



National College for  
Teaching & Leadership

# **Ms Alwyne Middleton: Professional Conduct Panel outcome**

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

**March 2015**

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

<b>Teacher:</b>	Ms Alwyne Middleton
<b>Teacher ref no:</b>	0669888
<b>Teacher date of birth:</b>	18 April 1965
<b>NCTL Case ref no:</b>	0010811
<b>Date of Determination:</b>	19 March 2015
<b>Former employer:</b>	Parlaunt Park Primary School

### **A. Introduction**

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 19 March 2015 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Ms Alwyne Middleton.

The panel members were Martin Greenslade (Lay Panellist – in the Chair), John Pemberton (Teacher Panellist) and Ian Hughes (Lay Panellist).

The legal adviser to the panel was Patricia D’Souza (Eversheds LLP).

The presenting officer for the National College was Fiona Butler (Browne Jacobson LLP) and was not present.

Ms Alwyne Middleton was not present and was not represented.

The meeting took place in private and was not recorded, save for the public announcement of the panel’s decision on the facts and whether the facts amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute, which was recorded.

## **B. Allegations**

The panel considered the amended allegations set out in the Notice of Meeting dated 19 March 2015, which are also reflected in the statement of agreed facts.

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

1. Acted unprofessionally towards other members of staff.
2. Acted unprofessionally and formed inappropriate relationships with current and former pupils by:
  - a) having three year 6 pupils as friends on Facebook during 2011;
  - b) having several former students on Facebook during 2011;
  - c) liked a 13 year old ex-pupil's facebook business page during 2011.
3. Failed to follow safeguarding practices in that you:
  - a) allowed staff to provide their personal mobile numbers in relation to the Flour Babies project;
  - b) included in these numbers Individual A's number who was not employed at Parlaunt Park School at the time;
  - c) circulated these numbers to parents of Year 6 children;
  - d) authorised a letter to parents which encourage children to text members of staff between 2am and 4am.

## **C. Preliminary applications**

There were no preliminary applications; however, the panel considered at the outset whether the allegation should be considered at a public hearing at which the parties would be entitled to attend, or a private meeting without the parties present. The panel considered the interests of justice and given that the facts of these allegations have been admitted, that Ms Middleton has requested a meeting and the panel has the benefit of Ms Middleton's written representations, the panel was of the view that justice would be adequately served by considering the matter at a meeting.

The panel carefully considered the public interest. The panel noted that if the case proceeded in a meeting, there would be a public announcement of the panel's decision. The panel also had in mind that if a hearing was convened, there would be a cost to the public purse, which may not be justified if the matter could be determined in a meeting. The panel also had regard to the delay that would be caused by convening a hearing and

considered it to be in the public interest and also proportionate to reach a final determination in this matter without further delay. The panel therefore decided to proceed with a meeting, but noted that it could, at any stage of the meeting, reconsider this issue.

## **D. Summary of evidence**

### **Documents**

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

Section 1: Chronology, Anonymised Pupil List and List of Key People Pages 1 – 5

Section 2: Notice of Referral, response and notice of meeting Pages 6 – 11B

Section 3: Statement of Agreed Facts and Presenting Officer Representations  
Pages 12 – 18

Section 4: National College for Teaching and Leadership Documents Pages 19 – 271

Section 5: Teacher Documents Pages 272 - 305

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

### **Witnesses**

As this was listed as a meeting, the panel heard no oral evidence.

## **E. Decision and reasons**

The panel announced its decision and reasons as follows:

The panel has now carefully considered the case before us and have reached a decision.

The panel confirm that it has read all the documents provided in the bundle in advance of the hearing.

Ms Middleton was initially employed at Parlaunt Park School (“the school”) in September 2004 as a part-time teaching assistant. She trained as a teacher at the school and she was then employed as a qualified teacher, at the same school, from September 2007. In April 2011 Ms Middleton carried out a “Flour babies” project which involved pupils taking care of a “Flour Baby”. Ms Middleton sent a letter to parents about the project which contained personal mobile numbers of staff. On 02 May 2013 Ms Middleton resigned

from her position with effect from 31 August 2013 and the school decided to suspend her on 03 May 2013.

## Findings of Fact

The panel's findings of fact is as follows:

The panel has found the following particulars of the allegations against you proven, for these reasons:

1. Acted unprofessionally towards other members of staff.

It was apparent from the information in the bundle that the staff members in the school were divided into two camps, one group that seemed to get on well with Ms Middleton and the head teacher and another group that did not. Nearly all of the information presented in the bundle by the presenting officer relate to the group that did not get on with Ms Middleton, and the panel were mindful of the need to probe the evidence to determine whether the facts of this allegation had been proved on the balance of probabilities, particularly in light of the statement of agreed facts not referring to this allegation in detail.

