



National College for
Teaching & Leadership

Ms Lisa Hunnago: Professional conduct panel meeting outcome

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

March 2018

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

Teacher: Ms Lisa Hunnago
Teacher ref number: 9902388
Teacher date of birth: 1 April 1971
NCTL case reference: 16198
Date of determination: 12 March 2018
Former employer: Springfields Academy, Calne

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 12 March 2018 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Ms Lisa Hunnago.

The panel members were Ms Claire McManus (lay panellist – in the chair), Mr Anthony Bald (teacher panellist) and Ms Sarah Evans (teacher panellist).

The legal adviser to the panel was Ms Eve Piffaretti of Blake Morgan LLP, solicitors.

In advance of the meeting, the National College agreed to a request from Ms Hunnago that the allegation be considered without a hearing after taking into consideration the public interest and the interests of justice. Ms Hunnago provided a signed statement of agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer, Ms Hunnago or her representative.

The meeting took place in private, save for the announcement of the panel’s decision, which was announced in public and recorded.

B. Allegations

The panel considered the allegation set out in the Notice of Meeting dated 1 March 2018.

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

1. She was convicted at the Chippenham Magistrates Court on 8 March 2017 for assault by beating contrary to section 39 of the Criminal Justice Act 1988 and sentenced to a conditional discharge for 24 months (varied on appeal to 6 months), and ordered to pay a victim surcharge of £20 and costs of £250.

Ms Hunnego admitted the facts of the allegations and that those facts amounted to unacceptable professional conduct and 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: Chronology and anonymised pupil list – pages 2 to 3

Section 2: Notice of Referral response and Notice of Meeting – pages 5 to 9(ii)

Section 3: Statement of Agreed Facts and presenting officer representations – pages 11 to 14

Section 4: NCTL documents – pages 16 to 82

Section 5: Teacher documents – page 84

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Ms Hunnego on 2 February 2018.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

The panel confirms that it has read all the documents provided in the bundle in advance of the meeting.

In advance of the meeting, the National College agreed to a request from Ms Hunnago that the allegation be considered without a hearing. The panel has the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction is necessary or appropriate in this case.

Ms Hunnago was employed as a teacher of Mathematics at the Springfield Academy ("the School") from 1 October 2011 until 31 August 2016. She tendered her resignation to the School on 9 February 2016.

On 18 April 2016 an incident took place between Ms Hunnago and Pupil A. Ms Hunnago was suspended from work on 19 April 2016. On 8 March 2017, Ms Hunnago was found guilty of assault by beating in respect of Pupil A and sentenced to a conditional discharge for 24 months and ordered to pay a victim surcharge of £20 and costs of £250. She appealed her conviction and the sentence imposed. The appeal was heard on 18 May 2017 when the appeal was dismissed, however Ms Hunnago's conditional discharge was reduced to six months.

Findings of fact

Our findings of fact are as follows:

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

You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that

- 1. You were convicted at the Chippenham Magistrates Court on 8 March 2017 for assault by beating contrary to section 39 of the Criminal Justice Act 1988 and sentenced to a conditional discharge for 24 months (varied on appeal to 6 months), and ordered to pay a victim surcharge of £20 and costs of £250.**

Ms Hunnago admits being convicted at the Chippenham Magistrates Court on 8 March 2017 for the offence of assault by beating for which she was conditionally discharged.

Ms Hunnago admits that she chased Pupil A and made contact with Pupil A's shoulder. There was an exchange of words between Ms Hunnago and Pupil A before Ms Hunnago then left the premises in her car.

The panel noted that the Memorandum of Entry from Chippenham Magistrates Court Register for 8 March 2017 dated 3 October 2017, and the Result of Appeal and

Conditional Discharge Order from Swindon Crown Court dated 18 May 2017 contained in the case bundle which are conclusive proof of Ms Hunnago's commission of the offence of assault by beating and of the sentence imposed by the courts.

