



National College for
Teaching & Leadership

Mrs Julia Griffiths

Professional conduct

panel outcome

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

November 2016

Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	4
D. Summary of evidence	4
Documents	5
Witnesses	5
E. Decision and reasons	5
Panel's recommendation to the Secretary of State	9
Decision and reasons on behalf of the Secretary of State	11

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

Teacher: Mrs Julia Griffiths

Teacher ref number: 8060767

Teacher date of birth: 21 August 1959

NCTL case reference: 14714

Date of determination: 21 November 2016

Former employer: Mickle Trafford Village School, Cheshire (the “school”)

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 21 November 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mrs Julia Griffiths.

The panel members were Mr Tony Heath (lay panellist – in the chair), Mr Anthony Bald (teacher panellist) and Ms Gill Tomlinson (lay panellist).

The legal adviser to the panel was Ms Claire Bertram of Eversheds LLP.

The presenting officer for the National College was Mr Ben Chapman of Browne 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 allegation(s) set out in the Notice of Meeting dated 3 November 2016.

It was alleged that Mrs Julia Griffiths was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as a headteacher at Mickle Trafford Village School she:

1. Breached an agreement reached between her and the school to allow her to continue working following the conviction of her son of an offence related to the viewing of indecent images of children in that:
 - a. She took a school laptop home in order to carry out EYFS work on Friday 19 June 2015
 - b. She allowed her son onto the school premises on 25 June 2015;
2. Breached the schools IT acceptable use policy in that pornography and/or inappropriate material was accessed using her school laptop, in particular adult gay pornography

In the agreed statement of facts (pages 14 – 19), Mrs Griffiths 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

The panel noted that the allegations as set out in the Notice of Meeting dated 3 November 2016 (pages 11a – 11b) were incomplete in that allegation 2 reads: “Breached the School’s IT Acceptable Usage Policy, in that pornography and/or inappropriate material was accessed using”

The panel considered this allegation against the allegations set out in the statement of agreed facts signed by Mrs Griffiths on 13 October 2016 (pages 14 – 19). Allegation 2 in the statement of agreed facts appears to be complete and reads: “Breached the School’s IT Acceptable Usage Policy, in that pornography and/or inappropriate material was accessed using your school laptop, in particular adult gay pornography.” The panel noted that the same wording was also used in the Notice of Referral dated 8 April 2016 (pages 7 – 10).

The panel concluded that there was a typographical error in the Notice of Meeting and that allegation 2 should be amended as per the statement of agreed facts and Notice of Referral. The panel viewed this amendment to be in the interests of justice and did not

perceive there to be any prejudice to Mrs Griffiths as a result. The allegations set out in Section B: Allegations above have been amended to take this decision into account.

Whilst there were no preliminary applications, the panel considered at the outset whether the allegations 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 Mrs Griffiths 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 an additional 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 and anonymised pupil list – pages 2 to 5

Section 2: Notice of Proceedings and Response – pages 7 to 11b

Section 3: NCTL Statement of Agreed Facts and Representations – pages 13 to 21

Section 4: NCTL documents – pages 23 to 140

Section 5: Teacher documents – pages 142 to 153

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:

We have 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.

Mrs Julia Griffiths had been employed at the school as a headteacher since 27 February 2006. Mrs Griffiths' son ("Person A") who lived with Mrs Griffiths, was employed by the school as a volunteer for a period before he was arrested in September 2014 on suspicion of offence related to the viewing of indecent imagery containing children.

The Childcare (Disqualification) Regulations 2009 disqualifies those who live in the same household as those that have been disqualified from providing any care or being concerned in the management of such provision, for children up to the age of 5. This disqualification would apply to education in any reception classes. Person A became a disqualified person when he was convicted of an offence on 29 May 2015. By virtue of Person A's disqualification and the fact that Person A lived with Mrs Griffiths, she also became a disqualified person.

Disqualified persons can, in certain situations, apply to Ofsted for a waiver. Mrs Griffiths applied for a waiver after Person A had been arrested and then again after he had been convicted in May 2015, which was granted. Mrs Griffiths also reached an agreement with the school in respect of what she could and could not do within the school setting and particularly as regards Early Years/Foundation Stage ("EYFS") pupils and reports. It was also agreed with the Senior Leadership Team within the school that Mrs Griffiths would only do EYFS reports on the laptop of Individual A (the EYFS teacher) and that Mrs Griffiths would only do this work in school.

