

THE NATIONAL COLLEGE FOR TEACHING & LEADERSHIP

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Ms Doris Windsor

Teacher ref no: 7147980

Teacher date of birth: 30 January 1953

TA Case ref no: 9343

Date of Determination: 2 April 2013

Former Employer: West Leeds High School / Wortley High School – following merger became Swallow Hill Community School, Leeds

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College convened on 2 April 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Ms Doris Windsor.

The Panel members were Mr Luke Graham (Teacher Panellist), Mr Martin Greenslade (Lay Panellist – in the Chair) and Miss Lianne Kitchen (Teacher Panellist).

The Legal Adviser to the Panel was Mr Christopher Alder of Blake Laphorn Solicitors.

The Presenting Officer for the National College was Ms Louisa Atkin of Browne Jacobson Solicitors LLP. Ms Atkin was not present during the meeting.

Mrs Windsor was not present and was not represented.

Mrs Windsor requested that the allegation be considered at a meeting. The meeting took place in private. The decision was announced in public and was tape-recorded.

B. Allegations

The Panel considered the allegations set out in the Notice of Referral dated 9 August 2012.

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

1. She failed to keep adequate and accurate Child Protection records
2. She failed to attend child protection meetings/conferences
3. She failed to provide an appropriate package of recommendation, support and intervention to meet the required needs of a student at Swallow Hill Community College
4. She inappropriately archived five child protection files, potentially compromising the safety and wellbeing of vulnerable children at Swallow Hill Community College
5. She failed to respond appropriately to Child Protection concerns raised by colleagues
6. She failed to monitor and regularly review Child Protection case files
7. She failed to follow Safer Working Practices Guidelines and Child Protection Policies.

Mrs Windsor admitted the facts set out in the Notice of Referral. She admitted that they amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

C. Preliminary Applications

There were no preliminary applications.

D. Summary of Evidence

Documents

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

Section 1	Anonymised Pupil List	Page 2
Section 2	Notice of Referral & Response	Pages 4 – 10a
Section 3	Statement of Agreed Facts/Representations	Pages 11 - 17
Section 4	Teaching Agency Documents	Pages 19 - 224
Section 5	Teacher's Documents	none

E. Panel's 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 meeting.

Summary

Mrs Windsor, whose date of birth is 30 January 1953, was employed at West Leeds High School from 1992 until 2009. She had been previously employed in a number of roles, such as SENCO, Inclusion Manager and Associate Principal. West Leeds High School merged with another local school to become Swallow Hill Community School ('the School'). Mrs Windsor was employed as the Inclusion Leader from 1 September 2009 until December 2011. Mrs Windsor was employed as the Child Protection Officer and was a senior member of staff.

In June 2006 Mrs Windsor was passed a letter by the Head Teacher of West Leeds High School requesting that she make contact with Student A's Social Worker to prepare the pupil's transition to West Leeds High School. Student A's child protection file was passed to Mrs Windsor following discussion about the student's ongoing issues. Accordingly, Mrs Windsor became the member of staff responsible for child protection issues in relation to Student A. She retained child protection responsibility for the student after the merger to form Swallow Hill Community School. On 30 September 2010 Student A was admitted to Leeds General Infirmary due to chronic neglect.

A multi agency Learning Lessons Review was undertaken which involved consideration of the relevant school files. Specific concerns were raised in relation to the failure of Mrs Windsor. The lessons review identified that Mrs Windsor failed to keep adequate and accurate child protection records such as no record was kept of telephone concerns which had been raised in November 2006 or the formal concerns raised by members of staff in July 2010.

Findings of fact

The Panel considered the allegations set out in the Notice of Referral dated 9 August 2012.

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

1. She failed to keep adequate and accurate Child Protection records
2. She failed to attend child protection meetings/conferences
3. She failed to provide an appropriate package of recommendation support and intervention to meet the required needs of a student at Swallow Hill Community College
4. She inappropriately archived five child protection files, potentially compromising the safety and wellbeing of vulnerable children at Swallow Hill Community College
5. She failed to respond appropriately to Child Protection concerns raised by colleagues

6. She failed to monitor and regularly review Child Protection case files
7. She failed to follow Safer Working Practices Guidelines and Child Protection Policies.

