



National College for  
Teaching & Leadership

# **Ruth Christine Vaughan: Professional Conduct Panel outcome**

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

**February 2015**

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## **Professional Conduct Panel decision and recommendations, and decision on behalf of the Secretary of State**

<b>Teacher:</b>	Miss Ruth Christine Vaughan
<b>Teacher ref no:</b>	1154265
<b>Teacher date of birth:</b>	7 November 1988
<b>NCTL Case ref no:</b>	0011389
<b>Date of Determination:</b>	11 February 2015
<b>Former employer:</b>	Oakham School (“the school”)

### **A. Introduction**

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 9 – 11 February at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Miss Ruth Christine Vaughan.

The panel members were Mrs Sheba Joseph (Teacher Panellist – in the Chair), Ms Gill Goodswen (Teacher Panellist) and Mr Jake Greenwood (Lay Panellist).

The legal adviser to the panel was Mrs Luisa Gibbons of Eversheds LLP Solicitors.

The presenting officer for the National College was Mr Marios Lambis of 2 Hare Court instructed by Nabarro Solicitors.

Miss Vaughan was not present. She gave evidence by video link and attended by video link for a portion of the evidence of the deputy head teacher of the school at the relevant time.

The hearing took place in public and was recorded.

## B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 21 October 2014.

It was alleged that Miss Vaughan was guilty of unacceptable professional conduct/ and/or conduct that may bring the profession into disrepute, in that:

Whilst employed at Oakham School ("the school")

1. Between June and December 2013, you engaged in an inappropriate relationship with Student A, a current and/or former student at the school, including but not restricted to you:
  - a. Exchanging mobile telephone numbers with student A,
  - b. Sending to and/or receiving from student A text messages,
  - c. Making telephone callings to and/or receiving telephone calls from student A,
  - d. Kissing student A on the lips,
  - e. Kissing student A using your tongue,
  - f. Engaging in sexual activity with student A,
  - g. Having sexual intercourse with student A;
2. Your conduct as set out at paragraph 1 was sexually motivated;
3. On or around 18 September 2013, when questioned by the school, you denied having formed any kind of sexual / inappropriate relationship with student A;
4. Your conduct as set out at paragraph 3 above was dishonest in that you had formed an inappropriate and / or sexual relationship with student A and you lied to conceal this;
5. On 16 November 2013, you attended the Lord Nelson ("the pub") and you:
  - a. bought alcoholic drinks for:
    - i. student B,
    - ii. student C,
  - b. allowed student B and/or student C to consume alcoholic drinks in your presence,
  - c. did not inform the pub that student B and/or student C were:
    - i. under 18; and
    - ii. consuming alcoholic drinks;
6. In or around late 2013, on one or more occasions, you inappropriately contacted:
  - a. student B by telephone and/or text message and/or facebook and:

- i. encouraged him lie to about the circumstances under which the alcoholic drinks were purchased,
  - b. student C on facebook and you:
    - i. encouraged him lie to about the circumstances under which the alcoholic drinks were purchased,
    - ii. asked student C to contact student B on your behalf to tell him what he should say if questioned by the school;
7. Your actions as described at paragraphs 6(a)(i) and/or 6(b)(i) and/or 6(b)(ii) above were dishonest.

In advance of the hearing, Miss Vaughan denied the allegations and denied having been guilty of unacceptable professional conduct and or/ conduct that may bring the profession into disrepute.

### **C. Preliminary applications**

The panel has considered whether this hearing should continue in the absence of Miss Vaughan.

The panel is satisfied that the National College has complied with the service requirements of regulation 19 a to c of the Teachers' Disciplinary (England) Regulations 2012 (the "regulations").

The panel is also satisfied that the notice of proceedings complies with paragraphs 4.11 and 4.12 of the procedures.

The panel has determined to exercise its discretion under paragraph 4.28 of the procedures to proceed with the hearing in the absence of the teacher.

