



National College for
Teaching & Leadership

Ms Vanessa Jukes: Professional conduct panel outcome

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

September 2015

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

Teacher: Ms Vanessa Jukes

Teacher ref number: 81/46455

Teacher date of birth: 5 February 1960

NCTL case reference: 11188

Date of determination: 8 September 2015

Former employer: High Well School, Barnsley

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 7 and 8 September 2015 at The Hilton Hotel, Paradise Way, Walsgrave Triangle, Coventry CV2 2ST to consider the case of Ms Vanessa Jukes.

The panel members were Ms Nicole Jackson (lay panellist – in the chair), Mr Tony Woodward (teacher panellist) and Mr Michael Lesser (teacher panellist).

The legal adviser to the panel was Mr Graham Miles of Blake Morgan LLP solicitors.

The presenting officer for the National College was Mr Ben Bentley of Browne Jacobson LLP solicitors.

Ms Vanessa Jukes 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 6 May 2015.

It was alleged that Ms Vanessa Jukes was guilty of unacceptable professional conduct, in that:

Whilst employed as a Headteacher at High Well School she:

1. Instructed a member of staff to record entries on a National Database for Pupil Attendance which she knew to be inaccurate information as it did not reflect the paper records, and then directed the member of staff to shred the paper records;
2. Failed to provide alternative support for students to ensure that they received the minimum statutory education requirement of 24 hours per week for students in Years 7 to 10, and 25 hours per week for students in Year 11;
3. Failed to have regard to the welfare of Pupil A, a vulnerable student, in the care of the school, in that she cancelled her taxi into school and did not arrange alternative transport, commenting “*don’t want her in this week at least!*” and instructed staff not to rush to arrange a meeting with her mother;
4. Her conduct in regard to allegation 1 was dishonest in that she knew that the electronic attendance data was different from what the original papers recorded and she sought to conceal the discrepancy by ordering the destruction of the conflicting records.

C. Preliminary applications

In the absence of Ms Jukes, the presenting officer made an application for the hearing to proceed in her absence. After receiving legal advice, the chair announced the decision of the panel as follows:

The panel has decided that the hearing should proceed in the absence of Ms Jukes for these reasons:

- The Notice of Proceedings was sent to Ms Jukes in accordance with paragraph 4.11 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession;
- Written confirmation has been received from her solicitors that Ms Jukes will not be attending the hearing and will not be represented but that Ms Jukes does not object to the hearing proceeding in her absence. The panel is satisfied that Ms Jukes has voluntarily waived her right to attend.
- No application for an adjournment has been made and no purpose would be served by adjourning to another date.
- There is a public interest in these proceedings taking place reasonably promptly.

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 1 to 3.

Section 2: Notice of Proceedings and Response – pages 4 to 11.

Section 3: NCTL witness statements – pages 12 to 21.

Section 4: NCTL documents – pages 22 to 747.

Section 5: Teacher documents – pages 748 to 776.

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

In addition, the panel agreed to accept the following:

1. Letter from Baxter Caulfield Solicitors dated 4 September 2015 – page 777
2. Judgment of Employment Tribunal and reasons dated 8 December 2014 – pages 778 – 839
3. Email from Baxter Caulfield Solicitors to NCTL dated 4 September 2015 – page 840.

The panel members read all of the additional documents on 7 September 2015 before proceeding with the hearing.

Witnesses

The panel heard oral evidence from the following witnesses called by the presenting officer, namely:

Witness A: Administration Officer, High Well School.

Witness B: Parent Support Advisor, High Well School.

Witness C: Deputy Headteacher, High Well School.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

Ms Vanessa Jukes was employed as Headteacher of High Well School, Barnsley (“the School”) from June 2010 until her dismissal in June 2013. Most of the pupils attending the School have a Statement of Special Educational Needs. The pupils include individuals with severe emotional, social and behavioural difficulties in addition to learning difficulties. The difficulties that pupils present with include extreme, demanding and challenging behaviours which could affect the safety of themselves and others, moderate and severe learning difficulties, ADHD, Autism, Conduct Disorder and Oppositional Defiance Disorder. Some pupils also have mental health needs. During the relevant period, the School had approximately 38 pupils on the roll and 25 staff. In addition to providing education on the School site, the School uses alternative provisions and work placements for pupils off-site. On 15 December 2011, Ms Jukes was suspended pending investigation of allegations, which included failing to provide statutory education to pupils and the falsification and subsequent reporting of data in respect of pupil attendance. There was a protracted investigation, during which time Ms Jukes remained suspended. A disciplinary hearing was eventually held on dates between 28 November 2012 and 29 April 2013. The disciplinary panel met to consider its decision on 2 May 2013, which was communicated in writing to Ms Jukes on 10 June 2013. The decision was that Ms Jukes should be summarily dismissed. Ms Jukes appealed and an appeal hearing concluded in November 2013. The Disciplinary Appeal Panel upheld the original decision. Ms Jukes subsequently made an application for unfair dismissal. The Employment Tribunal, in its judgment dated 8 December 2014, determined that Ms Jukes had been unfairly dismissed, but also concluded that there was a 40% chance that Ms Jukes would have been fairly dismissed if a fair procedure had been followed.

