



National College for
Teaching & Leadership

Mrs Ralliat Ikiebe: Professional conduct panel outcome

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

19 May 2015

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

Teacher:	Mrs Ralliat Ikiebe (also known as Rally / Raliat Ikiebe)
Teacher ref no:	1575261
Teacher date of birth:	15 March 1963
NCTL case ref no:	10611
Date of determination:	19 May 2015
Former employer:	Chrysolyte Independent Christian Centre, London

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 2-5 March 2015 at the General Pharmaceutical Council, Canary Wharf, London, and on the 18 and 19 May 2015 at the Nursing and Midwifery Council, 61 Aldwych, London, to consider the case of Mrs Ralliat Ikiebe.

The panel members were Mrs Mary Speakman (teacher panellist – in the chair); Ian Hughes (lay panellist), and Mr Martin Pilkington (lay panellist).

The legal adviser to the panel was Mr Stephen Murfitt of Blake Morgan, Solicitors LLP.

The presenting officer for the National College was Ms Louisa Atkin of Browne Jacobson, Solicitors LLP.

Mrs Ikiebe was present and was represented by Mr Pravin Fernando of Counsel.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegation(s) set out in the Notice of Proceedings dated 14 October 2014.

It was alleged that Mrs Ikiebe was guilty of unacceptable professional conduct that may bring the profession into disrepute in that whilst employed at Chrysolyte Independent Christian Centre she:

1. Failed to appropriately manage safeguarding incidents in that:
 - a. Following a reported assault on Pupil A on 17 January 2012 and 23 January 2012 she:
 - i. Failed to notify the appropriate agencies when the allegation was made,
 - ii. Personally attended Pupil A's home in the evening to address the issue and persuaded her mother not to take the allegation forward and not to contact the police.
 - b. When two teachers were arrested on suspicion of physically abusing pupils she:
 - i. Did not instigate a formal investigation into the conduct of certain staff members;
 - ii. Did not notify the relevant agencies regarding the allegations that had been made;
 - c. Breached bail conditions imposed on her by re-entering the school premises in a way that could have resulted in unsupervised contact with pupils
2. Used inappropriate behavioural management techniques against pupils at Chrysolyte Independent School specifically:
 - a. Assaulted Pupil A (a child with a serious health condition) through beating her with a ruler on her head and hands causing bleeding and scarring;
 - b. Instructed pupils to stand in a stress position known as 'the invisible chair', or 'sitting on the wall' causing discomfort and distress;
 - c. Allowed a culture whereby children were physically hit by rulers, paint brushes and bamboo sticks which were referred to as the 'African Stick'.
3. Failed to comply with health and safety measures as outlined by the DofE, specifically:
 - a. The number of adequate fire drills, including appropriate recording; and
 - b. Failed to provide safe outside space provision for pupils.

Mrs Ikiebe denied each of the allegations in the Notice of Proceedings.

C. Preliminary applications

There were a number of preliminary applications for the panel to consider and determine.

Application for a private hearing

Mr Fernando made an application for the hearing to be heard in private. He informed the panel of the likely effect of a public hearing upon Mrs Ikiebe and in particular upon her wider family. Mrs Ikiebe has a health difficulty and a public hearing would increase her anxiety.

The panel considered the 'Teacher Misconduct – Disciplinary Procedures for the Regulation of the Teaching Profession'. Rule 4.57 provides that a professional conduct panel may exclude the public from the hearing or part of a hearing where:

- It appears necessary in the interests of justice;
- The teacher makes a request that the hearing should be in private and the panel does not consider it to be contrary to the public interest;
- It is necessary to protect the interests of children or vulnerable witnesses.

The panel carefully considered the reasons advanced by the teacher for the hearing to be in private, and those advanced by the presenting officer.

The panel bore in mind that transparency of proceedings is an important consideration, because the regulation of the teaching profession is a matter of public interest.