The investigation report produced by the school, included in the bundle of documents, also referred to allegations of Ms Middleton bullying and harassing other staff members, intimidating them and failing to support junior colleagues in their training. A year 2 tutor in her investigation meeting stated that Ms Middleton made her feel stupid for asking questions, was snappy and made her feel belittled. Two different classroom teachers with management responsibility indicated in their investigation meetings that they felt frightened by Ms Middleton at all times and were humiliated by Ms Middleton when working with her in her classroom. However, a year 6 class tutor who was also interviewed indicated he did not feel intimidated by Ms Middleton.

One of the class teachers with management responsibility also indicated in her investigation meeting that Ms Middleton would give teachers "a cold shoulder" for weeks on end and if anything was said against Ms Middleton or her children, then that teacher would be made out to be the bad person. In the agreed statement of facts, Ms Middleton admits that she avoided and ignored colleagues.

There was a perception by a number of teachers that Ms Middleton did "as she pleased" and she did not complete paperwork that was expected of all teachers. A statement contained within the investigation report refers to Ms Middleton failing to work collegiately with her year group partners, for example a "Titanic" day for her class, which other classes in the year group were not invited to participate in.

The panel considered there was significant information in the bundle which led it to conclude that Ms Middleton acted in an unprofessional manner to some members of staff as highlighted above and therefore the panel found this allegation proven.

2. Acted unprofessionally and formed inappropriate relationships with current and former pupils by:
3. having three year 6 pupils as friends on Facebook during 2011;
4. having several former students on Facebook during 2011;
5. liked a 13 year old ex-pupils facebook business page during 2011.

The Panel noted that Ms Middleton admits in the statement of agreed facts that she had three year 6 pupils and several former pupils on her Facebook account during 2011 (which was when Ms Middleton was employed by the School). Also, the school investigation report included in the bundle reflects Ms Middleton admitting that she had no less than 8 primary school children on her Facebook account during 2011 when they were 11 years of age. The investigation report also indicated that, at an investigation meeting on 22 July 2013, Ms Middleton admitted that she had two former pupils on her Facebook account after they had left the school and were at least 13 years of age. This was contradicted by an internal email included in the bundle which confirms that the children would not have been 13 in 2011. Ms Middleton claimed that she did not have them as friends on Facebook whilst they were primary age pupils of the school and deleted them from her Facebook account after the school advised teachers to do so. The panel found the information provided by Ms Middleton in relation to allegation 2a) and 2b) to be inconsistent.

In the same investigation meeting, Ms Middleton indicated that she was only friends with children on Facebook as a means of keeping in touch, but she could see that she was putting herself at risk and understood why the school had advised teachers to delete pupils from their Facebook accounts.

In her written representations, Ms Middleton indicated that she was fully aware that she should not have added pupils onto her Facebook account in 2011 and she deleted them as soon as the school's social networking policy was discussed in a staff meeting and advice was given.

Ms Middleton also admitted, in the statement of agreed facts, "liking" a 13 year old ex-pupil's Facebook business page in 2011. In her written representations, Ms Middleton indicated that she did this because the ex-pupil's mother was a close friend of Ms Middleton and sent her a request to support her daughter's business page through Facebook as she was baking cakes for Ms Middleton's daughter's annual dance school show. This information was confirmed by the character reference from the relevant ex-pupil's mother included in the bundle of documents.

Given Ms Middleton's admissions in the statement of agreed facts, and the information referred to above, the panel found allegation 2a), 2b), and 2c) proven, due to such conduct relating to inappropriate social media relationships with pupils and ex-pupils,

which was unprofessional. Such behaviour was contrary to the school's staff code of conduct and policy.

6. Failed to follow safeguarding practices in that you:
7. allowed staff to provide their personal mobile numbers in relation to the Flour Babies project;
8. included in these numbers Individual A's number who was not employed at Parlaunt Park School at the time;
9. circulated these numbers to parents of Year 6 children;

A summary of an interview with the chair of governors in the investigation report indicates that the children in Ms Middleton's class made a flour baby and as part of the project Ms Middleton supplied the children with a list of personal mobile phone numbers of staff, including her own, so that the children could report the status of their baby to any mobile number of choice. The chair of governors and other governors considered this to be a "major" safeguarding issue. The chair of governors was concerned that there could be no control over what the children texted to staff and what the staff texted back to the children. Also, it would enable parents who had an "issue" with a class teacher to be able to contact the teacher via their personal mobile telephone number rather than going through the correct channels in school. The chair was not aware of anything untoward happening as a result of pupils being provided with staff telephone numbers. Ms Middleton confirmed in an investigation meeting on 22 July 2013 that she did not really think about whether it was appropriate for pupils to call or text personal mobile numbers of staff and most staff received texts mainly from parents. She indicated that if she had considered that she was putting the staff at risk she would not have included their numbers in the letter.

