



Teaching  
Regulation  
Agency

# **Ms Elizabeth Woods: Professional conduct panel outcome**

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

**April 2018**

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

**Teacher:** Ms Elizabeth Woods

**Teacher ref number:** 0884015

**Teacher date of birth:** 19 August 1978

**NCTL case reference:** 16432

**Date of determination:** 20 April 2018

**Former employer:** Hornsea School and Language College (the 'School')

### **A. Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the Agency”) convened on 19 to the 20 April 2018 at 53 – 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Ms Elizabeth Woods.

The panel members were Angela Brown (lay panellist – in the chair), Dr Robert Cawley (teacher panellist) and Anthony Greenwood (lay panellist).

The legal adviser to the panel was Mr James Danks of Blake Morgan LLP.

The presenting officer for the Agency was Holly Quirk of Browne Jacobson LLP.

Ms Elizabeth Woods was not present and was not represented.

The hearing took place in public and was recorded.

## B. Allegations

The panel considered the allegations set out in the Notice of Proceedings (as amended) dated 19 February 2018.

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

1. On or before 6 July 2016, she used inappropriate language and/or gestures towards and/or around pupils, in particular she:
  - i. Referred to her tutor group as 'fucking idiots';
  - ii. Referred to her tutor group as 'twats'
  - iii. Told one or more pupils to 'fuck off'
  - iv. Stuck her middle finger up at Pupil A;
  - v. Referred to one or more pupils as having a 'big willy';
  - vi. Referred to her white board pen as the 'magic pen of sex'.
2. On or around 16 June 2016, she allowed Pupil C and Pupil D to leave the School in circumstances where she had led one or more other teachers in the School to believe that they were with her and/or under her supervision.

In the absence of a response from Ms Woods referring to the particulars of the allegations specifically, the panel has taken the allegations to have not been admitted. It therefore follows that the panel has taken unacceptable professional conduct and/or conduct that may bring the profession into disrepute to also not be admitted.

## C. Preliminary applications

The panel announced its decision on the preliminary applications as follows:

The panel considered an application by the presenting officer for the hearing to proceed in the absence of Ms Woods. The panel was satisfied that proceedings had been served on Ms Woods in accordance with Rules 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession ("the Disciplinary Procedures").

The Notice of Proceedings had been sent to Ms Woods by letter of 19 February 2018 and it was sent to the address known to the Agency. It included the information required in accordance with Rule 4.12 and the panel had a delivery report from DX Despatch Tracking dated 21 February 2018 confirming that the letter was signed for by an 'E. Woods'.

The panel then considered whether it was appropriate to proceed in the absence of Ms Woods. Having been sent the Notice of Proceedings, Ms Woods is aware of the proceedings and the nature of the allegations being made against her.

On 18 April 2018, Ms Woods sent an email to the presenting officer stating "I will not be appearing in person and do wish the hearing to proceed in my absence".

Whilst this email did not state the date of the hearing, it was an email sent in response to an email query from the presenting officer, which did clearly state the date of the hearing.

The panel had considered carefully each of the criteria set out in *R v Jones and Tate v Royal College of Veterinary Surgeons*. Ms Woods is aware of the nature of the allegations against her, and she had not requested an adjournment despite being aware of today's hearing.

In the circumstances, the panel was satisfied that Ms Woods had voluntarily absented herself and had waived her right to attend. The panel concluded that an adjournment would serve no purpose particularly because Ms Woods had not, at any stage, indicated that she wished to be represented.

The panel also bore in mind that both Pupil A and Pupil D were attending to give evidence and there was an interest in proceeding as quickly as possible as their evidence was predominantly based on memory. The panel also had consideration to Ms Woods' health and determined that the hearing proceeding today would also be in her interests.

The panel will take into consideration the fact that the allegations were denied when considering the evidence presented by the Agency and notes within the papers before it is an indication as to Ms Woods' general defence albeit not particularised for each allegation.