Taking all these matters into consideration the panel decided that the hearing should proceed in public. Mrs Ikiebe was in the position of most teachers facing allegations, and that was not a sufficient reason in itself for the hearing to be in private. The panel determined that it was in the public interest that the hearing should be in public. Some aspects of the case were already in the public domain. Mrs Ikiebe had mentioned her health position and the panel made clear that if during the hearing Mrs Ikiebe decided to make a further application, then the panel would give the application due consideration. The National College had moved the hearing venue from Coventry to London to accommodate Mrs Ikiebe's health position, and the panel would continue to assist where possible.

The panel confirmed the case management direction that the DVD evidence of Pupil A would be played in private, and the live evidence of Pupil A would be given in private.

The panel confirmed that when the panel went into private session there would be no objection to Mr Ikiebe remaining in the hearing.

Amendment of allegation 2c in the Notice of Proceedings

The presenting officer applied to remove the words 'were referred to as the "African Stick" ' from allegation 2c of the Notice of Proceedings. Mr Fernando made no objection to the application and the panel agreed to the amendment.

Removal of hearsay evidence in relation to children witnesses

Mr Fernando made an application for all of the hearsay evidence relating to children to be removed from the hearing bundle. The application extended not just to the child witness statements, but to any statement within the bundle where a child gave hearsay evidence. He reminded the panel that his client was facing serious charges.

Mr Fernando put his application on the basis that unless those statements were removed from the bundle his client could not have a fair hearing. Mr Fernando accepted that his client had not complied with Rule 4.21 as to the preparation of the hearing bundle. His client had effectively been a litigant in person with short periods of legal representation.

Mr Fernando drew the panel's attention to the case of R v Bonhoeffer. He relied on the whole judgement, but in particular drew the panel's attention to paragraphs 40 onwards. The panel's attention was also drawn to paragraph 109 of the judgement where the court set out a summary of propositions in relation to Article 6, and the panel carefully considered each of the propositions in relation to the case.

The presenting officer opposed the application and informed the panel as to the attempts to engage with the child witnesses and or their parents. Those efforts had not been met with any success. The presenting officer reminded the panel that the hearsay evidence related to children, and that the National College had to have regard to the fact that they were vulnerable witnesses. The hearsay evidence of the children corroborated the evidence of Pupil A.

The panel was assisted by the Court of Appeal decision in the case of Ogbonana v NMC 2010. The Court of Appeal confirmed that there is no general principle that fairness requires a nurse, who is facing disciplinary proceedings, to be entitled in every case to test the evidence of (her) accusers. The requirement of fairness, which is central to the panel's decision, is fact sensitive. The particular facts of each case must be carefully considered.

The panel determined that the present case did have material factual differences to that of R v Bonhoeffer. The following is not a complete list, but those of importance include:

- The hearsay evidence was not from a sole critical witness, but from a number of children.
- The charges were serious, but the hearsay evidence appeared at this stage of the hearing to relate only to allegations 2b and 2c.

- The panel understood Pupil A would give evidence and the evidence could be tested by the teacher. The evidence of Pupil A would be relevant to allegations 2b and 2c.
- The hearsay evidence of the children had been obtained in a formal manner by police officers.
- A number of unsuccessful attempts had been made to contact the relevant witnesses.

Accordingly the panel decided to refuse the application of the teacher to exclude the hearsay evidence of the relevant children. The panel was satisfied that by allowing the evidence to remain before it, a fair hearing could be achieved. The panel had an investigative role to perform and it was therefore important to consider all relevant evidence. The panel reminded itself that in due course the panel would need to consider carefully what weight it may give to all of the evidence, and in particular the hearsay evidence.

Application to remove Witness C's witness statement at pages 348-365

Mr Fernando made application for the removal of Witness C's witness statement that had been prepared for a hearing in the First Tier Tribunal. The panel determined that there were parts of the statement that were relevant to the allegations set out in the Notice of Proceedings. The panel was an experienced panel and panel members were able to put out of their minds any evidence that was not relevant to the allegations set out in the Notice of Proceedings.

