



Teaching
Regulation
Agency

Ms Sheena Boll: Professional conduct panel outcome

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

August 2018

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

Teacher: Ms Sheena Boll
Teacher ref number: 0987624
Teacher date of birth: 15 December 1981
TRA reference: 16827
Date of determination: 2 August 2018
Former employer: Lister Community School

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the Agency”) convened on 2 August 2018 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Ms Sheena Boll.

The panel members were Ms Karen McArthur (lay panellist – in the chair), Mr Robert Cawley (teacher panellist) and Mr Tony Woodward (former teacher panellist).

The legal adviser to the panel was Ms Anna Lois Parry of Eversheds-Sutherland (International) LLP solicitors.

In advance of the meeting, the Agency agreed to a request from Ms Boll that the allegations be considered without a hearing after taking into consideration the public interest and the interests of justice. Ms Boll provided a signed Statement of Agreed Facts and admitted conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer or Ms Boll.

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 26 July 2018.

It was alleged that Ms Boll received a conviction, at any time, of a relevant criminal offence in that she was convicted in the East London Magistrates Court on 24 January 2017 of the following offence:

1. Making a phone call to ChildLine which conveyed information which was false and which she knew or believed to be false for the purpose of causing distress or anxiety to the recipient or to any other person to whom she intended that it or its contents or nature should be communicated, contrary to s1(1)(a) and (4) of the Malicious Communications Act 1988 for which she was committed to prison for 11 weeks (suspended for 24 months), ordered to pay costs of £85.00, compensation of £250.00 and issued with an unpaid work requirement and a curfew requirement with electronic monitoring.

Ms Boll has admitted the fact of the convictions.

C. 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 2

Section 2: Notice of Referral, Response and Notice of Meeting – pages 3 to 10b

Section 3: Statement of Agreed Facts and Presenting Officer Representations – pages 11-14

Section 4: Teaching Regulation Agency documents – pages 15 to 67

Section 5: Teacher documents – pages 68 to 101

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

Statement of Agreed Facts

The panel considered a Statement of Agreed Facts which was signed by Ms Boll on 25 July 2018.

D. Decision and reasons

The panel announced its decision and reasons as follows:

In advance of the meeting, the Agency agreed to a request from Ms Boll that the allegations be considered without a hearing. The panel considered at the outset whether the allegation should be considered at a public hearing at which the parties would be entitled to attend, or a private meeting without the parties present. The Panel has the ability to direct that the case be considered at a hearing if required in the interest of justice or in the public interest. The panel did not determine that such a direction is necessary or appropriate in this case. The facts of the allegation have been admitted. The panel noted that Ms Boll contacted the Agency on 20 July 2018 to confirm that she wished for the case to be disposed of by a Professional Conduct Panel Meeting. The panel was satisfied that Ms Boll understood the process and implications.

The panel carefully considered the public interest. The panel noted that if the case proceeded in a meeting, there would be a public announcement of the panel's decision. The panel also had in mind that if a hearing was convened, there would be costs to the public purse, which may not be justified if the matter could be determined in a meeting. The panel also had regard to the delay that would be caused by convening a hearing and considered it to be in the public interest to reach a final determination in this matter without further delay. The panel therefore decided to proceed with a meeting, but noted that it could, at any stage of the meeting, reconsider this issue.

Findings of fact

Our findings of fact are as follows:

The panel has found the following particulars of the allegation against Ms Boll proven, for these reasons:

You received a conviction, at any time, of a relevant criminal offence in that you were convicted in the East London Magistrates Court on 24th January 2017 of the following offence:

- 1. Making a phone call to ChildLine which conveyed information which was false and which you knew or believed to be false for the purpose of causing distress or anxiety to the recipient or to any other person to whom you intended that it or its contents or nature should be communicated, contrary to s1(1)(a) and (4) of the Malicious Communications Act 1988 for which you were committed to prison for 11 weeks (suspended for 24 months), ordered to pay costs of £85.00, compensation of £250.00 and issued with an unpaid work requirement and a curfew requirement with electronic monitoring.**

The panel has had regard to the certificate of conviction evidencing this conviction.

