



Teaching  
Regulation  
Agency

# **Ms Karen Clark: Professional conduct panel outcome**

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

**April 2018**

## Contents

A. Introduction	3
B. Allegations	3
C. Preliminary applications	5
D. Summary of evidence	5
Documents	5
Witnesses	6
E. Decision and reasons	6
Panel's recommendation to the Secretary of State	16
Decision and reasons on behalf of the Secretary of State	19

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

**Teacher:** Ms Karen Clark  
**Teacher ref number:** 0363812  
**Teacher date of birth:** 4 March 1983  
**TRA case reference:** 15835  
**Date of determination:** 19 April 2018  
**Former employer:** Pikes Lane Primary School, Bolton

### **A. Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“TRA”) convened on 17 April 2018 at the Ramada Inn, The Butts, Coventry CV1 3GG and on 18-19 April at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Ms Karen Clark.

The panel members were Mr Brian Hawkins (teacher panellist – in the chair), Ms Julia Bell (teacher panellist) and Ms Alison Platts (lay panellist).

The legal adviser to the panel was Mr Robin Havard of Blake Morgan LLP solicitors.

The presenting officer for the TRA was Ms Kayleigh Brooks, counsel, instructed by Browne Jacobson LLP solicitors.

Ms Karen Clark was present and was represented by Mr Andrew Faux, counsel, instructed by Ms Alicia Mulligan of the National Education Union.

Certain of the evidence with regard to Ms Clark's health was heard in private. Otherwise, the hearing took place in public and was recorded.

### **B. Allegations**

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

It was alleged that Ms Karen Clark was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or having been convicted of a relevant offence, in that:

**Whilst employed and/or engaged as a teacher between September 2016 and January 2017, she:**

- 1. brought alcohol onto school premises, including;**
  - a. on or around 13 September 2016;**
  - b. on or around 22 September 2016;**
  
- 2. consumed alcohol whilst on school premises and/or during school hours, including;**
  - a. on or around 13 September 2016;**
  - b. on or around 22 September 2016;**
  
- 3. displayed unprofessional behaviour, by reason of her consumption of alcohol (whether such consumption took place during the school day or not), on a number of occasions, including:**
  - a. on or around 6 September 2016, when she was found sleeping in her car during the school day;**
  - b. by arriving to school late on more than one occasion, including on or around;**
    - i. 13 September 2016;**
    - ii. 14 November 2016;**
    - iii. 16 November 2016;**
  - c. by leaving her class on more than one occasion, including on or around;**
    - i. 25 November 2016;**
    - ii. 29 November 2016;**
  
- 4. demonstrated a lack of integrity, in that prior to commencing work at Pikes Lane CE School on or around 31 October 2016, she;**
  - a. submitted an application form which omitted her most recent period of employment as a teacher;**
  - b. failed to disclose that she had taught at St Hilda's CE Primary School in September 2016 and/or failed to disclose the circumstances in which her role at St Hilda's CE Primary School came to an end.**

Ms Clark admitted the facts of allegation 1b, allegation 2b, particulars a, b and c of allegation 3 and allegations 4a and b.

In respect of allegation 3, whilst Ms Clark admitted the facts of particulars a, b and c, she denied that all such facts displayed unprofessional behaviour or that such conduct was by reason of her consuming alcohol. On this basis, Ms Clark denied allegation 3.

In respect of those allegations, which were admitted, Ms Clark admitted that she was guilty of unacceptable professional conduct and conduct that may bring the profession into disrepute.

## **C. Preliminary applications**

### **Amendment**

Ms Brooks applied to amend allegation 4a by substituting "an application form" for "a CV" which had been included in error. Ms Clark was not prejudiced as reference was made in the Statement of Agreed and Disputed Facts ("the Statement") to an application form and Ms Clark had signed the Statement.

There was no objection from Mr Faux and the panel granted the amendment.

### **Attendance of a witness throughout the hearing**

Mr Faux stated that he intended to call Ms Clark's brother, Thomas Clark, to give evidence as to Ms Clark's character. He would not be giving evidence in relation to the disputed allegations. Mr Faux asked the panel for its approval for Mr Clark to attend the hearing from the outset to provide support to Ms Clark.

Ms Brooks did not object and the panel granted the application.