Taking all of the above into account, the panel decided that it was in the public interest that this case should proceed in the absence of Ms Woods.

The panel then considered three further applications from the presenting officer, albeit two were effectively being made on Ms Woods' behalf.

By an email dated 16 April 2018, Ms Woods applied for the hearing to be held in private on the basis that a public hearing could be reported in the local press, which would then negatively impact on her health and business. The Agency objected to this application stating it was clearly in the interests of justice that the hearing proceeds as normal in public and the teacher had not put forward any compelling reason for it not to be.

The panel refused this application. There were no members of the public present and, in any event, the Secretary of State's decision is made publicly regardless of whether the hearing is in private. Whilst the panel was sympathetic to Ms Woods' position, any prejudice to her was significantly outweighed by the public interest in the hearing being in public and there being transparency to proceedings.

The panel then considered the application by the Agency to amend the date in allegation 2 from 16 January 2017 to the correct date 6 June 2016. The date in the Notice was included in error and the presenting officer stated that the amendment would properly reflect the evidence before the panel. The teacher was aware of the facts behind the allegation and, in any event, was not present at the School on the date currently in allegation 2.

The panel was satisfied that Ms Woods was under no misunderstanding as to which incident was referred to in allegation 2. Indeed, around the time it took place, she had been interviewed about it and provided her account to the School. The panel thought it highly unlikely she would consider allegation 2 referred to an incident when she was not at the School in 2017.

As a result, the panel did not consider there was any injustice to Ms Woods and that it was clearly in the interests of justice for the allegation to be amended to properly reflect the evidence. The panel therefore allowed the application and amendment to allegation 2.

The final application that the panel considered was for documents from Ms Woods to be admitted into evidence despite not being served in accordance with the rules. These documents were:

- Emails to/from Ms Woods and the presenting officer, which attached an undated statement from Ms Woods;
- her response to the Notice of Proceedings signed 16 April 2018; and
- an email from a previous colleague dated 18 April 2018.

The presenting officer confirmed the Agency had no objection to these documents being entered into evidence despite being served late.

The panel considered that these were all documents that assisted in their understanding of Ms Woods' position and there was an inherent fairness in admitting them. The panel allowed the application from Ms Woods and entered them into evidence using the following pagination:

- the emails and Ms Woods' statement – pages 274 to 278;
- her response to the Notice of Proceedings – pages 279 to 282; and
- the email from a colleague – page 283.

## **D. Summary of evidence**

### **Documents**

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

Section 1: Chronology and anonymised pupil list – pages 1 to 4

Section 2: Notice of Proceedings and Response – pages 5 to 14

Section 3: Teaching Regulation Agency witness statements – pages 15 to 19

Section 4: Teaching Regulation Agency documents – pages 20 to 271

Section 5: Teacher documents – page 272 to 273

In addition, the panel agreed to accept the following:

- the emails and Ms Woods' statement – pages 274 to 278;
- her response to the Notice of Proceedings – pages 279 to 282; and
- the email from a colleague – page 283.

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

## **Witnesses**

On behalf of the Agency, the panel heard oral evidence from:

- Pupil A; and
- Pupil D.

No oral evidence was called by Ms Woods.

## **E. Decision and reasons**

The panel announced its decision and reasons as follows:

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

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

Ms Woods had been employed at Hornsea School and Language College ('the School') from August 2013 as an English teacher. On 6 July 2016, a pupil reported that Ms Woods had stuck her middle finger up at him and this complaint led to an investigation during which concerns regarding her use of inappropriate language were raised by pupils. It was also reported that she had allowed two pupils to leave the School premises, contrary to the School's policy on authorising absence and other teachers believing they were under her supervision.