The panel has read the decisions of the disciplinary and appeal hearings and the judgment and detailed reasons of the Employment Tribunal. Whilst taking these decisions into account, the panel has made its own determination of the allegations before the panel based on the evidence presented to this panel.

Findings of fact

Our findings of fact are as follows:

- 1. Instructed a member of staff to record entries on a National Database for Pupil Attendance which you knew to be inaccurate information as it did not reflect the paper records, and then directed the member of staff to shred the paper records;**

The panel heard evidence from Witness A, who was the Administration Officer and Witness C, Deputy Headteacher. Witness A said in her evidence that Ms Jukes told her that she wanted to be present when Witness A input attendance information into the INTEGRIS system. Witness A said that there was a backlog of 5 weeks data needing to be inputted and that on a date in October/November 2011, Ms Jukes sat with her and instructed her to mark as present pupils that she had not met since she started at the School. Witness A said that Ms Jukes “instructed [her] to enter incorrect information on

more than one occasion". On the second occasion, Witness A said that the attendance register had been marked as blank for a pupil, but Ms Jukes instructed her to put in a range of different codes. In the case of one boy who had been missing from home for two weeks, Witness A said that she was instructed to "mark him as present within school". Witness A also said in her oral testimony that Ms Jukes said that she could trust Witness A to do it and indicated that attendance had to be over a certain percentage or there would be consequences. Witness A acknowledged that she had not said this in her written statement or in her interview as part of the disciplinary investigation. She said that she had not done so as she had subsequently discovered that there were historical inaccuracies and she did not wish to implicate others. The panel found Witness A to be conscientious and a credible witness. She was "enormously concerned" about this and recognised the importance of the accuracy of attendance data due to a previous experience of a serious case review in another school which had underlined the importance of recording the whereabouts of pupils at all times.

Witness A approached Witness C on Monday 7 or Monday 14 November 2011 about these concerns. Witness C confirmed this in her written and oral evidence. Witness A also said in her evidence that she was instructed by Ms Jukes to shred the paper copies of the attendance registers. Witness A challenged Ms Jukes on this instruction on the basis that paper copies from previous weeks had been kept in a drawer. However, Ms Jukes confirmed her instruction to shred them. Witness A also said that Ms Jukes instructed her "to enter incorrect data relating to exclusion days and totals onto the Governors Report for November 2011". Witness A said that "by this time [she] had started to make [her] own notes with regard to what [she] was being instructed to change by Vanessa and to take copies of any information that could be used as proof or evidence should it be required". Witness A gave some specific examples of instructions given in relation to particular pupils. She said that on "29 November [2011] Pupil C was taken home ill at 11.50am but [she] was instructed by Vanessa to give him a mark for the afternoon, as present. On 13 December Pupil D was rushed to hospital in the morning, again [she] was instructed to mark her as present on the afternoon attendance register". When questioned, Witness A rejected the suggestion that the inaccurate entries might be the result of mistakes or "ignorance or a misguided attempt to get things right which has not succeeded".

In her evidence, Witness C said that she spoke to Ms Jukes in her office about the incorrect attendance data in the headteacher's report to the Governing Body. Witness C said that Ms Jukes admitted to her that they had put in the incorrect data and that it was lower in the autumn term than the summer term when the information presented in the report to the Governing Body was to the opposite. In her oral testimony Witness C said that Ms Jukes said that the attendance figures had to be above a certain percentage figure or that there would be consequences for Ms Jukes. The panel found Witness C to be a credible witness.

The panel finds the facts of allegation 1 proved.