### **Application for part of the hearing to be held in private**

The panel considered an application from Mr Faux that those parts of the hearing where reference would be made to Ms Clark's health-related issues should be held in private. The panel decided that, whilst the public interest required that the hearing should take place primarily in public, certain parts of the evidence given by, or on behalf of, Ms Clark relating to her medical history should be given in private.

## **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 4

Section 2: Notice of Proceedings and Response – pages 5 to 13

Section 3: NCTL witness statements – pages 14 to 26

Section 4: NCTL documents – pages 27 to 159

Section 5: Teacher documents – pages 160 to 272

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

### **Witnesses**

The panel heard oral evidence from the following witnesses called by the TRA:

Witness A –[REDACTED], St Hilda's CE Primary School;

Witness B –[REDACTED] , St Hilda's CE Primary School;

Witness C –[REDACTED], Pikes Lane Primary School, and

Witness D – [REDACTED], Pikes Lane Primary School.

Ms Clark gave evidence on her own account.

Mr Thomas Clark, Ms Clark's brother, gave evidence as to Ms Clark's character.

### **E. Decision and reasons**

The panel announced its decision and reasons as follows:

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

The panel confirmed that it had read all the documents provided in the bundle in advance of the hearing.

### **Statement of agreed facts**

The panel considered a Statement of Agreed and Disputed facts ("the Statement") which was signed by Ms Clark on 5 April 2018 and by the presenting officer on 16 April 2018.

The following summary was taken partly from the Statement.

"1. Karen Clark, born 04/03/1983, was employed as a teacher at St Hilda's CE Primary School from 30 August 2016 to 22 September 2016. She was subsequently employed at Pikes Lane Primary School from 31 October 2016 until 31 January 2017. Although Ms Clark did not resign from her employment at Pikes Lane Primary School until 31 January 2017, she had been sent home on or around 28 November 2016 pending an investigation and did not return to teach at the School subsequently."

Ms Clark had left both schools as a consequence of concerns with regard to her conduct, which were alleged to be alcohol-related.

## Findings of fact

Our findings of fact are as follows:

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

**Whilst employed and/or engaged as a teacher between September 2016 and January 2017, you:**

**1. brought alcohol onto school premises, including;**

**a. on or around 13 September 2016;**

Paragraph 2 of the Statement stated as follows:

"2. Ms Clark denies bringing alcohol onto school premises on or around 13 September 2016. In support of this allegation, the TRA relies, *inter alia*, on the evidence of Witness B. Ms Clark was not informed of the allegation raised by Witness B in that she 'suspected' that Ms Clark had had alcohol in a can of coca cola, nor did St Hilda's CE Primary School question Ms Clark in respect of this allegation at the time."

The panel had listened to the evidence provided by Witness B. The panel found her to be a witness who gave her evidence in a calm and coherent way. She did not attempt to obfuscate or embellish her evidence. When she was unable to recall, or be specific about, any particular issue, she would say so. Finally, Witness B had not worked closely with Ms Clark who had only been at the School for a matter of weeks. Therefore, the panel considered that there was no reason for Witness B to exaggerate her account. The panel found her to be a credible and reliable witness.

Witness B stated that Ms Clark arrived at school late and she was carrying a can of coke, whereas normally she would bring a bottle of water. Witness B stated that Ms Clark's breath smelled of fresh, as opposed to stale, alcohol. [REDACTED]

When Ms Clark went to morning service, Witness B smelled the can of coke and she said it smelled strongly of alcohol similar to brandy.

Ms Clark denied that the can of coke contained anything other than its original content. Whilst she said that she usually brought in a bottle of water, it was not the first time that she had brought in a can of coke.

Whilst the panel acknowledged that the can of coke was not examined, the panel found on the balance of probabilities that Ms Clark did bring in to school a can of coke which contained alcohol, which smelled similar to brandy.

In reaching this conclusion, the panel repeated that it found Witness B to be credible. Furthermore, she reported the matter to the headteacher, Individual A, who later interviewed Ms Clark and Individual A could also smell alcohol on Ms Clark's breath.

In a note of the meeting, Individual A recommended that Ms Clark should consult her GP.

[REDACTED] The panel also took into account that this was one of a number of occasions when members of staff at St Hilda's and, subsequently, Pikes Lane Primary School, had smelled alcohol on Ms Clark's breath when she was teaching at those schools. This included Witness B and Individual A at St Hilda's in September 2016 and Witness C, Individual B, Individual Cand Witness D at Pikes Lane where Ms Clark worked in November 2016.