In the transcript of her investigation interview contained within the school's investigation report, Ms Middleton confirmed that she had received safeguarding training in 2010 and 2013. Ms Middleton admitted in the statement of agreed facts that she sent a letter to parents about the flour babies project and the letter contained the personal numbers of 7 staff members. Ms Middleton also indicated that she published and circulated the personal mobile phone numbers of herself, and other members of staff. She also included the personal mobile number of her daughter, Individual A, despite her not being a member of staff. Ms Middleton indicated in the investigation meeting of 22 July 2013 that she did not think there was anything wrong with giving out such numbers to pupils at the time.

However, in her written representations, Ms Middleton accepts that she should not have given parents staff personal numbers despite the head teacher approving this (which led Ms Middleton to believe her conduct was appropriate at the time). In the statement of agreed facts Ms Middleton accepted that she made an error of judgment.



The panel also noted in relation to allegation 3c) that Ms Middleton's handwritten comments on the Notice of Referral Form indicate that she circulated these numbers to parents of Year 6 children. In her written representations Ms Middleton states that she fully accepts that the phone numbers should not have been given out in relation to the Flour Babies project with Year 6. It was accepted that pupils could access the numbers that had been provided to the parents by Ms Middleton.

The panel concluded that Ms Middleton' failed to follow the safeguarding practices of the school, and given Ms Middleton's admissions, the panel found allegation 3a), 3b) and 3c) proven.

The panel has found the following particular of the allegations against you not proven, for these reasons:

3. Failed to follow safeguarding practices in that you:

- d. authorised a letter to parents which encourage children to text members of staff between 2am and 4am.

Ms Middleton admitted, in the statement of agreed facts, that the letter sent to the parents of year 6 pupils contained a statement relating to a "Bonus 1000 points can be gained by texting an out of hours number between 2am and 4am". Also, the investigation report reflects Ms Middleton confirming that she encouraged text messages being sent to those named in the letter between the hours of 2am and 4am as part of the Flour Babies project.

However, given that Ms Middleton and the head teacher indicated in their investigation meetings that the head teacher had given prior authority to Ms Middleton to send out this letter and the fact the safeguarding policy indicates that personal telephone numbers of staff may be given to pupils if this is approved in advance, the panel found that the stem of allegation 3, in relation to 3d) 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 the panel refers to as the 'guidance'.

The panel is satisfied that the conduct of Ms Middleton in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Ms Middleton 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;
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
- showing tolerance of and respect for the rights of others;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality;
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel considered it should have been obvious to Ms Middleton that it was highly inappropriate for her to disclose the personal mobile numbers of both herself and her colleagues to the pupils of her school and their parents. It was even more concerning that she did not consider the risks to staff as a result of this course of action. Also her lack of concern over pupils being put at risk by being able to contact an individual who was neither employed by the school nor appropriately vetted to work with children was unacceptable. In addition, Ms Middleton's conduct towards other staff in terms of her lack of collegiate working, and general lack of professional courtesy meant that the panel was satisfied that the conduct of Ms Middleton fell significantly short of the standards expected of a teacher.

The panel has also considered whether Ms Middleton's conduct displayed behaviours associated with any of the offences listed on page 8 and 9 of the guidance. The guidance indicates that where behaviours associated with such offences exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct. However, the panel has found that none of these offences are relevant.

Despite this, the panel is satisfied that Ms Middleton is guilty of unacceptable professional conduct due to the unprofessional behaviour found by the panel in relation to allegation 1, inappropriate communication with colleagues, lack of respect for the school's safeguarding policies and in disclosing personal information of staff to pupils and their parents. The panel also considered that Ms Middleton's conduct was unacceptable given reference in an investigation meeting with a Year 6 tutor and to Ms Middleton's outright refusal to follow the school's amended policy in relation to appropriate social media communication.

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. It is clear from a number of character references or statements

from LSAs that Ms Middleton worked with that she was regarded as a role model in terms of her teaching ability and ability to enthuse pupils in activities she devised. However, Ms Middleton's conduct would have impacted on pupils wellbeing and safety.

However, it was clear to the panel that the governors of the school were extremely concerned by the nature of Ms Middleton's communications to pupils and parents regarding the Flour baby project and considered this to be a major safeguarding issue as parents or children could contact staff at any time of day without going through the proper channels within the school. Ms Middleton's actions risked the safety and security of staff and also showed no concern for the safety and well-being for the pupils. For these reasons the panel therefore found that Ms Middleton's actions also constituted 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 and 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 guidance and having done so has found a number 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.