D. Summary of evidence

Documents

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

Section 1: Anonymised Pupil List and Chronology

Section 2: Notice of Proceedings and Response to Notice of Proceedings

Section 3: NCTL Witness Statements

Section 4: Teacher Documents (including Bundle B which the panel admitted during the hearing).

The panel members confirmed that they had read all of the documents in advance of the hearing save as to Bundle B. The panel confirmed that they had now read Bundle B.

Witnesses

The panel heard oral evidence from:

- Witness B (detective constable)
- Pupil A
- Pupil A's mother
- Witness C
- Mrs Ikiebe

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.

Mrs Ralliat Ikiebe was the former Headteacher of Chrysolyte Independent Christian Centre, Bethel House in Lansdowne Place, London, an independent primary school which opened in 1995 and closed in 2013. All of the pupils were of black African or Caribbean heritage and were aged between two and eleven years. Mrs Ikiebe and her husband were the joint proprietors, and Mr Ikiebe was the Principal of the school. In January 2012 a pupil at the school, Pupil A, informed her mother that she had been beaten at school by Mrs Ikiebe; an allegation that Mrs Ikiebe denied. In July 2012 Pupil A's mother reported the alleged assault to the police. The reporting of the alleged assault led to the involvement of Ofsted, and a subsequent police investigation. A criminal trial took place when Mrs Ikiebe was acquitted of a charge of assault upon Pupil A. The National College has alleged that Mrs Ikiebe is guilty of unacceptable professional conduct/conduct that may bring the profession into disrepute. The particulars are set out in three allegations in the Notice of Proceedings.

Findings of fact

The panel's findings of fact are as follows.

Mrs Ikiebe did not engage with the presenting officer as to the preparation of the hearing bundle and therefore the bundle seen by the panel prior to the hearing had been prepared by the presenting officer. On the first day of the hearing Mr Fernando handed in a statement prepared for his client and a number of documents to which the presenting officer made no objection. On day three of the hearing the panel allowed Mr Fernando to submit further documents on behalf of his client. The task of the panel would have been made far easier had an agreed bundle between the parties been submitted prior to the

hearing. The panel has carefully considered all of the documents giving such weight to each document, as appropriate.

This is a case where the panel is faced with conflicting evidence as to what actually took place on a number of key and relevant occasions. In making findings of fact the task of the panel involved an assessment of the credibility of the witnesses and in particular the evidence of Mrs Ikiebe, Pupil A and Pupil A's mother. The panel's task is to consider the evidence in relation to each allegation set out in the Notice of Proceedings, but it will be helpful to express the following with regard to the evidence of Pupil A, Pupil A's mother and Mrs Ikiebe.

Pupil A's mother did not provide clear answers in relation to the questions put to her and there were occasions when, in the view of the panel, Pupil A's mother avoided giving a clear answer when one was possible. Pupil A's mother was challenged as to the inaccuracy of some of her written statements. In her police statement of 29 August 2012, Pupil A's mother stated that she had never been late or unable to pay school fees, but in evidence sought to justify the reasons for late payment. The panel has also determined that there were a number of inconsistencies in her written statements when considering all of the statements given by Pupil A's mother to the police. The panel is satisfied that there are material differences between the first and third statements given by Pupil A's mother to the police.

In the view of the panel, Pupil A's mother would have presented as a more credible witness if in those instances when such inconsistencies were put to her, she had acknowledged the inconsistency by accepting perhaps a mistake had been made. Pupil A's mother was reluctant to acknowledge that there were any inconsistencies in her evidence and sought to justify her position, and in so doing damaged her credibility as a witness.

Pupil A must be given credit for being prepared to give evidence, particularly when the video conferencing failed and Pupil A gave evidence separated from Mrs Ikiebe who was positioned behind a curtain. The criminal trial with its ultimate result must have been a difficult time for Pupil A and to return to a setting where she had to give evidence and be cross-examined could not have been an easy task for her. The panel has given credit to Pupil A for her willingness to give evidence and has given careful consideration as to her age at the time of these events, and the circumstances in which she has been required to give evidence. The panel in considering Pupil A's evidence found a number of inconsistencies in her evidence and such matters therefore go to her credibility as a witness.