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

Having found the allegation to have been proven, the panel has gone on to consider whether the facts of the proven allegation amounts to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In the statement of agreed facts, Ms Hunnago accepts that her admitted conduct amounts to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

The panel finds that Ms Hunnago's conduct represents misconduct of a serious nature falling significantly short of the standards expected of a teacher. Consequently, the panel finds Ms Hunnago guilty of unacceptable professional conduct and of conduct which may bring the reputation of the profession into disrepute.

In doing so, the panel has had regard to the Teachers' Standards and the document Teacher Misconduct: The Prohibition of Teachers, which the panel refers to as "the Advice".

The panel is satisfied that the conduct of Ms Hunnago in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Ms Hunnago 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
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel is therefore satisfied that the conduct of Ms Hunnago amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel has also considered whether Ms Hunnego's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice.

The panel has found that the offence involves violence towards a pupil but notes that Ms Hunnego was conditionally discharged for a six month period. The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to 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 pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

The panel therefore finds that Ms Hunnego's actions constitute conduct that may bring the profession into disrepute.

The panel noted that the individual's actions were relevant to teaching, working with children and working in an education setting. The incident involved a pupil, took place within the School grounds, during School hours and in sight of pupils and staff.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety or security of pupils or members of the public.

The panel has also taken account of how the teaching profession is viewed by others. The panel considered that Ms Hunnego's behaviour in committing the offence could affect public confidence in the teaching profession given the influence that teachers may have on pupils, parents and others in the community.

The panel has noted that Ms Hunnego's behaviour has ultimately led to her being found guilty of assault by beating.

The panel has taken into account Ms Hunnego's letter dated 12 November 2017 which states that the contact that she made with Pupil A was with the pupil's shoulder.

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 a punitive effect.

The panel has considered the particular public interest considerations set out in the Advice and having done so has found a number of them to be relevant in this case, namely, the protection of pupils, the protection of other members of the public, the maintenance of public confidence in the profession/declaring and upholding proper standards of conduct and the interest of retaining the teacher in the profession.

There is a strong public interest consideration in the protection of pupils given the panel's finding that Ms Hunnego committed the offence of assault by beating in relation to Pupil A which took place within the School grounds, during School hours and in sight of pupils and staff.

Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Hunnego were not treated with the utmost seriousness when regulating the conduct of the profession.

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 Hunnego was outside that which could reasonably be tolerated.

Notwithstanding this, the panel considered that there was a strong public interest consideration in retaining the teacher in the profession, since no doubt has been cast upon her abilities as an educator and/ or she is able to make a valuable contribution to the profession.

In view of the clear 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 Hunnego.

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 Hunnego. 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, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;

- 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.

The panel has reminded itself of the principle of proportionality and in particular the principle that in certain cases a Prohibition Order may not be proportionate or appropriate and that a finding of unacceptable professional conduct may represent a sufficient sanction in itself.

In carrying out the balancing exercise the panel has regard to the public interest considerations both in favour of and against prohibition as well as the interests of Ms Hunnago. The panel had regard to the fact that Ms Hunnago was an experienced teacher with a good teaching record.

The panel noted that at the time of the conduct found proved, Ms Hunnago had tendered her resignation to the School prior to this incident stating that "*working at Springfields Academy has become intolerable*". This demonstrates that Ms Hunnago had some insight in relation to the challenges presented by the school environment although the panel noted that she did not have sufficient insight to exercise self-control towards Pupil A at the time of this incident.

There was no evidence that the teacher's actions were not deliberate and the panel did not consider Ms Hunnago's actions to have been conducted under duress.

The panel took into account the references in the case bundle, but noted that these were obtained in relation to Ms Hunnago application for employment at the School. No recent references have been provided from any colleagues that can attest to her abilities as a teacher.

The panel also noted that in her letter of resignation Ms Hunnago stated that she would remain in her teaching position until the 31 August 2016 to provide the School time to find a replacement. The panel considered that this indicated professionalism and concern for her pupils' education.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel is sufficient.