Mrs Griffiths resigned from the school, with effect from 31 August 2015.

Findings of fact

Our findings of fact are as follows:

We have found the following particulars of the allegations against you proved, for these reasons:

- 1. You breached an agreement reached between you and the school to allow you to continue working following the conviction of your son of an offence related to the viewing of indecent images of children in that:**
 - a. You took a school laptop home in order to carry out EYFS work on Friday 19 June 2015**

This allegation is admitted by Mrs Griffiths in the signed statement of facts dated 13 October 2016 (pages 14 – 19) and in her signed witness statement dated 14 October 2016 (pages 143 – 153). It is also referred to in the statements of others, including

Individual A who collected the laptop from Mrs Griffiths' home on 20 June 2015 (pages 102 – 105).

The panel notes that it is not clear whether the written agreement which appears at pages 82-83 of the bundle is a final version and that it does not specifically state that Mrs Griffiths should not take a school laptop home. However, Mrs Griffiths accepts in the agreed statement of facts that there was a further agreement with the senior leadership team that she would only do EYFS work on Individual A's laptop and that this work would only be undertaken in the school.

On the balance of probabilities, the panel found the allegation proved.

b. You allowed your son onto the school premises on 25 June 2015;

The fact that Mrs Griffiths allowed Person A onto the school premises on 25 June 2015 is admitted by Mrs Griffiths in the signed statement of facts dated 13 October 2016 (pages 14 – 19) and in her signed witness statement dated 14 October 2016 (pages 143 – 153). It is also referred to in the statements of others, including Individual B (pages 106 – 109) , Individual C (pages 94 – 101) and Individual D (pages 84 – 93) who all saw Person A in the school on 25 June 2015.

The panel notes that it is not clear whether the written agreement which appears at pages 82-83 of the bundle is a final version but it does specifically state that there should be the "immediate exclusion from premises and any contact" with Person A.

On the balance of probabilities, the panel found the allegation proved.

2. You breached the schools IT acceptable use policy in that pornography and/or inappropriate material was accessed using your school laptop, in particular, adult gay pornography

This allegation is admitted by Mrs Griffiths in the signed statement of facts dated 13 October 2016 (pages 14 – 19) and in her signed witness statement dated 14 October 2016 (pages 143 – 153). The school's investigation report into this issue dated 28 August 2015 (pages 46-47) is clear that a school laptop that had been taken home by Mrs Griffiths had been used to access adult gay pornography. This report refers to a forensic analysis of the laptop that had been undertaken by Cheshire Police.

The school's acceptable use policy (pages 137 – 140) clearly includes the following provisions:

- The use of the Internet to access and/or distribute any kind of offensive material, or material that is not work related, leaves an individual liable to disciplinary action which could lead to dismissal.
- The school will not tolerate the use of the Internet or email system for unofficial or inappropriate purposes, including: -...v) accessing or transmitting pornography.

On the balance of probabilities, the panel found this allegation to be proved.

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

Having found a number of the allegations to have been proved, the panel has gone on to consider whether the facts of those proved 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 is satisfied that the conduct of Mrs Griffiths in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mrs Griffiths is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position; and
 - 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, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel is satisfied that the conduct of Mrs Griffiths fell significantly short of the standards expected of the profession.

The panel has also considered whether Mrs Griffiths’ conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and the panel has found that none of these offences are relevant.

Accordingly, the panel is satisfied that Mrs Griffiths is guilty of unacceptable professional conduct.

The panel has taken into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel has taken account of the uniquely influential role that teachers can hold in pupils’ lives and that pupils must be able to view teachers as role models in the way they behave.

The findings of misconduct are serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

The panel therefore finds that Mrs Griffiths' actions constitute conduct that may bring the profession into disrepute.

Having found the facts of the allegations proved, we further find that Mrs Griffiths' conduct amounts to both unacceptable professional conduct and 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 protection of other members of the public/the maintenance of public confidence in the profession/declaring and upholding proper standards of conduct.