The panel found Mrs Ikiebe to be open and constructive in her evidence and prepared to recognise and acknowledge some mistakes that she may have made. The panel is satisfied that she offered a credible explanation as to the force she used when she removed the compass from Pupil A's hand. Mrs Ikiebe's explanation as to a number of events was consistent with the police statements at the criminal trial (as understood by

the panel from the Crown Court Judge's summing up to the jury) and her evidence before the panel. Therefore in circumstances where there was conflict between the evidence of Pupil A, Pupil A's mother and Mrs Ikiebe, the panel generally preferred the evidence of Mrs Ikiebe.

The panel has made the following findings of fact by reference to the Notice of Proceedings:

1a.i. Failed to appropriately manage safeguarding incidents in that: Following a reported assault on Pupil A on 17 January 2012 and 23 January 2012 she: Failed to notify the appropriate agencies when the allegation was made.

Mrs Ikiebe informed the panel during the course of the hearing that she accepted that she had not notified the appropriate agencies following the reported assault on Pupil A on 17 January 2012 and 23 January 2012. In her witness statement at page 131 of hearing Bundle B, Mrs Ikiebe accepted that with the benefit of hindsight she 'should have made the Local Authority aware that the allegation had been made.' The panel finds this particular proved on the basis of Mrs Ikiebe's admittance.

1a.ii. Personally attended Pupil A's home in the evening to address the issue and persuaded her mother not to take the allegation forward and not to contact the police.

The mother of Pupil A had stated in a telephone conversation with Mrs Ikiebe that Pupil A had marks on her hand, a cut on her head and had been beaten by Mrs Ikiebe. Mrs Ikiebe in evidence stated that she informed Pupil A's mother on the telephone that it had been necessary to use a ruler to knock a compass out of Pupil A's hand because she appeared to be about to attack a classmate. Pupil A had then overbalanced and hit her head against a radiator. Mrs Ikiebe could not reconcile her understanding of the situation with the injuries being described by Pupil A's mother.

Mrs Ikiebe accepted in her evidence that on 17 January 2012 she and her husband drove to the home of Pupil A following the receipt of the telephone call; Mrs Ikiebe was alarmed at the suggestion that Pupil A had suffered a head injury. Mrs Ikiebe said that she was in some shock that evening and it was Mr Ikiebe who did all of the talking. Mrs Ikiebe denied that she had sought to persuade Pupil A's mother not to contact the police. In her written police statement dated 25 July 2012 Pupil A's mother stated, 'Rally Ikiebe said she was sorry, but her husband did all the talking. He told me not to report it to the police'.

The panel is satisfied on the balance of probabilities that Mrs Ikiebe did not seek to persuade Pupil A's mother not to contact the police. Furthermore the panel is satisfied that Mrs Ikiebe did not seek to persuade Pupil A's mother not to take the allegation forward. Accordingly the panel finds the allegation not proved.

1b.i. When two teachers were arrested on suspicion of physically abusing pupils she: Did not instigate a formal investigation into the conduct of certain staff members;

The nursery manager and a teacher at the school were arrested on 17 October 2012 and bailed by the police until 11 December 2012. Mrs Ikiebe accepted in her evidence that no formal investigation was commenced either while the two members of staff were on bail, or before they returned to the school when the police decided not to charge either of them. There was a discussion between Mrs Ikiebe and one or more governors, but she accepted that no formal investigation into the conduct of the two members of staff had taken place. The panel finds on the admittance by Mrs Ikiebe that particular 1.b.i is proved.

1b.ii. When two teachers were arrested on suspicion of physically abusing pupils she: Did not notify the relevant agencies regarding the allegations that had been made;

Mrs Ikiebe accepted in her evidence that she did not notify the relevant agencies as to the allegations. Her explanation is that the local authority was already involved as well as Ofsted. In her witness statement Mrs Ikiebe states, 'however, with the benefit of hindsight, I should have made my own independent referral' and that should have been to the local authority designated officer (LADO). Mrs Ikiebe admits the particular of the allegation and the panel finds particular 1.b. ii. proved.