In making its decision, the panel has noted that the teacher may waive the right to participate in the hearing. The panel understands that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one.

The panel has taken account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC1. The teacher is not present, residing in Saudi Arabia. The panel therefore considers that Miss Vaughan has waived her right to be present at the hearing in the knowledge of when and where the hearing is taking place. The panel has had regard to the requirement that it be only in rare and exceptional circumstances that a decision should be taken in favour of the hearing taking place. The panel considers that the teacher has plainly waived her right to appear. There is no indication that an adjournment would result in Miss Vaughan attending the hearing. The panel has also had regard to the extent of the disadvantage to Miss Vaughan in not attending, and

although she will not be able to cross-examine witnesses or make representations to the Panel she is available to provide her account of events by video evidence. The Panel has had regard to the seriousness of this case, and the potential consequences for the teacher but considers, in light of her waiver of her right to appear, that on balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time is in favour of this hearing continuing today.

The panel considered an application by the presenting officer to amend allegation 5a to replace the word “bought” with “provided”. The panel considered that the amendment would cause unfairness to Miss Vaughan, since her case has been prepared on the basis of the allegation having been that she bought alcoholic drinks for Student B and Student C. The panel exercised caution given that this hearing is proceeding in the absence of Miss Vaughan. The panel has been told that Miss Vaughan does not object to the amendment, but has seen no communication stating this. The panel also considered whether to hold this application in abeyance until Miss Vaughan gave evidence but considered that it would need to question Student C about this incident, and would need to be clear about the nature of the allegation in order to do so. This application was therefore refused.

## **D. Summary of evidence**

### **Documents**

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

Section 1: Chronology and Anonymised Student List	Pages 1 – 3
Section 2: Notice of Proceedings and Response	Pages 4 – 21
Section 3: National College for Teaching and Leadership Witness Statements	Pages 22 – 38
Section 4: National College for Teaching and Leadership Documents	Pages 39 – 101
Section 5: Teacher Documents	Pages 102 - 133

The panel decided to admit two documents provided by the presenting officer, those being an application for employment at the school and a cv. The panel considered that it was fair to admit these documents and that they were reasonably relevant to the case. The panel had been unclear about Miss Vaughan’s employment status at the time of the allegations and these documents assisted to clarify that Miss Vaughan does fall within

the jurisdiction of these proceedings as set out in regulations 2 and 3. These documents were paginated as pages 101a to 101e.

The panel members confirmed that they had read all of the documents in advance of the hearing and the additional documents produced by the presenting officer referred to above.

## **Witnesses**

The panel heard oral evidence from Student A, Student C and the deputy head teacher of the school at the relevant time, all called by the presenting officer.

The panel also heard evidence from Miss Vaughan by video link.

## **E. Decision and reasons**

The panel announced its decision and reasons as follows:

We have now 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 and those documents produced during the hearing.

Miss Vaughan commenced working at the school in September 2012 as a newly qualified teacher of Design and Technology having completed her PGCE in June 2012. In June 2013, the deputy head teacher was informed of a rumour regarding Miss Vaughan's relationship with Student A. Both Student A and Miss Vaughan denied the allegation.

Further concerns were raised on 17 November 2013 about an incident the previous evening regarding Miss Vaughan having allegedly purchased drinks for Student B and Student C at the Lord Nelson pub. On 9 December 2013, the deputy head teacher was contacted by Student B's mother regarding alleged contact made by Miss Vaughan to Student B regarding the incident. On 11 December 2013, the deputy head teacher was again contacted by Student B's mother regarding a message Student C had received on facebook which allegedly came from Miss Vaughan and which Student C had passed to Student B. A disciplinary hearing was held on 12 December 2013, following which Miss Vaughan was summarily dismissed as from 16 December 2013.