Finally, the panel had not found Ms Clark's account to be plausible. Indeed, in certain aspects of her evidence, to include the circumstances in which she had consumed alcohol and the amounts she had consumed, the panel had found those accounts to lack credibility. For example, she suggested at one stage that she did not consume alcohol and had told the headteacher at Pikes Lane that she was, "teetotal". [REDACTED]

For these reasons, the panel found the facts of particular 1a proved.

**b. on or around 22 September 2016;**

Paragraph 3 of the Statement stated as follows:

"3. Ms Clark admits that she brought alcohol onto school premises on 22 September 2016, namely a bottle of wine."

Based on the admission of Ms Clark, the panel found this particular proved. The panel also relied upon its findings of fact in respect of particular 2b below.

**2. consumed alcohol whilst on school premises and/or during school hours, including;**

**a. on or around 13 September 2016;**

Paragraph 4 of the Statement stated as follows:

"4. Ms Clark denies consuming alcohol on school premises and/or during school hours on or around 13 September 2016. In support of this allegation, the NCTL relies, *inter alia*, on the evidence of Witness B. Ms Clark was not informed of the allegation raised by Witness B that she 'suspected' that Ms Clark was drinking alcohol from a can of coca cola, nor did St Hilda's CE Primary School question Ms Clark in respect of this allegation at the time."

The panel repeated, and relied upon, its findings of fact under particular 1a above.



The panel concluded that, on the balance of probabilities, and on its findings of fact, it was proper to infer that Ms Clark brought the can of coke containing alcohol onto the school premises in order to consume it. There could be no other logical explanation for Ms Clark being in the classroom in possession of an open can of coke containing alcohol.

**b. on or around 22 September 2016;**

Paragraph 5 of the Statement stated as follows:

"5. Ms Clark admits consuming alcohol on school premises and during school hours on 22 September 2016. Ms Clark contends that she took two small sips of wine during lunchtime, to calm her nerves, due to suffering from panic attacks. The TRA will invite the panel to determine whether Ms Clark consumed a greater quantity of wine than is, suggested, noting that more than one witness describes seeing a bottle from which a significant quantity of wine was missing. Ms Clark contends that wine was missing from the bottle as she and a friend had consumed it the evening before, not on school premises and outside of school hours."

Witness B, whom the panel had found to be a credible and reliable witness, stated that, at lunchtime on 22 September 2016, she had seen Ms Clark leaving the School and then return about 30 minutes later with a carrier bag. Ms Clark went to the classroom.

On returning to the classroom, Witness B was told forcibly by Ms Clark not to go into the cupboard and that Ms Clark would, "sort it". Witness B stated that this was unusual behaviour on the part of Ms Clark and she noticed that Ms Clark smelled strongly of fresh alcohol.

Witness B reported the matter to Individual A. They went to the classroom, opened the cupboard and found a bottle of wine with only a couple of inches of wine left in it.

Witness A was then asked by Individual A to sit in with her and Ms Clark at a meeting at the conclusion of which, arrangements were made for Ms Clark to leave the School. Individual A prevented Ms Clark from driving home. Individual A had also smelled alcohol on Ms Clark's breath.

The TRA suggested that, on the evidence, it was appropriate to infer that, as Ms Clark had left the School for some 30 minutes and then had walked into school with a bottle of wine in a Tesco carrier bag, she had travelled to a local Tesco Extra and bought the wine.

Ms Clark stated that the bottle of wine was in her car following a visit to a friend's house the previous evening and that she only took a few sips from it during the lunch break.

The panel was not prepared to infer that Ms Clark had travelled to the local Tesco Extra to purchase the wine. There was insufficient evidence to make findings of fact on which to draw such an inference.

However, the panel also found Ms Clark's account to be implausible. She admitted that she had brought the bottle of wine into the School and put it in the cupboard. She said that it was in a carrier bag, which was, then inside her bag, which was zipped up. However, she accepted that she was forceful in stopping Witness B from opening the cupboard as she feared that Witness B would discover the bottle of wine. If the wine was in her bag, which was zipped up, the panel could not understand how Witness B would have seen it. The panel did not accept that Witness B looked inside Ms Clark's bag.

The panel found, on the balance of probabilities, that Ms Clark had left the School during the lunchbreak and had gone to her car, which was parked in a street outside. She had consumed an amount of wine from a bottle, which was in her car. She had then brought the bottle of wine into the School in a carrier bag and had placed it in the cupboard, but had not put it in her bag. The only plausible explanation for her bringing the wine into school was in order for her to consume it whilst on the School premises.