1c. Breached bail conditions imposed on her by re-entering the school premises in a way that could have resulted in unsupervised contact with pupils

An Ofsted employee provided a written statement which stated that on 11 and 16 October 2012 Mrs Ikiebe attended the school unaccompanied, and that such visits breached her bail conditions.

Witness B in her written witness statement stated that the bail conditions for Mrs Ikiebe were:

- Not to contact directly or indirectly Pupil A or Pupil A's mother.
- Not to attend Chrysolyte School.

Witness B produced a report for the Department for Education into Chrysolyte School which appears at pages 22 to 28 of the hearing bundle where different bail conditions are reported for Mrs Ikiebe, namely:

- Not to contact, directly or indirectly, C1 or her mother, or C3 and C2.
- Not to have any contact with any child of Chrysolyte School save in the presence of an adult who is not one of the accused.

Witness B explained in evidence that the bail conditions set out in her statement were the bail conditions set by the police at the commencement of the investigation, and those in her report were imposed by Camberwell Green Magistrates' Court. Witness B did not know the date when the Magistrates' Court imposed the bail conditions upon Mrs Ikiebe but said in evidence that the bail conditions set out in her police statement were those in force on the 11 October 2012. Mrs Ikiebe stated in evidence that her bail conditions had been changed at some stage by Camberwell Green Magistrates' giving rise to the possibility of a third set of bail conditions.

At the panel's request Mrs Ikiebe provided on the final day of the hearing a copy of the bail variation decision made on the 10 September 2012. The panel is satisfied that there is now no doubt as to which bail conditions were in force on 11 and 16 October 2012. Witness B made a number of conflicting statements which was a matter of some concern to the panel. Mrs Ikiebe's account of the bail conditions was consistent through the proceedings and confirmed by the bail variation document dated the 10 September 2012. These events assisted the panel with regard to the assessment of her credibility.

On the final day of the hearing, following production of the bail variation document, the National College withdrew allegation 1c.

The panel determine that the particulars proved establish that Mrs Ikiebe was in breach of the Department for Education's guidance regarding the management of safeguarding incidents. The panel finds allegation 1 proved.

2a. Used inappropriate behavioural management techniques against pupils at Chrysolyte Independent School specifically: Assaulted Pupil A (a child with a serious health condition) through beating her with a ruler on her head and hands causing bleeding and scarring;

Allegation 2 is a very serious allegation and one where there is considerable conflict of evidence.

Pupil A's evidence was that on 17 January 2012 Mrs Ikiebe gave her class a task to complete and then left the room informing the class not to talk. A number of the class had not understood the task and asked Pupil A to assist them. Mrs Ikiebe returned to the room and asked the captain of the class who had been talking. One of the class said Pupil A had been talking. Mrs Ikiebe then asked if anyone had a flexible ruler and then proceeded to hit Pupil A on her knuckles with the edge of the ruler some 5 to 10 times. The force of the assault caused her to topple onto the floor when Mrs Ikiebe then struck her on the head several times. Mrs Ikiebe then told Pupil A to go to another class before going home on the school bus. When she was going home on the bus Pupil A realised that her head was bleeding. When she got home Pupil A informed her mother what had happened at school.

Pupil A's mother gave evidence that her daughter had come home from school on 17 January 2012 with cuts on the back of both hands and cuts to the centre of her head. Pupil A's mother was clear that Pupil A had been bleeding from the cuts and took photographs which were included in the hearing bundle. Pupil A's mother telephoned Mrs Ikiebe who later that evening came to the home of Pupil A, together with her husband. They brought with them some cotton wool and TCP. Pupil A's mother's evidence was that Mrs Ikiebe said it had been an accident, asked for forgiveness, and said she would not do it again.