## **Findings of Fact**

Our findings of fact are as follows:

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

**1 Whilst employed at Oakham School (“the school”) between June and December 2013, you engaged in an inappropriate relationship with student A, a current and/or former student at the school, including but not restricted to you**

**a exchanging mobile telephone numbers with student A,**

**b sending to and/or receiving from student A text messages,**

**c making telephone callings to and/or receiving telephone calls from student A,**

**d kissing student A on the lips,**

**e kissing student A using your tongue**

**f engaging in sexual activity with student A,**

**g having sexual intercourse with student A,**

Student A gave evidence that, following the school leavers’ ball on 28 June 2013, he and Miss Vaughan exchanged mobile telephone numbers.

Miss Vaughan stated that she did not remember passing her mobile number to Student A but stated that he had sent her text messages that evening. She stated that she believed another teacher had passed on her number.

The panel has seen the bill for Student A’s mobile phone in which calls and text messages to Miss Vaughan have been itemised from 30 June 2013 until 6 July 2013 and 12 July 2013, respectively. The panel does not have any independent confirmation that the number identified belonged to Miss Vaughan, but note that she has not denied that this was the case.

In Miss Vaughan’s representations for these proceedings, she stated that during the summer through text message and irregular calls, she and Student A became friends. In order to do this, the panel were of the view that she and Student A must have exchanged numbers. The panel considered it unlikely that another teacher would have provided a mobile number of a colleague to a student.

The above evidence led the panel to conclude that sub-paragraphs a – c inclusive were proven on the balance of probabilities.

Student A stated that, at 1am, when his school leavers’ ball had ended he and Miss Vaughan kissed on the mouth, with tongues. Student A’s evidence was that that there had been more kissing in the early part of July. He stated that he and Miss Vaughan began a sexual relationship on a date between 15– 27 July, before he went on holiday to Europe.



Miss Vaughan's evidence was that Student A had gone to kiss her on the lips by accident when leaving the school leavers' ball as he was hugging other members of staff and kissing them on the cheek. Miss Vaughan's evidence was that she and Student A had first kissed and engaged in sexual activity after she returned from Thailand after 28 August 2013t. She stated that they had engaged in sexual intercourse on the first occasion when she visited Student A in his second week of attending University.

Both Student A and Miss Vaughan provided evidence that they had kissed and engaged in sexual activity during the time period set out in allegation 1, albeit that they differed in their accounts of precisely when such activity took place. The panel therefore concluded that it was more probable than not that the activity described in sub-paragraphs d – g occurred during the time period set out in allegation 1. The panel therefore found sub-paragraphs d – g proven.

The panel went on to consider whether the conduct alleged in paragraphs a – g constituted an inappropriate relationship. The panel had regard to the school's "Teaching Staff Code of Conduct". This stated that communication with former pupils on personal social network sites should occur only after 1 September following a student's departure from the school. Whilst this was a reference to social network sites, the panel considered that the same rationale would also apply to phone communications. Since messages were sent and telephone calls occurred during the summer period, the panel considered this constituted an inappropriate relationship.

The panel also considered that the kissing, sexual activity and sexual intercourse constituted an inappropriate relationship. Although Miss Vaughan had not taught Student A, she had contact with him at the combined cadet force ("CCF"), which the deputy head teacher clearly stated was a school activity. Student A was one of the senior members of the CCF and taught lessons to other cadets alongside Miss Vaughan. Regardless of this, Student A, whilst at the school, was a student, and Miss Vaughan was in a position of responsibility, being a teacher. The evidence of Miss Vaughan and Student A was contradictory in terms of when their relationship became sexual. Nevertheless even on Miss Vaughan's account it is apparent that kissing and sexual activity took place after 28 August and sexual intercourse occurred during Student A's second week of University. Since the relationship was spawned out of the position of trust that Miss Vaughan had, the panel considered this to be inappropriate. Miss Vaughan accepted during her evidence that it did not make any difference to the appropriateness of the relationship that Student A was no longer at School. She expressed regret that it had ever happened. The relationship was kept secret which indicated that Miss Vaughan at the time understood that it was inappropriate. The Panel therefore found allegation 1 proven.