## **Findings of fact**

Our findings of fact are as follows:

### **Allegations found proven**

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

**1. On or before 6 July 2016, you used inappropriate language and/or gestures towards and/or around pupils, in particular you:**

**i. Referred to your tutor group as 'fucking idiots'**

The panel heard live evidence on this allegation from Pupil A. He explained that he had been told to leave the classroom because of his behaviour and, as he was leaving, heard Ms Woods shout, "Am I surrounded by fucking idiots?". He explained that he was shocked at the time by the language used and the comment also led to the previously unruly class falling silent.

The panel also had regard to the written statements of pupils within the bundle that corroborated Pupil A's account. In particular, Student 1 (at pages 195 and 205) stated that Ms Woods had used this phrase directed at the whole class.

In her witness statement (page 276), Ms Woods accepted that she "may have used inappropriate language" but did not address this phrase specifically. The panel also noted that in her disciplinary meeting at the School on 19 July 2016, Ms Woods stated she may have used the term "idiots" under her breath but not the term "fucking idiots".

The panel also had before it an email from Individual A, dated 18 April 2018. This email was Individual A's general account from a lesson she covered for Ms Woods supposedly when the relevant pupils were discussing the incident in question shortly after it occurred. Given the passage of time, Individual A's recollection was incredibly vague as to the events, which pupils she had spoken to, and to the dates that she believed the incident took place, stating in her email that the incident was in 2017. Individual A was not present to give evidence.

The panel was impressed by the manner in which Pupil A gave his evidence. His account was consistent with the contemporaneous statement he gave on 6 July 2016 and he gave evidence to the panel in a manner that was honest, giving a balanced overview of the Citizenship course taught by Ms Woods and being willing to accept when he was at fault (for instance, describing himself as not being 'innocent' as part of the incident that led to his removal from the classroom).

Pupil A rejected the accusation from Ms Woods that there had been any collusion between pupils.

Due to the general nature of Individual A's account, the panel could not place any weight on her email, which in any event did not suggest collusion as Ms Woods had alleged.

Ms Woods has not put forward any credible reason why Pupil A's account (as corroborated by Student 1) should be disbelieved. In light of this, the manner in which Pupil A gave



evidence and that he had offered himself open to questioning, the panel was minded to prefer the Agency's evidence to that of Ms Woods and, on balance, therefore finds this allegation proved.

#### **ii. Referred to her tutor group as 'twats'**

The panel did not hear any live evidence in respect of this allegation. However, the panel noted the apparent admission by Ms Woods at page 225 that "...I did say on my last tutor, Citizenship lesson with them that they were behaving like twats".

Ms Woods has not provided any more recent denial of this allegation. Considering the apparent admission to using this phrase and her general acceptance she used inappropriate language, on balance, the panel finds this allegation proved.

#### **iv. Stuck her middle finger up at Pupil A**

Pupil A gave live evidence on this allegation. He explained that having been told to leave the lesson, he waited outside the classroom. After approximately 15 minutes, he knocked on the door in order to be let back in.

Pupil A was questioned as to whether Ms Woods may have in fact been pointing her index finger at him to leave the room at an earlier stage and this had been misinterpreted. Pupil A was adamant that this was not the case. He clearly stated that Ms Woods was facing the class and had her back to him as he looked through the glass in the classroom door. Ms Woods proceeded to raise a hand and lifted her middle finger to him. He was obviously outside of the classroom at this point (and had been for some time) and, from the gesture, the only thing she could have been pointing at was the ceiling.

The panel also considered the corroborative evidence from Student 1 who had seen Ms Woods make "*gestures such as showing her middle fingers up to individuals*". Whilst this did not necessarily relate to the specific incident, in the panel's view it demonstrated a propensity for Ms Wood to use this gesture.

Ms Woods did not offer an explanation in her statement to this allegation so the panel took her explanation at page 225 that her using her index finger to point Pupil A out of the classroom being misconstrued as being her defence.