In light of the panel's findings against Mrs Griffiths, which involved allowing access to the school and school equipment to a disqualified person convicted of a serious offence, there is a strong public interest consideration in respect of the protection of pupils.

Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mrs Griffiths were not treated with the utmost seriousness when regulating the conduct of the profession, particularly in light of her position as a headteacher.

The panel considered that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mrs Griffiths 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 Mrs Griffiths.

In carrying out the balancing exercise the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Mrs Griffiths. 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
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk.

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case.

The panel accepts that Mrs Griffiths is a long-standing and well-respected headteacher with an unblemished history. The school which she led was an outstanding school with high standards and high expectations.

It is clear that the actions being investigated here took place whilst Mrs Griffiths was under significant personal and work related stress and that her actions as described here are out of character. The panel notes that it is apparent that Mrs Griffiths did not fully think through the potential consequences of her actions.

Mrs Griffiths was forthcoming in respect of her changing personal circumstances in that she informed Ofsted and the school in relation to Person A's arrest and conviction and sought a waiver on this basis.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mrs Griffiths. The following factors were significant factors in forming that opinion:

- Mrs Griffiths was involved in preparing the agreement that was put in place with the school to protect her, the pupils, the school and other staff members in light of her position as a disqualified person. She was aware of the risks that the agreement was designed to guard against.
- Despite this, Mrs Griffiths knowingly breached the terms of that agreement.

- Mrs Griffiths made a series of ill-judged decisions when breaching the terms of the agreement – specifically taking the laptop home on numerous occasions; failing to change passwords, allowing Person A into the school. It was not an isolated incident.
- Mrs Griffiths was a headteacher and head of safeguarding. However, she did not prioritise the safeguarding of pupils in the school when she acted in breach of the agreement that had been put in place.

Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for them to decide to recommend that a review period of the order should be considered. The panel were mindful that the Advice advises that a prohibition order applies for life, but there may be circumstances in any given case that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

Mrs Griffiths has admitted all of the allegations and is extremely apologetic about all the distress she has caused colleagues and the wider school community. She accepts that her actions were inappropriate and she regrets them. She refers to acting the way she did as a result of the extreme stress following the serious issues that were happening in her private life. The panel was satisfied that Mrs Griffiths has shown insight into her actions.

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 after 2 years.

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 both sanction and review.

The panel has found all of the allegations proven, and Mrs Griffiths has been found guilty of unprofessional conduct and conduct that may bring the profession into disrepute.

The panel has found that the behaviours exhibited by Mrs Griffiths involved breaches of the Teachers' Standards. The panel considered that Mrs Griffiths was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position; and
- 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, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel is satisfied that the conduct of Mrs Griffiths fell significantly short of the standards expected of the profession. The panel has recommended a prohibition order with immediate effect.

I have taken into account the recommendation made by the panel. I have also taken into account the guidance published by the Secretary of State. I have taken into account the need to balance the interests of the public with those of Mrs Griffiths and the need to be proportionate.

I note that the panel accepts that Mrs Griffiths is a long-standing and well-respected headteacher with an unblemished history. The school which she led was an outstanding school with high standards and high expectations.

I note the panel is of the opinion that the actions being investigated here took place whilst Mrs Griffiths was under significant personal and work related stress, and that her actions as described here are out of character.

However, in my opinion the panel's recommendation is the right one. Mrs Griffiths did not prioritise the safeguarding of pupils in the school when she acted in breach of the agreement that had been put in place.

Mrs Griffith's behaviour is such that a prohibition order is appropriate and proportionate.

I now turn to the matter of a review period. I note that Mrs Griffiths has admitted all of the allegations and is extremely apologetic about all the distress she has caused colleagues and the wider school community. The panel was satisfied that Mrs Griffiths has shown insight into her actions.

Although this is a prohibition order for life, I support the recommendation that Mrs Griffiths be able to apply for a review after two years, the minimum review period. Any application to set this prohibition aside should allow Mrs Griffiths to demonstrate an understanding of her responsibilities to keep pupils safe.

This means that Mrs Julia Griffiths 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 December 2018, two 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, Mrs Griffiths remains prohibited from teaching indefinitely.

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

Mrs Griffiths has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to be 'J. Millions', with a small dot at the end.

Decision maker: Jayne Millions

Date: 25 November 2016

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