## **2 Your conduct as set out at paragraph 1 was sexually motivated**

Since sexual intercourse took place between Miss Vaughan and Student A, the panel considered that it was more likely than not that this activity was sexually motivated. The panel therefore found this allegation proven.

**3 Whilst employed at the school on or around 18 September 2013, when questioned by the school, you denied having formed any kind of sexual / inappropriate relationship with student A;**

The meeting file note of 18 September 2013 states that “Ruth said that she had never had any form of relationship with [Student A]”.

In oral evidence, Miss Vaughan stated that, during this meeting, she had been asked a question as to whether she had had sex with Student A at the end of the school leavers’ ball or at the end of the concert, which the panel understood to have taken place the on the evening prior to the school leavers’ ball. She stated that she was also asked if she had been in contact with Student A since then. She stated that she had said no, since sexual intercourse had not taken place by the time of the school leavers’ ball, and that she was not, at the time that the question was posed, in contact with Student A.

On the balance of probabilities the panel preferred the evidence set out in the meeting file note, since Miss Vaughan had the motivation to present to the panel a narrower interpretation of the question as referring only to a specific time period. The panel considered that it was more likely than not that the school was interested in whether a relationship had occurred at all.

It was apparent to the panel from the meeting file note that she had denied that a sexual/ inappropriate relationship had taken place. The panel therefore found this allegation proven.

**4 Whilst employed at the school your conduct as set out at paragraph 3 above was dishonest in that you had formed an inappropriate and / or sexual relationship with Student A and you lied to conceal this;**

It was apparent to the panel that Miss Vaughan had denied this relationship despite it being the case that, on Miss Vaughan’s own evidence, sexual activity had taken place.

The panel went on to consider whether Miss Vaughan’s actions were dishonest. The Panel received advice that there was a further requirement to consider two questions when deciding whether Miss Vaughan’s actions were dishonest.

The panel was advised that the first limb of the traditional test to which panels are referred is “whether the panel is satisfied on the balance of probabilities that Miss Vaughan’s actions would be regarded as dishonest according to the standards of ordinary and reasonable people”.

The panel was also informed of judicial comment in a November 2014 case which was of persuasive authority, which stated that the question the panel should ask itself was whether, according to the standard of the reasonable and honest professional (in that case doctor, in this case teacher) what Ms Vaughan had said was dishonest. If so, is the panel satisfied that Miss Vaughan herself must have realised that her actions would be

regarded as dishonest by those standards? The panel accepted that only if the answer to both these questions is yes, can the allegation of dishonesty be established in this case.

On the objective test, the panel was satisfied that both reasonable and honest people and reasonable and honest teachers would consider it dishonest for a teacher to lie regarding her relationship with a student.

The panel went on to consider whether Miss Vaughan would have known that what she was doing was, by those standards, dishonest. It considered that she must have known that her response would offend the normally accepted standards of honest conduct. The panel considered that Miss Vaughan would have understood that she was being asked the questions in order for the school to understand whether anything inappropriate had occurred between her and Student A. The panel considered that Miss Vaughan would have had a motivation to lie, since if her relationship with Student A had come to light, it would have placed her position at the school in jeopardy. The panel did therefore consider that it was more probable than not that she had lied to conceal the relationship.

The panel therefore found this allegation proven.

**5ai and ii Whilst employed at the school on 16 November 2013, you attended the Lord Nelson ("the pub") and you bought alcoholic drinks for student B; student C,**

The panel observed the cctv footage from the Lord Nelson from the 16 November 2013. Both Student C and the deputy head teacher in their oral evidence identified Miss Vaughan. The panel observed Miss Vaughan take what appeared to be money from Student B, purchase three pints of lager or beer from the bar, return to the table, and place two of those pints in front of Student B and Student C. She then gave Student B what appeared to be some money back.