2. Failed to provide alternative support for students to ensure that they received the minimum statutory education requirement of 24 hours per week for students in Years 7 to 10, and 25 hours per week for students in Year 11;

The panel heard oral evidence from Witness C, who confirmed the content of her statement and her letter dated 28 November 2011 which was sent to the local authority. Witness C said that the total provision including alternative provision for two identified pupils did not amount to the required 24 or 25 hours. In addition, at least two other identified pupils were not attending for a prolonged period at their placements under alternative provision and were not receiving any education as their attendance at the placements was not being monitored.

The panel also heard oral evidence from Witness B, Parent Support Advisor, who confirmed the content of her written statement and her responses at interview. Witness B said in one of those responses that there were six identified pupils who did not receive their 24/25 hour entitlement.

Ms Jukes said in her written response that she “could not reasonably be expected to underwrite or guarantee that all students will either attend school or such alternative provision as may have been made for them or receive that which is available and intended for them”. Ms Jukes denied that there was a failure to monitor the pupils’ attendance or to provide alternative support, where required. Ms Jukes also said that “certain pupils, in particular, were on a partial timetable but they each received such provision as was practicable and possible, and all were properly monitored”.

Witness C’s evidence was that there was no first day response regarding alternative provision. Witness C also indicated that “Statemented pupils” were not receiving the educational provision required by their “Statements”. Witness C said that the use of a partial timetable is possible, but that this requires a formal agreement with parents/carers and the local authority, which was not present in relation to any of the pupils concerned. Whilst Witness C accepted that it is not possible to guarantee pupils’ attendance, she said that “you can guarantee that every effort will be made to check attendance” because there are important safeguarding and financial implications. Witness C described the monitoring as “lacking rigour”. Witness B also said in her evidence that she was concerned about the safety of these pupils in addition to their education. The panel found Witness B to be a credible witness.

The panel is satisfied that, in relation to some pupils, the educational provision was less than the required hours per week. In relation to other pupils, the lack of monitoring led to them not receiving the minimum statutory requirement.

The panel finds allegation 2 proved

3. Failed to have regard to the welfare of Pupil A, a vulnerable student, in the care of the school, in that you cancelled her taxi into school and did not arrange alternative transport, commenting “*don’t want her in this week at least!*” and instructed staff not to rush to arrange a meeting with her mother;

Witness B said in her evidence that Pupil A was considered a vulnerable pupil because she was a child protection case and there were child sex exploitation concerns in relation to her. Witness B said that Pupil A had told her that she felt safest when she was in school. Witness B said that she went to regular child protection meetings concerning Pupil A and that after each meeting she reported to Ms Jukes. Witness B said that prior to December 2011 she had approached Ms Jukes and told her that Pupil A needed to be in school. Ms Jukes agreed. However, there was an incident in December which led to Ms Jukes writing a memo to Witness C on 5 December 2011, when Witness B was absent from school. The panel has seen the memo concerned, which states “I have cancelled taxi UFN”. The panel understood “UFN” to mean “until further notice”. The memo also said “If mum rings – we will say need a meeting – but not to rush one. Don’t want her in this week at least!!” The panel took this to mean that Ms Jukes did not want Pupil A in school for a period of time.

In her written response, Ms Jukes said that Pupil A attended [redacted] on Tuesday, Wednesday and Thursday, but this was disputed by Witness B, who was certain that it was Monday and Tuesday. Ms Jukes also said that the taxi would bring Pupil A into school before she went to the alternative provision off-site and that she cancelled the taxi because Pupil A was being disruptive when she came into the school. Ms Jukes said that a colleague went to take Pupil A direct to the [redacted] instead. However, Witness B said that the taxi provision was only between home and school and that Pupil A was only taken to the stables by her from the school on two occasions. Witness B was not aware of any other arrangements made for other colleagues to take her direct from her home.

Witness B’s evidence was that Pupil A was refusing to go to the [redacted] and was also refusing to go into school for part days as she wanted to go to school full time. The cancellation of the taxi precluded any possibility of this.

Ms Jukes said that Pupil A was at no greater risk than she would otherwise have been. However, Witness B said in her evidence that, as a result of the cancellation of the taxi, Pupil A was at greater risk than she would have been when in school or in alternative provision as Pupil A could again associate with other individuals involved in child sex exploitation. Witness B said that the lack of any provision caused by the cancellation of the taxi meant that Pupil A had too much time on her hands. This would make her more vulnerable because of her need for attention of any kind.

The panel preferred Witness B’s account.

Witness C also said in her evidence that, in her view, considering the exploitation concerns, the cancellation of the taxi was not appropriate or suitable. She was seriously concerned that the pupil had no way of getting to school.