On this basis, the panel found particular 2b proved.

3. Displayed unprofessional behaviour, by reason of your consumption of alcohol (whether such consumption took place during the school day or not), on a number of occasions, including:

- a. **on or around 6 September 2016, when you were found sleeping in your car during the school day;**

Paragraph 6 of the Statement stated as follows:

"6. Ms Clark admits that she was found sleeping in her car on 6 September 2016 and that this was unprofessional behaviour. She denies however that this was because of any consumption of alcohol, whether during the School day or otherwise. Instead Ms Clark contends that this was due to her suffering from [REDACTED], in which sleeping helped to control her [REDACTED]."

The panel found that Ms Clark did go to sleep in her car during lunchtime on 6 September 2016 because of her consuming alcohol. The panel noted that Ms Clark had accepted that she had started to drink alcohol in order to alleviate her symptoms of anxiety, low mood and insomnia. This started in August 2016 and she described her use of alcohol as, "self-medication" in order to help her sleep. She confirmed that she would drink in the evenings and would then drink some alcohol if she woke up during the night in order to try and calm herself down and go back to sleep.

[REDACTED] Ms Clark described how she had got into the back seat of the car to go to sleep although she had initially denied to Individual A at their meeting on 13 September 2016 that she had actually gone to sleep.

On the basis of its findings of fact relating to Ms Clark's practice of drinking regularly during most evenings and on occasion during the night, the panel found on the balance

of probabilities that, at lunchtime on 6 September 2016, due to the effects of alcohol, she had gone to sleep in her car which was parked in the streets outside the School. She was therefore visible to anyone, including parents and pupils, who may have walked past. This amounted to unprofessional behaviour and was as a consequence of the consumption of alcohol.

On this basis, the panel found particular 3a proved.

- b. by arriving to school late on more than one occasion, including on or around;
  - i. **13 September 2016;**
  - ii. **14 November 2016;**
  - iii. **16 November 2016;**

Paragraph 7 of the Statement stated as follows:

- 7. Ms Clark admits that she arrived to school late on or around 13 September 2016, 14 November 2016 and 16 November 2016. She further admits that this was unprofessional behaviour. She denies however that this was by reason of any consumption of alcohol, whether during the School day or otherwise."

Whilst the paragraph from the Statement covered all three dates, the panel needed to make separate findings of fact in respect of each.

- i. **13 September 2016;**

The panel repeated, and relied on, its findings of fact in relation to particulars 1a and 2a above.

The panel was satisfied, on the balance of probabilities, that it was as a consequence of the effects of consumption of alcohol, albeit whilst not at school, which caused Ms Clark to be late in arriving at school on 13 September 2016.

- ii. **14 November 2016;**

Witness C gave evidence in relation to this particular. The panel found Witness C to be an impressive witness. As [REDACTED] of Pikes Lane Primary School, she gave her evidence in a straightforward manner and was very balanced in providing her account. She was also able to rely on a contemporaneous log.

The panel was also impressed with the level of support and consideration that she had shown to Ms Clark in the short time that Ms Clark had been at the School. The panel was struck by the way, in which Witness C expressed her concern as to Ms Clark's welfare even when giving her evidence.

Witness C had discovered that Ms Clark had not attended her class at 8.40 a.m.

Ms Clark suggested that the reason she was late was that she had forgotten her mobile. However, according to the written account of Individual C, who had been requested to let Ms Clark's pupils into the class, Ms Clark did not arrive at school until 9.15 a.m. even though she only lives a five-minute drive away. Then Individual C provided an account of how she found Ms Clark to be late on most days. Finally, when she arrived at school, Ms Clark stated that she was not feeling very well when various staff, to include Witness B and the[REDACTED], Individual B, asked after her health. The log of events denoted the concern that several staff expressed about both her welfare and conduct.

The panel also noted that Ms Clark had stated that she professed not to have consumed any alcohol since leaving St Hilda's and before starting at Pikes Lane. However, she had started to feel anxious and concerned, not least as a result of her worry that her failure to provide full disclosure in her application form may be discovered. She had drunk alcohol on 13 November 2016 and had struggled to get up the following morning.

In her statement, Ms Clark accepted that, some two weeks into her job at Pikes Lane, she turned to alcohol once again to help her sleep and to ease her [REDACTED].