This allegation was denied by Miss Vaughan who had stated that she had purchased the drinks but that they were intended for her group who she had gone to the pub with.

On viewing the CCTV footage, the panel concluded that Miss Vaughan had bought the drinks for Student B and Student C and found this allegation proven.

**5b Whilst employed at the school on 16 November 2013, you attended the Lord Nelson ("the pub") and you allowed student B and/or student C to consume alcoholic drinks in your presence,**

The Panel found it proven that Miss Vaughan purchased the alcoholic drinks, placed them in front of Student B and Student C who drunk from the glasses. The Panel therefore considered that Miss Vaughan had allowed them to consume the drinks in her presence. This allegation was found proven.

**6bi Whilst employed at the school In or around late 2013, on one or more occasions, you inappropriately contacted student C on facebook and you encouraged him to lie about the circumstances under which the alcoholic drinks were purchased,**

The panel has seen the facebook message sent by Miss Vaughan. Miss Vaughan has initially disputed facebook contact, then when presented with the facebook message accepted that it was sent by her. She had gone on to state that the page seen by the panel does not display a true reflection of events since the conversation prior to her comments that had taken place with Student C had been removed.

The panel viewed the facebook message from Miss Vaughan. This stated "I just need him to say...you both remember me asking u to leave... I didn't buy u drinks. you (Student C) don't drink atal" (sic). Since the Panel has found it proven that Miss Vaughan did purchase the drinks for Student B and Student C, the Panel considered that this message did constitute an encouragement to Student C to lie, and therefore found this allegation proven. The panel had no evidence however, as to who initiated the exchange of messages.

The panel considered it inappropriate for Miss Vaughan to have sent this message. The school's Teaching Staff Code of Conduct states "it is not appropriate to have an existing school pupil as a contact on any such site". Even if Student C had not been a contact of Miss Vaughan's on facebook, the rationale for this rule was to prevent exchanges with students by social media.

The panel also considered that the content was inappropriate since it contained an encouragement to lie.

This allegation was therefore found proven.

**6bii Whilst employed at the school In or around late 2013, on one or more occasions, you inappropriately contacted student C on Facebook and you asked student C to contact student B on your behalf to tell him what he should say if questioned by the school;**

It was apparent to the panel that it was intended for the message to Student C to be passed on to Student B, since it was prefaced with "I just need him to say..."

For the reasons stated in respect of paragraph 6bii above, the panel found that this was inappropriate and found this allegation proven.

**7 Your actions as described at paragraphs 6a and / or 6bi and / or 6bii above were dishonest.**

The panel only considered dishonesty in respect of allegations 6bi and 6bii, since it has found allegation 6a not proven. It considered the advice provided by the Legal Adviser in respect of dishonesty referred to above in respect of allegation 4.

The panel considered it would have assisted its deliberations to have the full exchange of messages between Student C and Miss Vaughan to understand the context. However, the facebook message itself sent by Miss Vaughan stated, "I just need him to say" and provided details of the lie Students B and C should provide to the head teacher. The panel considered that both the honest and reasonable man, and the honest and reasonable teacher would consider this to be dishonest. Miss Vaughan had a motivation for Student B and Student C to lie, since she faced disciplinary proceedings, and the

panel considered that it was more likely than not that she would have understood that her actions would have offended the normally accepted standards of honest conduct.

We have found the following particulars of the allegations against you not proven, for these reasons:

**5c Whilst employed at the school on 16 November 2013, you attended the Lord Nelson ("the pub") and you did not inform the pub that student B and/ or student C were i. under 18 and ii. consuming alcoholic drinks**

Miss Vaughan stated in oral evidence that she had informed a member of the bar staff. However, this had not been stated by Miss Vaughan previously in her representations at either the disciplinary hearing or for these proceedings. She had produced a letter which appeared to be from that member of the bar staff. This stated that he had been made aware from a fellow staff member that a pupil in the pub had been using someone else's passport and had been ejected from the premises. The panel considered that if Miss Vaughan had informed him about Student B and/ or Student C, he would have stated this in his letter.