We have considered all of the evidence in the bundle carefully. Our findings of fact are as follows:

Particular 1

We have noted that Mrs Windsor accepts that her record keeping did not meet the required standards for child protection records. She accepts that she failed to keep adequate and accurate records.

We have carefully considered the Statement of Agreed Facts. We have reviewed the available evidence, which includes the Learning Lessons Review Report.

We find the facts of this particular proven.

Particular 2

A child protection review conference was due to take place in relation to Student A on 11 September 2006. Mrs Windsor did not attend this review conference. A further review conference was held on 14 November 2006 which Mrs Windsor, again, did not attend. In failing to attend these conferences Mrs Windsor missed the opportunity to understand Student A's needs in order to provide a complete and adequate package of support.

We have carefully considered the Statement of Agreed Facts and note that Mrs Windsor admits the facts of this allegation.

We have reviewed the relevant evidence and we are satisfied that the facts of this particular are proven.

Particular 3

Mrs Windsor accepts that she did not have a package of support in place for Student A. She failed to make key staff members aware of the issues in relation to Student A and failed to put in place any support for Student A for bullying – this had been required following the conference on 14 November 2006.

A number of members of staff were working with the child. However, as the Designated Child Protection Officer, Mrs Windsor was responsible for ensuring that she should have put in place a structured and adequate safeguards were in place to protect the child. It is accepted by Mrs Windsor that she did not ensure that such a package of support was in place.

We have carefully considered the relevant evidence and the Statement of Agreed Facts. We note that Mrs Windsor admits the facts of this particular.

We find this particular proven.

Particular 4

In September 2009 West Leeds High School and Wortley High School merged to become Swallow Hill Community School. Student A's child protection file was archived, in error, by Mrs Windsor along with four other child protection files. These files should not have been archived given that they were files relating to children still at the school.

We have carefully considered the Statement of Agreed Facts and note that Mrs Windsor admits the facts of this particular.

We are satisfied, having reviewed all of the relevant evidence, that this particular is proven.

Particular 5

In July 2010 two members of staff, Individual A and Individual B, raised concerns with Mrs Windsor regarding Student A. Mrs Windsor made no record of these concerns and failed to take any appropriate action. We have considered the notes of the interviews undertaken with Individual A and Individual B.

We have carefully considered the Statement of Agreed Facts and note that Mrs Windsor admits the facts of this particular.

We find this particular proven.

Particular 6

We have carefully considered the available Child Protection Policies. The national and local Child Protection Policies indicate that designated staff should regularly review child protection case files. The final documentation contained within Student A's child protection file is an invitation to a child and family support meeting in January 2007. There is no evidence that Mrs Windsor regularly reviewed or monitored the case file for Student A, or any other child protection case file.

We note that Mrs Windsor admits the facts of this particular and we have carefully considered the Statement of Agreed Facts.

Having considered all of the relevant evidence we find the facts of this particular proven.

Particular 7

We have carefully considered the School's Safer Working Practice guidelines and the relevant Child Protection Policy which are identified within the hearing bundle.

Mrs Windsor accepts that she failed to follow these guidelines.

We have noted that Mrs Windsor did not act in accordance with the required policy, that child protection records should be stored securely in a central place and that files should be kept for at least the period during which the child is attending the school.

We have carefully considered the relevant policies and the Statement of Agreed Facts. We note that Mrs Windsor admits the facts of this particular.

On the basis of the evidence available and the admission made by Mrs Windsor we find the facts of this particular proven.

Findings as to Unacceptable Professional Conduct and/or bringing the Profession into Disrepute

We note that Mrs Windsor admits the facts of the allegation against her and that they amount to unacceptable professional conduct. We note that she accepts that her behaviour amounts to conduct that may bring the profession into disrepute.