For the reasons already stated, the panel found Pupil A to be a credible witness. He was adamant as to when the incident took place, namely approximately 15 minutes after he had left the classroom. The panel does not accept Ms Woods' assertion that there was a misunderstanding and she was pointing at him to leave the room nor realistic that she was pointing at the ceiling with her middle finger.

On balance, the panel prefers the evidence of Pupil A as corroborated by Student 1 over that of Ms Woods' account and therefore finds this allegation proved.

## **vi. Referred to her white board pen as the 'magic pen of sex'.**

The panel heard live evidence on this allegation from Pupil A. He accepted that one of his friends had previously come up with the name for the interactive board pen rather than Ms Woods but explained she had then continued to use the term repeatedly. He said that this had appeared 'weird' to him.

The panel noted that Student 7 stated in an account of 11 July 2016 that Ms Woods had called the interactive pen the "magic pen of sex". In light of this account being unsigned the panel gave it some, but limited, corroborative weight.

In her statement, Ms Woods said she treated the term as a *'joke...and tolerated the joke but did not use the reference myself'*. The panel however noted the inconsistency between her statement and the account she provided in an earlier interview (page 236) when she said she had used the term *"probably once or twice"*.

For the reasons give before, the panel considered Pupil A to be a clear and credible witness who offered himself for examination. In light of this and the inconsistent explanation provided by Ms Woods, the panel preferred the evidence of Pupil A and therefore finds this allegation proved.

## **2. On or around 16 June 2016, you allowed Pupil C and Pupil D to leave the School in circumstances where you had led one or more other teachers in the School to believe that they were with you and/or under your supervision.**

The panel heard live evidence on this allegation from Pupil D. He explained that during the afternoon of 16 June 2016, England was playing Wales in a football match and the pupils were allowed to watch it in the main hall or go to another classroom.

Instead of watching the match, Pupil D confirmed that he went to Ms Woods' classroom with Pupil C, who was in her tutor group, as she was showing a film. Pupil D had previously had no contact with Ms Woods but had heard her described as being 'nice'.

After a time, Pupil C and Pupil D asked Ms Woods if they could go to buy food in town. Whilst Pupil D could not remember the exact question they asked Ms Woods, he was clear that she had responded in words similar to 'don't get caught' or 'if you are caught, don't say it was me'. The panel also noted that in Pupil D's earlier statement, he stated, *"She said if anyone catches us going out we weren't to blame her and said to say we were going to watch the football"*.

Pupil D confirmed leaving the School premises without any other teacher being aware of where he and Pupil C were going, and that this was against School rules. Both pupils returned to the classroom after buying snacks from the local shop.

Pupil D denied having any food with him when he first entered the classroom and denied saying to Ms Woods that he and Pupil C were going to watch the football. He said he had no reason to make up a false version of events.

The panel noted two emails from Ms Woods to two teachers at approximately 2pm on 16 June 2016, which confirmed Pupil C and Pupil D were in her classroom. The panel also noted the 'Authorised Absence Register' covering the relevant day did not include Pupil C and Pupil D's signatures.

Ms Woods' explanation was that Pupil C and Pupil D had entered her classroom and already had food with them in a schoolbag. They had then said that they were going to watch the football and she denied allowing them to leave the School premises unauthorised.

The panel felt that Pupil D gave relatively clear evidence. When he was uncertain on matters, he accepted that, but was clear about what Ms Woods had said to him and Pupil C when they asked to leave the School. This was a consistent account with the one he gave to the School on 8 July 2016 and considering he had no previous involvement with Ms Woods, the panel did not consider it likely he had reason to create a false story.

In light of the above, and that Pupil D had offered himself for live examination, the panel preferred his evidence over that of Ms Woods and therefore finds this allegation proved.

### **Allegations found not proven**

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

#### **iii. Told one or more pupils to 'fuck off'**

This comment was alleged to have been made to Pupil A. Whilst he was not asked about the specific phrase in evidence, he was asked whether Ms Woods had spoken inappropriately and confirmed she had said 'shut the fuck up'. Pupil A did not recall anything inappropriate further to this comment (and that in the proven allegation 1(i) above) but was clear about what he could recall.