Mrs Ikiebe gave evidence as to the events of 17 January 2012 when she confirmed she was teaching Pupil A's class. She momentarily left the classroom to return to her office. She heard a loud piercing scream and immediately returned to the class. When she opened the door she saw Pupil A with a compass in her hand and she looked as if she was about to strike another pupil who was sitting next to her. Mrs Ikiebe picked up a ruler and struck Pupil A on the hand 1 or 2 times in order to disarm her of the compass. Pupil A then toppled from her chair and struck her head on the radiator behind her. Mrs Ikiebe denies striking Pupil A on the head. Pupil A was sent to another class and the incident was recorded in the accident book. Mrs Ikiebe mentioned previous acts of misbehaviour on the part of Pupil A, including an incident in the previous October when Pupil A poked and injured another pupil with a compass.

The panel has carefully considered the evidence, given over a number of days, and has the task of weighing the evidence and resolving the conflicts of evidence as to what happened on 17 January 2012 in the classroom at the school. The panel has considered all of the evidence and with regard to this allegation has considered, in particular, the evidence of Pupil A, Pupil A's mother and Mrs Ikiebe. For the reasons already set out, the panel prefers the evidence of Mrs Ikiebe to Pupil A and Pupil A's mother. Mrs Ikiebe impressed the panel in the way she gave her evidence and the explanation she gave for the events of 17 January 2012. Accordingly the panel finds allegation 2a not proved.

2b. Instructed pupils to stand in a stress position known as 'the invisible chair', or 'sitting on the wall' causing discomfort and distress;

The panel heard from a number of witnesses as to the use of the 'invisible chair' and 'sitting on the wall'. Mrs Ikiebe accepted in evidence that they were one and the same thing. Pupil A demonstrated for the panel how a pupil would undertake the position of the 'invisible chair'. Mrs Ikiebe accepted in evidence that pupils were asked to assume the position and it was intended that they should focus on holding the position. The purpose was for them to concentrate on what they had done wrong. The 'invisible chair' was not intended to punish children, or to cause pain, injury or humiliation. Mrs Ikiebe accepted in evidence that Pupil A had been instructed to take up the position of 'sitting on the wall'.

Mrs Ikiebe said that the position was held for a few minutes, whereas Pupil A gave evidence that the position had to be held for much longer periods; and on one occasion for a period of four hours. Mrs Ikiebe denied that sitting on the 'invisible wall' was

undertaken to cause stress, whether physical or psychological, but the practice ceased in September 2012 on the advice of the governors, who were anxious to avoid any misunderstanding.

The panel is satisfied that the practice of asking children to 'sit on the wall' created discomfort and distress. The practice was an inappropriate behavioural management technique and the governors were right to call an end to the practice. Accordingly the panel finds allegation 2.b proved.

2c. Allowed a culture whereby children were physically hit by rulers, paint brushes and bamboo sticks.

The National College relied on the hearsay evidence contained in the witness statements of Pupils B, C, D, E, F, G and H. The pupils in their witness statements allege they were hit by Individual A, Individual B, Mrs Ikiebe and the Principal, when a number of instruments were used including paint brushes, rulers and sticks.

Mrs Ikiebe denied all of the allegations made by the pupils, and in giving evidence drew attention to the many inconsistencies in the written statements suggesting that it was obvious that one or more of the pupils were clearly confused. Mrs Ikiebe stated that there were established procedures in place for dealing with issues of discipline which did not include corporal punishment, but included such things as loss of break time, or extra homework.

The panel is satisfied that the National College has failed to discharge the burden of proof in relation to allegation 1c. The panel, and Mrs Ikiebe, have not been able to test the evidence of the relevant pupils which in parts is contradictory and the evidence conflicts with what is said in a number of the testimonials from parents and former pupils contained in the hearing bundle. The panel is satisfied that the evidence does not support the finding of a culture in the school whereby children were physically hit. Accordingly the panel finds allegation 2.c not proved.

On the basis of the particular 2b found proved, the panel also finds proved that Mrs Ikiebe used inappropriate behavioural management techniques and therefore finds allegation 2 proved.