On this basis, the panel found that Ms Clark had arrived late at school on 14 November 2016 because of the effects of the consumption of alcohol on the previous evening.

### **iii. 16 November 2016;**

Ms Clark accepted that she had arrived late to work. Individual C stated that, at 8.55 a.m., she was met by Ms Clark and, "instantly smelt a strong smell of alcohol." Individual C then approached Individual B to report her concerns.

Later that morning, Individual B also suspected that she smelled alcohol on Ms Clark's breath.

Whilst not directly linked to the particulars alleged, it was relevant that Ms Clark then spent the whole of morning break in the toilet and then was absent from school from lunchtime at midday until 2 p.m.

Witness C arranged a meeting to take place later that day to assess Ms Clark's condition, as she was concerned for her welfare. Witness C stated that she could smell alcohol on Ms Clark's breath but the log stated that, "KC assured us that she does not drink alcohol and has not been drinking".

However, on Ms Clark's own evidence, that was clearly untrue. Furthermore, Ms Clark was told by Individual B that, "the impression was not that she was under the influence of alcohol now but that she had possibly been drinking the night prior (when off work sick)"

The panel found on the balance of probabilities that Ms Clark had been drinking the night before she attended school on 16 November 2016 and the reason she attended late was because of the alcohol she had consumed.

- c. by leaving your class on more than one occasion, including on or around;**
  - i. 25 November 2016;**
  - ii. 29 November 2016;**

Paragraphs 8 and 9 of the Statement stated as follows:

- "8. Ms Clark denies leaving her classroom on the 25 November due to the consumption of alcohol.
- 9. Ms Clark admits that on the 29 November 2016, she left her class. She contends that she urgently needed to obtain some information from a teacher in an adjoining classroom in relation to a school trip that afternoon. She denies that this behaviour was unprofessional and/or erratic. She further denies that this was by reason of any consumption of alcohol, whether during the School day or otherwise."

Whilst Ms Clark had accepted that she had left her class on both occasions when she should not have done so, the panel was not satisfied that the TRA had established, on the balance of probabilities, that she had done so because of consumption of alcohol. In reaching this conclusion, the panel had taken full account of the evidence of Witness D, whom the panel found to be a credible witness. Witness D confirmed that she thought she had smelled alcohol on Ms Clark's breath although she could not be sure.

Furthermore, the panel was required to infer from the facts that Ms Clark's absences on both days, each having lasted for a very short period, was because of Ms Clark having consumed alcohol. The panel did not find that the facts allowed such an inference to be drawn.

Consequently, the panel found allegation 3 not proved on the admitted facts of 3c.

In summary, therefore, the panel found allegation 3 proved based on its findings in respect of 3a and b and that such findings in respect of Ms Clark's conduct were as a consequence of consumption of alcohol, which represented unprofessional behaviour.

- 4. Demonstrated a lack of integrity, in that prior to commencing work at Pikes Lane CE School on or around 31 October 2016, you;**
  - a. submitted an application form which omitted your most recent period of employment as a teacher;**

- b. failed to disclose that you had taught at St Hilda's CE Primary School in September 2016 and/or failed to disclose the circumstances in which your role at St Hilda's CE Primary School came to an end.**

Paragraph 9 of the Statement stated as follows:

"9. Ms Clark admits that in applying to work at Pikes Lane Primary School, she submitted an application form which omitted to mention her period of employment at St Hilda's CE Primary School. Ms Clark further admits that she failed to disclose that she had taught at St Hilda's CE Primary School in September 2016 and that she failed to disclose the circumstances in which her role at St Hilda's CE Primary School ended. Ms Clark accepts that this demonstrated a lack of integrity on her part. Ms Clark contends however that she was not questioned regarding this by the headteacher of Pikes Lane Primary School."

Ms Clark accepted, and the panel found, that she withheld information about her employment in St Hilda's deliberately as she knew that, if Pikes Lane knew of the circumstances leading to her departure from St Hilda's, there was every likelihood that Pikes Lane would not have offered her a job. Ms Clark accepted that, "I knew what I was doing". Ms Clark also accepted and the panel found that, over and above her failure to include her most recent employment at St Hilda's, she had also knowingly included answers, which she knew to be false. For example, despite being asked for contact details of her current headteacher, she included details of a headteacher from a former school.

On this basis, the panel found allegation 4a and b proved.