We have considered the latest Teachers' Standards. For completeness, we have reviewed the previous GTCE Code of Conduct (effective from 1 October 2009). We believe that it has been a consistent expectation of the public and profession that teachers have a responsibility to ensure the safety and wellbeing of pupils under their supervision. This is of significance given that Mrs Windsor, as she accepts, was the Designated Child Protection Officer ("DCPO") – she was responsible for ensuring that safeguarding provisions were in place and she was responsible for managing child protection concerns raised at the school.

The latest Teacher Standards' expressly state that a teacher must have regard for the need to safeguard pupils' safety wellbeing in accordance with statutory provisions.

Having carefully considered Mrs Windsor's position as the DCPO, and having considered, carefully, her responsibilities we are satisfied that Mrs Windsor failed to act in a manner which upheld these fundamental expectations. Mrs Windsor was in a position of specific trust. This position of trust brought with it a specific responsibility to ensure that adequate procedures were in place to maintain the safety and wellbeing of pupils – including that of Student A.

A number of teachers brought concerns to Mrs Windsor relating to child protection matters, but she failed to respond appropriately. This case refers to Mrs Windsor's responsibility to ensure the co-ordination of child protection provision within the School. As the DCPO and a senior member of the leadership team, she should have ensured the organisation of communication and, if necessary, to co-ordinate action. It is clear to us that Mrs Windsor failed to appropriately co-ordinate such child protection procedures which, given the specialist role in which she was placed, means that her failure is of greater significance.

We are satisfied that Mrs Windsor's conduct as the Designated Officer fell significantly and seriously short of the standard of conduct expected of a teacher and her actions had the potential to bring the reputation of the profession into disrepute.

Accordingly, we find that Mrs Windsor failed to protect pupils' wellbeing and this, therefore, amounts to unacceptable professional conduct. We also find that her actions had the potential to bring the reputation of the profession into disrepute."

Panel's Recommendation to the Secretary of State

We have considered this case very carefully and have considered all of the mitigation and evidence presented by the National College and Mrs Windsor.

We have considered the Statement of Agreed Facts and the various representations which she made as part of the School and multiagency investigation. We have considered Mrs Windsor's position as Designated Child Protection Officer very carefully and we have noted her references to having been unwell at the time of the incidents.

We note that Mrs Windsor has accepted the allegation in its entirety and that she has assisted in the investigation of this matter.

Given our findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it is necessary for us to go on to consider whether it would be appropriate to recommend the imposition of a Prohibition Order by the Secretary of State.

In making this judgment we have had at the forefront of our deliberations whether a Prohibition Order would be a proportionate measure and whether such an Order would be appropriate in the public interest in relation to the allegations that we have found proven.

We had particular and specific reference to the relevant Advice in respect of the relevant public interest considerations that should be considered. Having done so we considered that a number of these considerations were relevant, namely, the protection of children, the maintenance of public confidence in the profession as well as declaring and upholding proper standards of conduct.

We have found that Mrs Windsor's conduct involved serious failures to adequately and appropriately manage child protection and child safeguarding provision at the School. Her actions show a systematic failure in relation to Student A and other students. She was in a position of specific and identified responsibility.

We have noted that Mrs Windsor had previously worked as a Special Educational Needs Co-ordinator.

On the basis of the evidence available to us, we have been unable fully and appropriately to assess the scope of leadership and management at the School during and after its merger. We have noted the representations which have been made by Mrs Windsor about the support given to her, the apparent lack of clarity as to who was responsible for child protection in the School and her suggestion that she was not given appropriate support during her period of ill health. She has suggested that there was no clear and adequate management structure. However, we have not been able to reach a decision on this issue given the lack of evidence presented

during this meeting. In any event, concerns relating to the management and leadership of the school, which may or may not be founded, do not fully explain the failures in child protection for which Mrs Windsor in her specific role was responsible.

As referred to above, in considering the expectations of the profession and public we have considered the relevant GTCE Code of Conduct and the current Teachers

Standards. Teachers have a fundamental responsibility to ensure the safety and wellbeing of students, children under their supervision and to follow a school's child protection policy. Teachers have a responsibility to act in accordance with statutory provisions.