3a. Failed to comply with health and safety measures as outlined by the DofE, specifically: The number of adequate fire drills, including appropriate recording; and

During opening submissions the presenting officer, in response to questions from the panel, clarified for the purposes of allegation three that the jurisdiction of the Department of Education was exercised by Ofsted.

Witness C of Ofsted gave evidence to the panel of three inspections undertaken at the school namely on 12 September 2012, 11 December 2012 and 2 May 2013.

In relation to the first inspection on 12 September 2012, Witness C reported that fire drills took place, but they were not frequent enough, and the records of these were inadequate. In relation to the second visit on 11 December 2012, Witness C reported that although fire drills took place, they were still not frequent enough. He also reported that one of the fire exits was chained which meant there was a potential barrier to escape, and the fire safety records were not in good order.

Mrs Ikiebe gave evidence that the necessary number of fire drills were undertaken, but that a dissatisfied member of staff failed to record them properly and correctly.

The panel accepts the evidence of Witness C and finds allegation 3a proved.

3b. Failed to provide safe outside space provision for pupils.

Witness C gave evidence that the initial inspection took place on 12 September 2012 when he reported that 'the surfaces around the building are in a very poor state, deteriorating and hazardous condition'.

Witness C gave evidence that on the second visit on 11 December 2012 the provision of outdoor physical activity for pupils of all ages continued not to meet regulatory requirements. He made particular reference to the surfaces around the building being in a very poor, deteriorating and hazardous condition. The plastic play surface made up of interlocking tiles was not fitted properly which meant there were many trip hazards for the pupils. Witness C also drew attention to the lack of a barrier between the play area and the private staff car park. Finally, in relation to inside the school, the flooring in various places did not meet statutory requirements particularly in some of the toilets, stairs and teaching rooms. He gave evidence that the cracked lino over uneven surfaces in one corridor presented a serious trip hazard. Witness C suggested that risks were not properly assessed.

The panel accepts the evidence of Witness C and finds allegation 3b proved.

The panel therefore finds allegations 1a.i, 1b.i, 1b.ii, 2b, 3a and 3b proved. The panel finds allegations 1a.ii, 2a and 2c not proved. Allegation 1c was withdrawn by the National College.

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

The panel is satisfied that the conduct of Mrs Ikiebe in relation to the facts found proved involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mrs Ikiebe is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour.

- Treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries.
- Teachers are expected to demonstrate consistently high standards of personal and professional conduct.
- Having regard for the need to safeguard pupils' wellbeing, in accordance with statutory provisions.
- Teachers must have an understanding of, and always act within, the statutory framework which set out their professional duties and responsibilities.

The panel is satisfied that the conduct of Mrs Ikiebe is misconduct of a serious nature and fell significantly short of the standards expected of the profession.

Mrs Ikiebe failed to follow the DfE guidance on safeguarding in respect of the allegation made by Pupil A and with regard to the two teachers who were arrested and suspended.

Mrs Ikiebe used inappropriate behaviour management techniques.

Mrs Ikiebe failed to ensure that the school complied with the relevant statutory measures relating to fire drills and the provision of safe outside space for pupils. Having been alerted to the deficiencies in these areas by an Ofsted inspector in a report in September 2012, Mrs Ikiebe failed to remedy them, as recorded in the further Ofsted report of December 2012.

For all of these reasons the panel finds that Mrs Ikiebe's actions constituted unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

The panel has made a determination of unacceptable professional conduct and conduct that may bring the profession into disrepute. It is necessary for the panel 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 a proportionate measure and if it is in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they may have a punitive effect.

The panel has considered the public interest, and in particular:

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

The panel has considered the advice on Teacher Misconduct in relation to the Prohibition of Teachers, and has concluded that the following is relevant:

- Serious departure from the personal and professional conduct elements of the latest Teachers' Standards, as published by, or on behalf of, the Secretary of State.
- Misconduct seriously affecting the well-being of pupils, and particularly where there is a continuing risk.
- Violation of the rights of pupils.
- Deliberate behaviour that undermines pupils, the profession, the school or colleagues.

