree with the panel that most parents of 11 year olds would think Miss Hollingsworth's behaviour was inappropriate and serious.

I also support the view of the panel that Miss Hollingsworth's actions constituted an abuse of her position of trust, in that parents put their trust in teachers to behave in an appropriate manner towards pupils. Miss Hollingsworth had not behaved appropriately towards current and former pupils and had recognised that she had acted in violation of her position when she pleaded with Pupil A's parents not to tell the school.

The panel did not consider that sexual misconduct was a relevant factor in this case, in light of the definition provided in the Advice. Whilst the messages sent by Miss Hollingsworth were inappropriate, the panel did not consider that they were sexually motivated. Rather the panel considered that they were conversations of an immature nature.

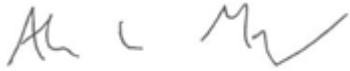
For these reasons I support the recommendation of the panel for a prohibition order.

Turning to the matter of a review period I agree that this behaviour was inappropriate but not sexually motivated. I support the recommendation that a 2 year review period is proportionate.

**This means that Miss Kay Hollingsworth 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 2 June 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, Miss Kay Hollingsworth remains prohibited from teaching indefinitely.

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

Miss Kay Hollingsworth 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.

**Decision maker: Alan Meyrick**

**Date: 25 May 2016**

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