However, the panel did not consider that Miss Vaughan would have had any reason to inform the pub that Student B and/ or Student C were under 18 and consuming alcoholic drinks. Miss Vaughan stated that there were occasions when students at the School were permitted to drink alcohol from the age of 16, including a trip to Egypt. This was confirmed by Student C and the deputy headteacher of the School. Student C had stated that Miss Vaughan would have seen him drinking alcohol during the trip to Egypt and that Miss Vaughan would not necessarily have known his age since he could have been 18 and had to repeat his academic year. The deputy headteacher accepted that Miss Vaughan may not have known Student C was not in his final academic year, and it was possible that he may have been repeating an academic year.

The panel also noted that other more senior staff members were in the pub and that there was no evidence that they had informed the pub that Students B and C were under 18 and drinking alcohol.

The panel therefore found this allegation not proven.

**6a Whilst employed at the school In or around late 2013, on one or more occasions, you inappropriately contacted student B by telephone and/or text message and/or Facebook and encouraged him lie to about the circumstances under which the alcoholic drinks were purchased,**

The panel had no evidence from Student B who did not provide a witness statement nor attend this hearing. No witness statement was obtained from Student B for the school disciplinary hearing. Student B's mother, who had reported this allegation to the school, was not called as a witness. The panel was therefore unable to test Student B's mother regarding the account that she had provided in an email to the school, and was unable to ask Student B about this incident. The panel did not therefore consider that the

presenting officer had discharged the burden of proof, and could not find that it was more probable than not that this incident had occurred.

This allegation was found not proven.

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

In considering the allegations that the panel has found proven, the panel has had regard to the definitions in The Teacher Misconduct – Prohibition of Teachers Advice, which we refer to as the ‘guidance’.

The panel is satisfied that the conduct of Miss Vaughan in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Miss Vaughan 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;
- 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;

The panel is satisfied that the conduct of Miss Vaughan fell significantly short of the standards expected of the profession.

In respect of Miss Vaughan’s relationship with Student A, the panel considered that this was borne out of the position of trust that Miss Vaughan was in, as a teacher in Student A’s school, despite him having recently left the School. The Panel considered that the expectation of the obligations upon Miss Vaughan would not have changed overnight. This was indicated by the school’s policy preventing social media interactions with former pupils until 1 September after the pupil left the school. If such interaction was prevented, it is apparent that a relationship would also have been a serious breach of the School’s policies, practices and ethos.

In respect of Miss Vaughan’s purchasing of alcoholic drinks for Students B and C and allowing them to drink them in her presence, the panel did not consider that this behaviour was blameworthy, since there was no evidence that Miss Vaughan knew that they were under the age of 18. Therefore, the panel did not consider this was unacceptable professional conduct.

With regard to allegations 6b and 7, the panel considered that Miss Vaughan's behaviour had just crossed the threshold for unacceptable professional conduct, since it was an encouragement to pupils to lie.

The panel notes that the matters found proven in respect of allegation 1 took place outside of the education setting, as may the sending of a facebook message to Student C. However, a relationship with Student A had the potential for him to be exposed to harm. Her encouragement for Students B and C to lie, had the potential to affect their moral compass.

Accordingly, the panel is satisfied that Miss Vaughan 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 pupil's 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 Miss Vaughan's actions constitute conduct that may bring the profession into disrepute.

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

Given the panel's findings in respect of unacceptable professional conduct/conduct that may bring the profession into disrepute, it is necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel has to consider whether it is an appropriate and proportionate measure, and whether it is in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel has considered the particular public interest considerations set out in the Teacher Misconduct – The prohibition of Teachers advice and having done so has found all of them to be relevant in this case, namely the protection of pupils; the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct.

In light of the panel's findings against Miss Vaughan, which involved an inappropriate relationship with a former pupil, protection of pupils is an important factor, given the boundary issues identified.