The panel also noted that Ms Boll had admitted the offence during a police interview and when corresponding with the Agency.

The panel also had regard to the Statement of Agreed Facts signed by Ms Boll in which she admitted the allegation.

The panel has therefore found this allegation proven.

Findings as to conviction of a relevant offence

The panel was satisfied that the conduct of Ms Boll in relation to the facts it has found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part Two, Ms Boll 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.

The panel was particularly persuaded by this and took account of the potential damage that Ms Boll's actions could have on the public's confidence in the profession. The panel considered that the public's trust in the profession could be seriously eroded by Ms Boll's conduct and considered that Ms Boll, in committing the offence, failed to uphold high standards of behaviour. Her conduct in making an allegation which she knew to be untrue about a fellow teacher was both unethical and unprofessional.

- 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.

The panel also considered that Ms Boll's conduct demonstrated a lack of trust in the school reporting system.

The panel noted that Ms Boll's actions were relevant to teaching, working with children and working in an education setting; the offence involved Ms Boll impersonating a pupil and making a malicious and untruthful allegation about a fellow teacher.

The panel also noted that the behaviour involved in committing the offence could have had an impact on the safety or security of pupils. The panel were particularly concerned by the fact that Ms Boll had made a false allegation in the context of child protection. In particular, it considered the impact of her misconduct on the teacher against whom she had made the false allegations. The panel also considered the impact on other professionals and public services. It also had regard to the fact that a significant amount of professional time and resources had been spent dealing with this false allegation; time which would likely have been spent much more valuably in addressing genuine child protection concerns.

The panel has also taken account of how the teaching profession is viewed by others. The panel considered that Ms Boll'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.

The panel has noted that Ms Boll's behaviour has ultimately led to her receiving a sentence of imprisonment, albeit suspended. This is indicative of the seriousness of the offence committed. The Advice states that a case involving a term of imprisonment is likely to be considered a relevant offence.

The panel has carefully considered whether there is any evidence of mitigation. The panel had regard to Ms Boll's explanation during a police interview that she had concerns about the particular teacher and did not feel able to report her concerns through the schools' reporting system. The panel did not find this explanation for her motivation and actions to be credible in any way; the particulars of the offence indicate that Ms Boll did not act in good faith. Her actions were deceitful and she did not act out of genuine concern for pupil welfare.

The panel has found the seriousness of the offending behaviour that led to the conviction is relevant to the teacher's ongoing suitability to teach. The panel considers that making a finding that the conviction is a relevant offence is necessary to reaffirm clear standards of conduct, so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of a conviction of a relevant offence, it is necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel has to consider whether it is an appropriate and proportionate measure, and whether it is in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

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

The panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Boll were not treated with the utmost seriousness when regulating the conduct of the profession. The panel's findings against Ms Boll involved a conviction of an offence which involved making a false allegation against a fellow teacher. The panel considers that this strikes at the very heart of the public's trust in the profession. It considered that the public's confidence in the profession could be seriously weakened if conduct such as that found against Miss Boll were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel also considered that there was a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Ms Boll was outside that which could reasonably be tolerated by members of the public. Ms Boll deliberately misled other professionals and demonstrated a complete disregard for the far reaching consequences her actions would have. The panel considered that Ms Boll behaved in a malicious and untrustworthy way. She abused and took advantage of a crucial system that has at its core the protection and safeguarding of children. The panel found it particularly worrying that Ms Boll's actions were pre-meditated.

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 Boll.

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 Boll. The panel also had regard to the fact that there may also be public considerations in favour of a person continuing to teach.

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;

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 to suggest that Miss Boll was acting under duress, and in fact the panel found the teacher's actions to be calculated and deliberate.

The panel accepts that Ms Boll did have a previously good history.

The panel has not been provided with references from any colleagues that can attest to her abilities as a teacher. References dated 2011 and 2015 were included within the panel's bundle. However, the panel did not have the benefit of seeing more recent references or testimonials to her teaching ability.