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

Having found allegations 1, 2, 3 and 4 to have been proven on the basis outlined above, the panel had gone on to consider whether the facts of those proven allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Paragraphs 11 to 13 of the Statement stated as follows:

- "11. Ms Clark recognises that she was too ill in September 2016 to start work in a new school and she should not have held herself out for work. She recognises that her behaviour at St Hilda's was inappropriate and not professional. She should not have slept in her car at lunchtime, nor drank during the school day.
12. Whether the particulars accepted by her amount to UPC, in the context of her health at the time, is something she leaves to the judgment of the panel.

13. In relation to particular 4, Ms Clark recognises that the importance of giving all details of past employment when applying for a job. She accepts that the failure to provide a complete application form and to miss off her last period of employment (albeit agency work) demonstrates a lack of integrity and does amount to UPC."

In reaching its decision, the panel concluded that, taking account of the particular circumstances of this case, the proper stage at which to consider issues such as Ms Clark's health and any underlying conditions, which may exist, would be when the panel came to consider its recommendations to the Secretary of State.

The panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which the panel referred to as "the Advice".

The panel was satisfied that the conduct of Ms Clark in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considered that by reference to Part Two, Ms Clark was in breach of the following standards:

A teacher is expected to demonstrate consistently high standards of personal and professional conduct.

Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

- 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.

The panel was satisfied that the conduct of Ms Clark amounted to unacceptable professional conduct in that it was misconduct of a serious nature, which fell significantly short of the standards expected of the profession.

The findings of misconduct were 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 found that Ms Clark's actions 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 was 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 had to consider whether it was an appropriate and proportionate measure, and whether it was in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame had been apportioned, although they were likely to have punitive effect.

The panel had considered the particular public interest considerations set out in the Advice and, having done so, had found each of them to be engaged in this case, namely: the protection of pupils; the maintenance of public confidence in the profession, and declaring and upholding proper standards of conduct.

The panel's findings against Ms Clark involved not only the consumption of alcohol which affected her performance at school over a period of months, but also a deliberate course of conduct to mislead a school which went on to employ her. There was a strong public interest consideration in respect of the protection of pupils given the serious findings not only in respect of the risk posed to the safeguarding of children but also the abuse of trust in acting without integrity. Full and frank disclosure of a teacher's career history was fundamental in ensuring that a school was in possession of the full facts when deciding not only whether an applicant was competent to fulfil a particular role but also whether it was safe for the person to hold such a role.

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

Notwithstanding the clear public interest considerations that were present, the panel had 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 Clark.

In carrying out the balancing exercise, the panel had considered the public interest considerations both in favour of and against prohibition as well as the interests of Ms Clark. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher had been proven. In the list of such behaviours, those that were relevant in this case were:



- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the well-being of pupils, and particularly where there is a continuing risk.

There was ample evidence to suggest that Ms Clark's excessive drinking was deliberate and took place over a number of months. The deception in her application form for a post at Pikes Lane was also sustained at the subsequent interview and throughout the time that she worked at the School. There was no suggestion that Ms Clark was acting under duress. Finally, whilst Ms Clark had admitted certain of the allegations, she had maintained a denial that certain of her behaviours were attributable to the consumption of alcohol.

Even though there were behaviours that would point to a prohibition order being appropriate, the panel had gone 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 accepted Mr Faux's submission that this was a sad case.

The panel had read all of the material relating to Ms Clark's history. It accepted that, prior to Ms Clark's conduct when employed at St Hilda's, there was evidence to support the view that she had the ability to be a competent teacher. She had worked at a primary school in London between 2005 and 2008 at which time she left to go travelling. She was held in sufficiently high regard such that the same school re-employed her from February 2013 to July 2015.

For personal reasons, Ms Clark then returned to live in Bolton and the panel had read a supportive reference from the headteacher of a primary school who employed her between 1 September 2015 and 31 August 2016.

Whilst it was true that there was nothing to confirm that the authors of those references had been made aware of these proceedings or of the nature of the allegations made against Ms Clark, the panel nevertheless considered their content.

The panel had also concluded that the evidence of Ms Clark consuming alcohol when carrying on her profession as a teacher was restricted to the period between August and November 2016. [REDACTED]

[REDACTED] The panel was of the view that prohibition was both proportionate and appropriate. The panel had decided that the public interest considerations outweighed the interests of Ms Clark. The seriousness of the conduct was a significant factor in forming that opinion together with the basis on which Ms Clark had denied certain of the

allegations. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel had gone on to consider whether or not it would be appropriate for it to decide to recommend that a review period of the order should be considered. The panel was mindful that the Advice advised that a prohibition order applied 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.