The panel finds allegation 3 proved.

4. Your conduct in regard to allegation 1 was dishonest in that you knew that the electronic attendance data was different from what the original papers recorded and you sought to conceal the discrepancy by ordering the destruction of the conflicting records.

The panel has found in relation to allegation 1 that Ms Jukes gave specific and repeated instructions for information which she knew to be inaccurate to be recorded and for the paper records to be destroyed. The panel is satisfied that Ms Jukes' instructions were intended to mislead and to conceal the true picture. While there is no evidence of any personal financial gain, the panel is satisfied that Ms Jukes believed that the presentation of the actual attendance figures would have adverse consequences for her. The panel is satisfied that Ms Jukes' actions were dishonest by the ordinary standards of reasonable and honest people and that Ms Jukes must have appreciated that her actions were dishonest by those standards.

Accordingly, the panel finds allegation 4 proved.

Findings as to unacceptable professional conduct

Having found the facts in 1 to 4 proved, the panel is satisfied that Ms Jukes' actions and lack of action amount to misconduct of a serious nature falling significantly short of the standard of behaviour expected of a teacher. Accordingly, unacceptable professional conduct has been established.

In making this determination, the panel finds that Ms Jukes breached the personal and professional conduct elements of the Teachers' Standards.

- Ms Jukes did not uphold public trust in the profession or maintain high standards of ethics and behaviour in that she did not have regard to the need to safeguard pupils' well-being in accordance with statutory provisions;
- Ms Jukes did not act within statutory frameworks which set out her professional duties and responsibilities.

In addition, Ms Jukes' actions in relation to the attendance data were dishonest.

Panel's recommendation to the Secretary of State

The panel has carefully considered all of the evidence presented in this case.

The panel is of the view that Ms Jukes' behaviour was incompatible with being a teacher for the following reasons:

- This was a serious departure from the personal and professional conduct elements of the Teachers' Standards.
- The misconduct had the potential to seriously affect both the education and well-being of pupils. In view of the absence of evidence of insight on the part of Ms Jukes, there is a continuing risk.
- Ms Jukes' actions were dishonest and by concealing the true picture, Ms Jukes' actions had the potential to put pupils' education and well-being at risk.

No evidence or submissions have been made in relation to mitigation, but the panel considered whether there were any mitigating circumstances arising from the evidence presented. The panel has taken into account Ms Jukes' previous good history. However, her actions were deliberate and were not under duress. The panel is sensitive to and has taken into account what has been said by Ms Jukes and on her behalf about her personal and medical circumstances during the relevant period and subsequently, as detailed throughout the bundle of documents. However, the panel did not receive any medical evidence which could cause the panel to conclude that any health issue had any significant impact on her actions.

The panel has concluded that a prohibition order is necessary in the public interest in order to protect pupils, to maintain public confidence in the profession and to declare and uphold proper standards of conduct.

Accordingly, the panel recommends that a prohibition order be made in this case.

The panel considered whether to recommend a review period after which the teacher may apply for a prohibition order to be set aside or to recommend that there be no provision for review.

The panel recommends that there be no opportunity to review the prohibition order for the following reasons.

Ms Jukes' actions were dishonest and had the potential to seriously affect both the education and well-being of pupils, particularly in relation to safeguarding of vulnerable pupils. In view of her lack of insight Ms Jukes presents a continuing risk of repeating the behaviour. The combination of these factors causes the panel to conclude that a period of review is not appropriate. The panel so recommends.

Decision and reasons on behalf of the Secretary of State

I have given careful consideration to the findings and recommendations of the panel in this case.

The panel has found all the allegations proven and determined that the facts amount to unacceptable professional conduct.

Ms Jukes' actions are a serious departure from the standards expected of a teacher and her behaviour had the potential to seriously affect the education and well-being of pupils. The panel has also found Ms Jukes' behaviour to be dishonest.

She has shown no insight and there is nothing to suggest her actions were anything other than deliberate. There is no evidence that she was acting under duress.

In the circumstances I agree with the panel recommendation that Ms Jukes should be prohibited from teaching and that there should be no opportunity for her to apply to have the order set aside.

This means that Ms Vanessa Jukes is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proved against her, I have decided that Ms Vanessa Jukes shall not be entitled to apply for restoration of her eligibility to teach.

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

Ms Vanessa Jukes 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.



Decision maker: Paul Heathcote

Date: 9 September 2015

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