The panel did not hear any live evidence in support of this allegation. However, its attention was drawn to the witness statements of Student 7 (page 199) and Student 8 (page 208) that stated Ms Woods had said 'fuck off' to Pupil A.

Ms Woods denied stating this phrase to Pupil A.

In the panel's view, Pupil A was clear in his recollection of events and would have remembered if this comment had been made by Ms Woods to him. The incident took place in what was a loud and boisterous environment and the panel determined that comments may have been misheard. In light of this and the pupils who gave positive evidence not

being present for examination, the panel did not conclude the Agency had discharged their evidential burden and therefore do not find this allegation proved.

#### **v. Referred to one or more pupils as having a 'big willy'**

Pupil A was asked whether Ms Woods had made comments about pupils and their appearance. He confirmed that she had said one pupil had a 'big head' but could not recall anything further than that.

Pupil D was similarly asked about any comments made by Ms Woods. However, prior to 16 June 2016, he had no particular interaction with her and could not assist the panel regarding this allegation.

The panel did note that Student 9 stated Ms Woods had said to one of the male pupils at the beginning of the year that he had a 'massive willy'. This was the only evidence in support of this allegation, which Ms Woods vehemently denied.

In the panel's view, when the only evidence in support of a denied allegation is hearsay, which cannot be tested, this is insufficient to discharge the evidential burden. In any event, whilst similar, the panel noted the evidence actually supported a different wording of the allegation than the one before it.

For the reasons set out above, the panel finds this allegation not proved.

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

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

In doing so, the panel has had regard to 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 Woods in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Ms Woods 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;

- 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.

In respect of allegations 1(i), (ii), (iv) and 2, the panel is satisfied that the conduct of Ms Woods amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession. The language and gesture used was unacceptable by a teacher and specifically when targeted towards the pupils, either individually or collectively. In respect of allegation 2, Ms Woods blatantly ignored the School's documented procedures for leaving the School site during school hours, and Pupil C and Pupil D were put at possible risk by her actions.

In respect of proven allegation 1(vi), whilst the panel determined this to be misconduct by Ms Woods' continued use of the phrase to such an extent that pupils felt uncomfortable, its view was that it was more of an immature and foolish remark towards the lower end of the spectrum of seriousness.

The panel has also considered whether Ms Woods' conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and the panel has found that none of these offences are relevant.

Nevertheless, the panel is satisfied that Ms Woods is guilty of unacceptable professional conduct in respect of all proven allegations save for 1(vi) for the reasons given above.

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 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 Ms Woods' actions also 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 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; and
- declaring and upholding proper standards of conduct.

In light of the panel's findings against Ms Woods, which involved findings of using inappropriate language and gestures towards young pupils and significant concerns regarding the safeguarding of children, there is a strong public interest consideration regarding the protection of pupils.

Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Woods was 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 Woods was outside that which could reasonably be tolerated.

Notwithstanding 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 Woods.

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 Woods. 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

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.

There was no evidence that Ms Woods' actions were not deliberate nor that she was acting under duress. Whilst the panel notes within the papers there are indications that similar behaviour may have occurred before, Ms Woods does have a previously good history and the panel therefore put any assertions to the contrary out of its mind.

Ms Woods stated that in June / July 2016 she was suffering from [redacted]. However, the panel noted the only independent medical evidence in this regard was from September to November 2016. It was therefore unclear to the panel whether Ms Woods was asserting she had now recovered but accepted that her illness may have been present at the relevant time and adversely affected her decision making to some degree.

Nevertheless, 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 Woods. Her display of a cavalier approach to pupils' safety (albeit on one occasion) was a significant factor in forming that opinion. In addition, her multiple use of swear words and making of an obscene gesture in class showed a lack of respect to those in her care. Whilst the time-frame involved was short, this was more than a one-off incident.