Teachers must ensure that they take reasonable care of pupils under their supervision. Fundamentally, all teachers have a duty to ensure the safeguarding of pupils' welfare and safety.

The Panel considers that public confidence in the profession could be weakened if conduct, such as that found against Mrs Windsor, was not treated with utmost seriousness when regulating the conduct of the profession

Notwithstanding the clear public interest considerations that are present in this case, the Panel considered carefully whether or not it would be proportionate to impose a Prohibition Order taking into account the effect that this might have on Mrs Windsor.

We carefully considered factors which could be said to mitigate on Mrs Windsor's behalf. We noted that she is a woman of good character with no previous criminal or disciplinary sanctions recorded against her. She states that she was unwell at the relevant time which impacted upon her ability to fully and completely fulfil the role of Designated Child Protection Officer. We have not received medical evidence from her.

In weighing up the competing public interest considerations against Mrs Windsor's interests, the Panel took further account of the Advice which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours are abuse of position of trust, misconduct which may affect the wellbeing of students and a serious departure from the personal and professional conduct elements of the Teachers' Standards.

In light of our findings it follows that although Mrs Windsor had a previously good history, her actions were deliberate and her behaviour showed a systematic pattern over a lengthy period of time. Her conduct had the potential to impact upon the safety of students at the School.

Having considered all of these matters carefully we decided that it would be both appropriate and proportionate to recommend to the Secretary of State that a Prohibition Order be imposed on Mrs Windsor with immediate effect.

We went on to consider whether or not it would be appropriate to recommend that a review period of the Order should be considered. We are aware that a Prohibition Order applies for life, but that there may be circumstances in any given case which

might make it appropriate for a review period to be recommended. We have carefully considered these circumstances. We have noted that Mrs Windsor has accepted the allegation and has acknowledged that her conduct fell below the standard expected of a teacher.

As set out above, we are clear that Mrs Windsor's failures are serious and significant. Her representations show that her conduct and professional judgment may have been affected by her ill health. We have seen limited evidence which relates to the management of the school and the support which was or was not offered to her. We have not been able to fully establish the extent of her ill health or the full extent of the School's management, but do note that no previous concerns appear to have been raised about her teaching or about her role as a teacher across a long career. Having considered the case very carefully and especially these areas of mitigation which we believe are significant, we have decided that it would be proportionate in all the circumstances to recommend that Mrs Windsor be given the opportunity to apply to review the Prohibition Order after a period of two years has elapsed.

Secretary of State's Decision

I have given careful consideration to the findings of fact and the panel's recommendations regarding sanction and review period.

Ms Windsor accepts the facts of the allegations and that they amount to unacceptable professional conduct. She also admits that her behaviour amounts to conduct that may bring the profession into disrepute.

Mrs Windsor was the Designated Child Protection Officer (DCPO) at the School. She held a specific position of trust within the school, being responsible for ensuring that adequate procedures were in place to maintain the safety and wellbeing of pupils. Whilst a number of teachers brought concerns relating to child protection matters to Ms Windsor's attention, she failed to respond appropriately.

The panel have judged that there are clear public interest considerations present in this case and although Ms Windsor had a previously good history, her actions were deliberate and her behaviour showed a systematic pattern over a period of time. In all the circumstances I agree that a Prohibition Order is an appropriate and proportionate sanction.

Mrs Windsor's actions are serious and significant. Her representations indicate that her professional judgement and conduct may have been affected by her ill health. She accepted the allegations and that they amounted to unacceptable professional conduct. The panel saw limited evidence as to the extent to which Ms Windsor was supported by the school's management structure in her specific role as DCPO but did note her previous long, unblemished record as a teacher. I agree that Ms Windsor should be allowed to apply for the review of the order after a minimum period of two years has elapsed.

This means that Ms Doris Windsor 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 10 April 2015, 2 years from the date of this order at the earliest**. If she does apply, a panel will meet to consider whether the Prohibition Order should be set aside. Without a successful application, Ms Doris Windsor remains barred from teaching indefinitely.

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

Ms Doris Windsor 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

Date: 2 April 2013