The Advice indicated that there were behaviours that, if proven, would militate against a review period being recommended. The panel did not find that any of those behaviours were present in this case.

However, the panel was not satisfied that Ms Clark had shown an acceptable level of insight into her conduct.

The panel was concerned to hear Ms Clark stating in her evidence that she considered that she was capable of returning to a teaching post in September this year. However, the panel had noted that Ms Clark had rejected certain treatment suggested by her GP, [REDACTED], and she had pursued her own remedy, which involved the consumption of alcohol, which she described as, "self-medication".

Furthermore, Ms Clark stated that she had resumed a fitness regime which included running which she stated helped her address her underlying mental issues. However, whilst commendable, this of itself had not formed part of any treatment, which had been recommended to her.

When addressing the panel on her behalf, Mr Faux stated that Ms Clark now recognised, in light of the panel's findings, that she needed to reconsider and review how best to ensure that there was no risk of repetition of her behaviour in resorting to alcohol in order to cope with her underlying issues.

[REDACTED]

In all the circumstances, the panel considered that, at present, there was an unacceptably high risk of repetition of such behaviour. It had not been provided with the necessary level of reassurance that Ms Clark was now able to resume in the classroom and was able to cope with the pressures, which were linked with such a role. The pressures of working in a travel agency were entirely different to those presented in a classroom, and it was when working in the classroom in 2016 that Ms Clark succumbed to that pressure and sought to cope with it by consuming alcohol.

Nevertheless, the panel also determined that her consumption of alcohol was a symptom of her underlying condition and that she was capable of controlling her consumption as long as she was able to develop strategies enabling her to cope with her underlying issues.

The panel's findings indicated a situation in which a review period would be appropriate and that Ms Clark's conduct was capable of remediation.

The panel decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with a provision for a review period after two years. In the panel's judgment, this period was sufficient to allow Ms Clark to commit to such measures as are considered necessary to ensure that the necessary strategies were in place to avoid the risk of any repetition of the behaviour, which has led to Ms Clark's appearance before the panel.

### **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 Clark should be the subject of a prohibition order, with a review period of two years.

In particular the panel has found that Ms Clark is in breach of the following standards:

A teacher is expected to demonstrate consistently high standards of personal and professional conduct.

Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

- 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.

The panel finds that the conduct of Ms Clark fell significantly short of the standards expected of the profession.

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 Clark, 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 was a strong public interest consideration in respect of the protection of pupils given the serious findings not only in respect of the risk posed to the safeguarding of children but also the abuse of trust in acting without integrity." 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, "Finally, whilst Ms Clark had admitted certain of the allegations, she had maintained a denial that certain of her behaviours were attributable to the consumption of alcohol." In my judgement the lack of insight means that there is some risk of the repetition of this behaviour and this risks the safeguarding of children 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, "that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Clark was not treated with the utmost seriousness when regulating the conduct of the profession."

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 Clark herself. The panel say, "It accepted that, prior to Ms Clark's conduct when employed at St Hilda's, there was evidence to support the view that she had the ability to be a competent teacher."

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

In this case I have placed considerable weight on the panel's comments concerning the lack of insight or remorse. The panel has said, "the panel was not satisfied that Ms Clark had shown an acceptable level of insight into her conduct."

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Clark 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 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, "the panel considered that, at present, there was an unacceptably high risk of repetition of such behaviour. It had not been provided with the necessary level of reassurance that Ms Clark was now able to resume in the classroom and was able to cope with the pressures which were linked with such a role."

The panel has also said that a 2 year review period would be, "sufficient to allow Ms Clark to commit to such measures as are considered necessary to ensure that the necessary strategies were in place to avoid the risk of any repetition of the behaviour which has led to Ms Clark's appearance before the panel."

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. I agree with the panel that this review period is appropriate and I consider therefore that a two year review period is required to satisfy the maintenance of public confidence in the profession.

**This means that Ms Karen Clark 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 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 Clark remains prohibited from teaching indefinitely.

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

Ms Clark 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', with a stylized flourish at the end.

**Decision maker: Dawn Dandy**

**Date: 27 April 2018**

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