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 2 years.

Ms Woods' actions in 2016 have been found to be serious misconduct. However, the panel determined that despite there being concerns regarding safeguarding, no harm actually came to any pupils. As a result, the panel determined that her actions were towards the lower end of the seriousness spectrum and could be remediated over time.

The panel was pleased that Ms Woods had shown some remorse. In her latest statement, she states *"I do very much regret failing my students and colleagues at Hornsea"*. Similarly, to some degree, Ms Woods has begun to show some insight into her actions by realising teaching in the classroom is not currently suitable for her. She explains in her latest statement that she now has a better understanding of [redacted], which would allow her to recognise the warning signs of these conditions developing in similar circumstances in the future, thereby allowing her to seek help.

Ms Woods does show some dedication to the teaching profession. *"I loved teaching and loved my subject"* and she hopes *"the option [to teach] would remain open to me in the future"*.

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 provisions for a review period after 4 years.

## **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 allegations 1(i), (ii), (iv), (vi), and 2 proven and found that those proven facts with the exception of allegation 1(vi) amount to unacceptable professional conduct and that all allegations with facts found proven amount to conduct that may bring the profession into disrepute. Where the panel has found facts not proven, I have put these matters from my mind. The panel has made a recommendation to the Secretary of State that Ms Woods should be the subject of a prohibition order, with a review period of 4 years.

In particular, the panel has found that Ms Woods 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;
- 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.

In respect of allegations 1(i), (ii), (iv) and 2, the panel is satisfied that the conduct of Ms Woods amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession. In respect of proven allegation 1(vi), the panel determined this to be, "misconduct by Ms Woods' continued use of the phrase to such an extent that pupils felt uncomfortable, its view was that it was more of an immature and foolish remark towards the lower end of the spectrum of seriousness.



The findings of misconduct are particularly serious as they include concerns regarding the safeguarding of children

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 Woods, 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, "In light of the panel's findings against Ms Woods, which involved findings of using inappropriate language and gestures towards young pupils and significant concerns regarding the safeguarding of children, there is a strong public interest consideration regarding the protection of pupils." 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 Woods has begun to show some insight into her actions by realising teaching in the classroom is not currently suitable for her." In my judgement, the lack of full insight means that there is some risk of the repetition of this behaviour and this risks safeguarding of pupils in the future. 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, "public confidence in the profession could be seriously weakened if conduct such as that found against Ms Woods was not treated with the utmost seriousness".

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 Woods herself. The panel say, "Whilst the panel notes within the papers there are indications that similar behaviour may have occurred before, Ms Woods does have a previously good history and the panel therefore put any assertions to the contrary out of its mind."

A prohibition order would prevent Ms Woods from continuing in the teaching profession. A prohibition order 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 Woods 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 full 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 4 year review period.

I have considered the panel's comments "Ms Woods' actions in 2016 have been found to be serious misconduct. However, the panel determined that despite there being concerns regarding safeguarding, no harm actually came to any pupils. As a result, the panel determined that her actions were towards the lower end of the seriousness spectrum and could be remediated over time."

The panel has also said that it was "pleased that Ms Woods had shown some remorse." And that 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 provisions for a review period after 4 years."

I have considered whether a 4-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. In this case, there are two factors that in my view means that a 2 or 3-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the safeguarding concerns found and the lack of full insight or remorse.

I consider therefore that a 4-year review period is required to satisfy the maintenance of public confidence in the profession.

**This means that Ms Elizabeth Woods 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 2 May 2022, 4 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 Woods remains prohibited from teaching indefinitely.

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

Ms Woods 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.

A handwritten signature in black ink, appearing to read 'Dawn Dandy', written in a cursive style.

**Decision maker: Dawn Dandy**

**Date: 25 April 2018**

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