The panel is of the view that applying the standard of the ordinary intelligent citizen recommending no prohibition order is not a proportionate and appropriate response. Recommending that publication of adverse findings is sufficient in the case would

unacceptably compromise the public interest considerations present in this case, despite the severity of consequences for the teacher of prohibition.

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 Hunnego. The nature of the offence was a significant factor in forming that opinion, in particular that it involved a pupil of the School, on School premises, during School hours whilst other pupils and staff were present. 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 to recommend that a review period of the order should be considered. The panel was mindful that the 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.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include violence and Ms Hunnego has been found to have assaulted a pupil by beating.

Ms Hunnego has admitted the allegation and has expressed some remorse. She has a previous good history and has demonstrated some insight into the professional challenges this particular school presented for her.

However, the panel felt that its findings indicate that a review period would be appropriate. The panel consider that it would be appropriate in all the circumstances for the prohibition order to be recommended with provisions for a review period of the minimum period, namely, two years.

The panel consider that a two year review period would enable Ms Hunnego to reflect on the impact of her conduct on Pupil A. Such a review period would also allow Ms Hunnego to consider the importance of maintaining appropriate professional behaviour with pupils and to fully assimilate the importance of child protection and safeguarding issues.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of sanction and review period.

In considering this case, I have also given very careful attention to the advice that is published by the Secretary of State concerning the prohibition of teachers.

In this case, the panel has found the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel has made a recommendation to the Secretary of State that Ms Hunnago should be the subject of a prohibition order, with a review period of two years.

In particular the panel has found that Ms Hunnago 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
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel has also considered whether Ms Hunnago's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice.

The panel has found "that the offence involves violence towards a pupil but notes that Ms Hunnago was conditionally discharged for a six month period." The panel has gone on to note that "The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct."

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would

achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself whether or not a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Ms Hunnago, and the impact that will have on her, is proportionate.

In this case I have considered the extent to which a prohibition order would protect children. The panel has observed, "There is a strong public interest consideration in the protection of pupils given the panel's finding that Ms Hunnago committed the offence of assault by beating in relation to Pupil A which took place within the School grounds, during School hours and in sight of pupils and staff."

A prohibition order would therefore prevent such a risk from being present. I have also taken into account the panel's comments on insight and remorse which the panel sets out as follows, "Ms Hunnago has admitted the allegation and has expressed some remorse. She has a previous good history and has demonstrated some insight into the professional challenges this particular school presented for her." I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "that Ms Hunnago's behaviour in committing the offence could affect the public confidence in the teaching profession given the influence that teachers may have on pupils, parents and others in the community."

I have had to consider that the public has a high expectation of professional standards of all teachers and that failure to impose a prohibition order might be regarded by the public as a failure to uphold those high standards. In weighing these considerations I have had to consider the matter from the point of view of an "ordinary intelligent and well-informed citizen."

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Ms Hunnago herself. The panel has noted Ms Hunnago's previous good history but also the lack of current references.

A prohibition order would prevent Ms Hunnago from teaching and would also clearly deprive the public of her contribution to the profession for the period that it is in force.

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Hunnago has made to the profession. In my view it is necessary to impose a

prohibition order in order to maintain public confidence in the profession. A published decision that is not backed up by complete remorse or insight does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the aims which a prohibition order is intended to achieve.

I have gone on to consider the matter of a review period. In this case the panel has recommended a 2 year review period.

I have considered the panel's comments "a two year review period would enable Ms Hunnago to reflect on the impact of her conduct on Pupil A. Such a review period would also allow Ms Hunnago to consider the importance of maintaining appropriate professional behaviour with pupils and to fully assimilate the importance of child protection and safeguarding issues.

I have considered whether a 2 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. A two year review period is the minimum set out in the legislation and is I believe sufficient to satisfy the maintenance of public confidence in the profession.

This means that Ms Lisa Hunnago 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 27 March 2020, 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 Lisa Hunnago remains prohibited from teaching indefinitely.

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

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



Decision maker: Alan Meyrick

Date: 21 March 2018

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