The panel considers that public confidence in the profession could be weakened if such conduct, as the panel has found proved, were not treated with seriousness when regulating the conduct of the profession. The factual findings against Mrs Ikiebe raise important public interest considerations in declaring proper standards of conduct for the teaching profession. Teachers are at all times role models and are expected to act with integrity. The issues of safeguarding and compliance with health and safety are matters of crucial importance for all teachers, but particularly so for those with leadership roles within schools.

Notwithstanding the public interest considerations that were present, the panel has to consider carefully whether or not it would be proportionate to impose a prohibition order. The panel has taken careful note of the considerable number of written references in the hearing bundle, and the mitigation advanced on behalf of Mrs Ikiebe by Mr Fernando. In considering the guidance the panel finds that the teacher's acts were deliberate; that she was not acting under duress, and that she did have a previously good history.

In carrying out the balancing exercise the panel has decided that the public interest considerations outweigh the interests of Mrs Ikiebe. Accordingly a consideration of the public interest requires the panel to make a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel has considered whether or not it would be appropriate to recommend a review period of the order. The panel has been mindful that the advice given is that a prohibition order applies for life, but there may be circumstances in any given case that may make it appropriate for a review period of not less than two years to be recommended in order for the teacher to apply to set aside the order.

The panel is satisfied that Mrs Ikiebe may have a future contribution to make to the teaching profession. Mrs Ikiebe has been a teacher for at least twenty years and the panel recognises that she demonstrated the beginnings of insight as to the role of a teacher operating within the current statutory frameworks which apply to the profession. Mrs Ikiebe will have to demonstrate in any future application, if it be allowed, an insight as to those matters the panel has found proved. The panel is aware that any future

permitted review application will be a matter for Mrs Ikiebe. However, the panel suggests that Mrs Ikiebe will have to demonstrate a better understanding of the role of the teacher and the boundaries that have to be observed. Mrs Ikiebe will need to be able to separate more effectively the role of teacher, and the role of carer. Finally, Mrs Ikiebe would be well advised to be fully conversant and up to date with the requirements of safeguarding and health and safety measures as they apply to schools before any review application.

The panel therefore recommends to the Secretary of State that Mrs Ikiebe be permitted an application for review in two years' time.

Decision and reasons on behalf of the Secretary of State

I have carefully considered the findings and recommendations of the panel in this case. The panel have found a range of allegations proven as detailed within this document and have found that facts proven amount to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Mrs Ikiebe's conduct amounts to misconduct of a serious nature that falls significantly short of the standards expected of the profession. She has failed to follow guidance on safeguarding, used inappropriate behaviour management techniques and failed to ensure that the school complied with statutory measures.

The findings have raised important public interest considerations in declaring proper standards of conduct for the profession. Mrs Ikiebe's actions were deliberate and she was not acting under duress. The panel have noted the written references and the mitigation advanced by Mr Fernando.

The panel have judged that the public interest considerations outweigh those of Mrs Ikiebe and have recommended that a prohibition order would be an appropriate and proportionate sanction. I agree with their recommendation.

In considering whether to recommend a period after which Mrs Ikiebe might be allowed to apply to have the order set aside, the panel are satisfied that she may have a future contribution to make to the teaching profession. She has shown some insight and the panel are of the view that a period of 2 years would allow Mrs Ikiebe to develop further insight, a better understanding of the role of the teacher and the boundaries that have to be observed, and become fully conversant with the requirements of health and safety and safeguarding as they apply to schools. I agree with their recommendation.

This means that Mrs Ralliat Ikiebe 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 29 May 2017, 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, Mrs Ralliat Ikiebe remains prohibited from teaching indefinitely.

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

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

NAME OF DECISION MAKER: Paul Heathcote

A handwritten signature in black ink, appearing to read 'P Heathcote', with a large, stylized flourish at the end.

Date: 20 May 2015

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