The panel has found conduct that may bring the profession into disrepute, and therefore public confidence in the profession could be seriously weakened if conduct such as that found against Miss Vaughan were not treated with due seriousness when regulating the conduct of the profession.

The panel considered that a public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Miss Vaughan was outside that which could reasonably be tolerated.

Notwithstanding the 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 Vaughan.

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 Vaughan. The panel took further account of the guidance, 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 the panel considered are relevant in this case are as set out below. However, in each case, the panel carefully considered the extent to which each factor is relevant.

#### Serious departure from the personal and professional conduct elements of the Teachers' Standards

Given the findings of unacceptable professional conduct, which involved breaches of Teachers' Standards, this factor is a relevant one. However, although serious, the panel did consider the conduct of Miss Vaughan to be at the lower end of the possible spectrum, given that there was no evidence of grooming. There was no evidence that Miss Vaughan had taught Student A, although she did come into contact with him during their CCF activities, in which Miss Vaughan had a role as an instructor, and Student A as a cadet and trainee instructor.

#### Abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils

The panel considered that Miss Vaughan's relationship with Student A was borne out of the position of trust that Miss Vaughan was in. However, there was no indication that Student A was vulnerable. There was no evidence that the relationship had started prior to Student A leaving the school, albeit that it commenced shortly afterwards.

#### Dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up)



The panel has found two instances of dishonesty. In relation to the questions asked about her sexual/ inappropriate relationship with Student A, Miss Vaughan gave oral evidence that she had later informed the head teacher that she hadn't previously been completely honest, although the panel were not able to verify this with the Head who was not a witness in these proceedings. Miss Vaughan told the panel under oath that she believed that she had given a truthful answer at the time of being questioned, and that the question put to her was narrowly framed. The panel were concerned by this, since it had found that Miss Vaughan had denied any form of relationship with Student A. Nevertheless, Miss Vaughan has told the Panel that a sexual relationship did take place.

With regard to the dishonesty in respect of the contact with Student C on facebook, although this just crossed the threshold for unacceptable professional conduct, the panel did not consider that it had had serious consequences for Student B or C. The panel was conscious that it did not have evidence of the full facebook exchange between Student C and Miss Vaughan nor evidence of who had initiated the exchange. Whilst there was sufficient evidence of dishonesty, the panel therefore did not have the full context of the comments made. Nevertheless, the panel noted that this was the second occasion on which Miss Vaughan had acted dishonestly.

Sexual misconduct, eg involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position

The panel has found Miss Vaughan's actions to have been sexually motivated since she engaged in sexual intercourse with Student A. However, as referred to above the panel considered the conduct of Miss Vaughan to be at the lower end of the possible spectrum. There was no evidence of grooming, nor any evidence that the relationship had started prior to Student A leaving the school, albeit that it commenced shortly afterwards.

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 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. There was no evidence that Miss Vaughan's actions were not deliberate, nor to suggest that she was acting under duress.

Miss Vaughan does have a previous good record, although the panel heard oral evidence that Miss Vaughan had previously been advised about the appropriate boundaries to have with students. The deputy head teacher had observed Miss Vaughan's teaching and he had no concerns about her competence. The panel has also seen evidence of Miss Vaughan's positive attitude when training cadets in which she has been noted to have been prepared to "nurture, support, help, cajole and assist". A reference provided by the Bristol University Officer Training Corps described Miss Vaughan as "a class act", "very bright, strident, competent and confident" with the "social composure and bearing to deal with the whole spectrum of pupils, parents, governors and VIPs". A physical training instructor in the armed forces whilst Miss Vaughan was

training as a potential officer recruit referred to Miss Vaughan achieving “consistently outstanding results” and that “trust was her main strength. People, including myself, trusted her”. The panel has also noted that another deputy head of the school has stated that “in a different setting I think you would be a good person to employ” despite having to declare her dismissal from the school. The panel also noted that a school in which Miss Vaughan had undertaken supply work had provided “great feedback” and had asked the supply agency if she would work for them on a full time basis.