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. The panel considers that not making a prohibition order would fail to mark the seriousness of the offence. Only recommending that the publication of adverse findings is sufficient in this case, would unacceptably compromise the public interest considerations present in this case, notwithstanding the impact that this sanction would have on Ms Boll.

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 Boll. The serious nature of the conviction and the impact it would have on the public's confidence in the profession was a significant factor in forming that opinion. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours are not relevant in this case.

The panel had regard to the lack of insight demonstrated by Ms Boll. It considered the statement put before it by Ms Boll, but was not persuaded that Ms Boll has demonstrated any remorse. Similarly, the panel was concerned by Ms Boll's lack of awareness of the gravity of the situation and impact of her actions on others, particularly the victim of the offence who was her colleague.

The panel felt the findings indicated a situation in which a review period would not be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provision for a review period.

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 allegation proven and found that those proven facts amount to a conviction of a relevant offence. The panel has made a recommendation to the Secretary of State that Ms Sheena Boll should be the subject of a prohibition order, with no provision for a review period.

In particular the panel has found that Ms Boll 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.
- 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.

The panel also considered that Ms Boll's conduct demonstrated a lack of trust in the school reporting system.

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 Boll, 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 " Ms Boll behaved in a malicious and untrustworthy way. She abused and took advantage of a crucial system that has at its core the protection and safeguarding of children." A prohibition order would therefore prevent such a risk from being present in the future. I have also taken into account the panel's comments on insight and remorse which the panel sets out as follows " The panel had regard to the lack of insight demonstrated by Ms Boll. It considered the statement put before it by Ms Boll, but was not persuaded that Ms Boll has demonstrated any remorse. Similarly, the panel was concerned by Ms Boll's lack of awareness of the gravity of the situation and impact of her actions on others, particularly the victim of the offence who was her colleague."

In my judgement the lack of insight and remorse means that there is some risk of the repetition of this behaviour and this risks the integrity of the safeguarding system. 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 " the conduct found against Ms Boll was outside that which could reasonably be tolerated by members of the public. Ms Boll deliberately mislead other professionals and demonstrated a complete disregard for the far reaching consequences her actions would have. The panel considered that Ms Boll behaved in a malicious and untrustworthy way. She abused and took advantage of a

crucial system that has at its core the protection and safeguarding of children. The panel found it particularly worrying that Ms Boll's actions were pre-meditated. “

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 Boll herself. The panel found no evidence of previous misconduct and say “The panel accepts that Ms Boll did have a previously good history.

The panel has not been provided with references from any colleagues that can attest to her abilities as a teacher. References dated 2011 and 2015 were included within the panel's bundle. However, the panel did not have the benefit of seeing more recent references or testimonials to her teaching ability.”

A prohibition order would prevent Ms Boll from teaching and 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 it, “was not persuaded that Ms Boll has demonstrated any remorse. Similarly, the panel was concerned by Ms Boll's lack of awareness of the gravity of the situation and impact of her actions on others”.

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Boll 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 that the prohibition should be without provision for a review period.

I have considered the panel's comments “deliberately mislead other professionals and demonstrated a complete disregard for the far reaching consequences her actions would

have. The panel considered that Ms Boll behaved in a malicious and untrustworthy way. She abused and took advantage of a crucial system that has at its core the protection and safeguarding of children. The panel found it particularly worrying that Ms Boll's actions were pre-meditated."

The panel has also said that allowing for no provision for a review period is proportionate.

I have considered whether allowing for no review period reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. In this case, there are three factors that in my view mean that allowing for no review period is necessary to achieve the aim of maintaining public confidence in the profession. These elements are the deliberate and pre-meditated nature of the action, the lack of insight or remorse and the lack of awareness of the impact on the victim, her colleague.

I consider therefore that allowing for no review period is required to satisfy the maintenance of public confidence in the profession.

This means that Ms Sheena Boll is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proved against her, I have decided that Ms Sheena Boll shall not be entitled to apply for restoration of her eligibility to teach.

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

Ms Sheena Boll 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: 8 August 2018

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