There is a strong public interest consideration in respect of the protection of pupils, in light of the panel's findings of inappropriate social media communications with current and former pupils which crossed the appropriate boundaries expected of a teacher. In making friends with pupils and former pupils on Facebook, Ms Middleton breached the school's safeguarding practices. Also the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Middleton, were not treated with the utmost seriousness when regulating the conduct of the profession.

In addition, the panel considered that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Ms Middleton 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 Ms Middleton.

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 Ms Middleton. 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 are relevant in this case are:

- serious departure from the personal and professional conduct elements of the teachers' standards
- sustained or serious bullying, or other deliberate behaviour that undermines pupils, the profession, the school or colleagues

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case. In light of the panel's findings, there was no evidence that Ms Middleton's actions were anything other than deliberate.

The panel has had regard to Ms Middleton's written representations in which she indicates that prior to the above allegations being made she had an excellent record as a teacher and had never had a verbal or written warning. The panel accepts this information.

The panel has also taken into account 19 character references or statements from parents or former colleagues at the school, most of whom were employed as LSAs or teaching assistants in the school. These statements commented on how supportive Ms Middleton could be to parents, the positive relationship she had with pupils and how she assisted two parents with planning, personal development and developing children's progress when they became LSAs in the school. Many of these parents commented that Ms Middleton helped raise standards in literacy, how she gave up her personal time to provide pupils with extra-curricular access to dance activities and how enthusiastic her pupils were in undertaking the activities she arranged for them. At least three parents/former colleagues commented that Ms Middleton was an outstanding teacher which was recognised by Ofsted and that she had particular expertise in engaging with pupils with special educational or other needs. Whilst the panel acknowledged that the content of these character statements/references were supportive of Ms Middleton and her teaching ability, the panel were conscious of the two "camps" within the school. The panel were also mindful that it was not her teaching ability that was the subject of the allegations but her ability to behave professionally in the context of relationships with staff and observation of school policies.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Ms Middleton. Ms Middleton's disregard for the school's safeguarding policy which put colleagues and pupils at risk were significant factors in forming that opinion. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for them to decide to recommend that a review period of the order should be considered. The panel were mindful that the guidance 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.

The guidance indicates that there are behaviours that, if proven, would militate against a review period being recommended. The panel has found that none of the behaviours mentioned in the guidance are relevant.

The panel considers that in her written representations Ms Middleton has expressed remorse for providing staff contact numbers to parents and pupils and for contacting pupils by Facebook. However, the panel considered she has shown no remorse or recognition for the way her behaviour has impacted on other members of teaching staff and that her behaviour could have impacted on pupils' well-being and safety. The panel considered that Ms Middleton had not demonstrated a requisite level of insight to satisfy it that such behaviour would not be repeated, given her failure to abide by school safeguarding and social media policies.

The panel felt the findings indicated a situation in which a review period would be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provision for a review period of 2 years, which the panel considers should be a sufficient length of time to demonstrate appropriate insight and remediation.

## **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 have found proven a range of allegations relating to acting unprofessionally towards other members of staff, acting unprofessionally and forming inappropriate relationships with current and former pupils and failing to follow safeguarding procedures. They have judged that Ms Middleton's behaviour amounts to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

In considering whether to recommend a prohibition order the panel have properly balanced the interests of the public with those of the teacher. The panel have found the following public interest considerations to be relevant in this case:

- the protection of pupils;
- the maintenance of public confidence in the profession; and
- declaring and upholding proper standards of conduct.

The panel are clear that Ms Middleton's actions were deliberate and they accept her written representations indicating that she had an excellent record as a teacher prior to these events together with a range of character references from parents and former colleagues. The panel though remained mindful that the subject of the facts in this case related to her ability to behave professionally rather than her teaching ability.

The panel have concluded that a prohibition order is an appropriate and proportionate sanction with the public interest considerations outweighing those of Ms Middleton. I agree with their recommendation.


In considering whether to recommend a review period the panel have taken account of Ms Middleton's remorse in some areas but have noted that she has shown no remorse in relation to the impact of her behaviour on other members of staff and the impact her behaviour could have had on pupil's wellbeing and safety. The panel were also of the view that Ms Middleton had not demonstrated sufficient insight to satisfy them that her behaviour would not be repeated.

In the circumstances I agree with the panel's recommendation that a period of 2 years should provide sufficient time for Ms Middleton to demonstrate appropriate insight and remediation.

**This means that Ms Alwyne Middleton 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 30 March 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, Ms Alwyne Middleton remains prohibited from teaching indefinitely.

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

Ms Alwyne Middleton 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: 23 March 2015**

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