The panel also noted that Miss Vaughan was a very junior teacher at the time of these events, and that with experience, she may have acquired the ability to define boundaries with pupils.

The panel had regard to the degree of insight demonstrated by Miss Vaughan. It was noted that Miss Vaughan expressed remorse regarding the relationship with Student A, and that she appreciated that it was unacceptable despite Student A having left the school. However, the panel was concerned that in her representations to it, she stated that at the meeting on 18 September she had felt that pupil rumours had set back the efforts she had made to demonstrate her professional conduct. This was despite her admission of having, by that time, engaged in flirtatious banter with Student A and “probably kissed”. She did not appear to appreciate that it was her own actions that had created the situation.

Having carefully considered all of the above, the majority of the panel came to the view that prohibition is both proportionate and appropriate. The panel decided that the public interest considerations outweigh the interests of Miss Vaughan. The two instances of dishonesty and the panel’s finding that Miss Vaughan had not been honest under oath were significant factors in forming that opinion, together with the panel’s concerns about her level of insight. 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 was mindful that the Teacher Misconduct – Prohibition of Teachers 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 two years.

Whilst inappropriate, the relationship with Student A had not begun with any grooming whilst Student A was a pupil. Miss Vaughan was an inexperienced teacher, and with experience the panel considered that she may be able to demonstrate an ability to define appropriate boundaries, rendering her safe to return to practice. At present the Panel did not consider she has sufficient insight, but that she would benefit from a period of reflection. The panel felt the findings indicated a situation in which a review period would be appropriate.

One of the panel members considered that this was a situation in which a period of 5 years should lapse before Miss Vaughan had the ability to apply for a review. Miss Vaughan has stated that she will be residing in the Middle East for a period of 2 years and that panel member felt that she would, by doing so, be removing herself from a normal school environment in England, although it was not known what work Miss Vaughan would be undertaking there. Since it might not involve contact with students of this age group, it is likely she would therefore need further time to prove that she had sufficient insight, could set suitable boundaries and behave appropriately in a school setting.

However, the majority of the panel decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for Miss Vaughan to be able to apply to have the prohibition order reviewed after a period of three years. In reaching this view, the panel had regard to the supply work that Miss Vaughan had undertaken with positive feedback, signalling that Miss Vaughan had commenced the process to demonstrate a safe return to practice.

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

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

I have also read carefully the guidance published by the Secretary of State and have taken into account the need to balance the public interest with the interest of the teacher. I have taken into account the need to be proportionate.

This is a case in which the teacher has breached acceptable boundaries and has also been dishonest about her actions. These are both serious matters.

However the panel are clear that this case did not involve any sort of grooming and that the activities all took place after the student had finished school.

Nonetheless the findings are serious. It is clear that Miss Vaughan's behaviours are 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;
- 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;

I am satisfied that the conduct of Miss Vaughan fell significantly short of the standards expected of the profession. I support the recommendation of the panel that a prohibition order is both in the public interest and proportionate.

I have given careful consideration to the matter of a review period. Miss Vaughan was an inexperienced teacher, and with the panel have expressed their view that with more experience, she may be able to demonstrate an ability to define appropriate boundaries, rendering her safe to return to practice. The panel also noted that at present Miss Vaughan did have sufficient insight, but that she would benefit from a period of reflection. The panel have recommended a review period of three years and I support that.

**This means that Miss Ruth Vaughan is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England.** She may apply for the prohibition order to be set aside, but not until 20 February 2018, 3 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 Ruth Vaughan remains prohibited from teaching indefinitely.

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

Miss Ruth Vaughan 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: Alan Meyrick**

A handwritten signature in blue ink, appearing to read 'Alan Meyrick', with a checkmark at the end.

**Date: 18 February 2015**

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