



Teaching  
Regulation  
Agency

# **Mrs Jean Hawksworth: Professional conduct panel outcome**

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

**July 2018**

## Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	5
D. Summary of evidence	5
Documents	5
Witnesses	5
E. Decision and reasons	5
Findings of fact	6
Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute	8

## **Professional conduct panel decision**

**Teacher:** Mrs Jean Hawksworth  
**Teacher ref number:** 9860245  
**Teacher date of birth:** 25/07/1960  
**TRA reference:** 16666  
**Date of determination:** 23 July 2018  
**Former employer:** Fulbridge Academy, Peterborough

### **A. Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 23 July 2018 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mrs Jean Hawksworth.

The panel members were Mr John Armstrong (lay panellist – in the chair), Mrs Fiona Tankard (teacher panellist) and Mr John Matharu (lay panellist).

The legal adviser to the panel was Mr Nick Leale of Blake Morgan solicitors.

The presenting officer for the TRA was Mr Luke Berry of Browne Jacobson LLP solicitors.

Mrs Hawksworth 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 dated 4 June 2018.

It was alleged that Mrs Jean Hawksworth was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

1. She demonstrated a serious lack of professional judgment, in that she provided a reference on one or more occasions for Individual A, who she knew had been dismissed in early 2013 for matters including child protection/safeguarding concerns;
2. She provided false and/or misleading information and/or omitted relevant information, within one or more of the references you provided for Individual A, including by:
  - a. Failing to provide details and the outcome of any allegations/concerns regarding Individual A's behaviour towards children within a reference she completed on or around 13 October 2014;
  - b. Suggesting within a reference that she completed on or around 2 July 2013 that any allegations or concerns regarding Individual A's suitability to work with children were "unfounded";
3. Her conduct as may be found proved at 2 above was dishonest and/or lacked integrity.

Mrs Hawksworth signed a Statement of Agreed Facts on 6 February 2018 (also signed by the presenting officer on 8 March 2018) admitting all of the facts and that the facts amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

However, the presenting officer also received a letter from Mrs Hawksworth's representative (NASUWT) dated 21 February 2018 (also signed by Mrs Hawksworth) stating that Mrs Hawksworth had prepared the references with 'no intention of deceit'. In the panel's view this made any admissions equivocal enough for the allegations to be considered disputed, particularly given Mrs Hawksworth's absence from the hearing. The panel continued, despite this approach, to take into account the written submissions of Mrs Hawksworth.

## **C. Preliminary applications**

Mrs Hawksworth did not attend the hearing and was not represented. The presenting officer therefore applied to proceed with the hearing in her absence. The Notice of Proceedings had been sent less than 8 weeks before the hearing but short notice of the hearing had been consented to by both Mrs Hawksworth and her representative. The panel decided that it was appropriate to proceed in Mrs Hawksworth's absence as it was clear from her email to the presenting officer of 1 June 2018 that she was entirely content for the hearing to proceed in her absence and had thus waived her right to attend. The panel considered the Jones' criteria and weighed the application with the utmost care and caution but formed the view that it was plainly in the interests of justice and the expeditious completion of proceedings such as these for the matter to proceed.

## **D. Summary of evidence**

### **Documents**

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

Section 1: Chronology and list of key people – pages 2 to 3

Section 2: Notice of Proceedings and Response – pages 5 to 16

Section 3: Teaching Regulation Agency witness statements – pages 18 to 22

Section 4: Teaching Regulation Agency documents – pages 24 to 185

Section 5: Teacher documents – pages 187 to 253.

### **Witnesses**

The panel heard oral evidence from:

Witness A – Fulbridge Academy, Peterborough.

## **E. Decision and reasons**

The panel announced its decision and reasons as follows:

We have carefully considered the case before us and have reached a decision.

We confirm that we have read all the documents provided in the bundle in advance of the hearing

This case relates to a teacher who prepared and submitted two references for a former colleague and personal friend who had been dismissed from the School at which she

worked. Her former colleague's dismissal had come about due to serious child safeguarding concerns that had arisen through the course of a criminal investigation (relating to alleged gross indecency) into his conduct with a pupil. Mrs Hawksworth had been criticised after individual A's disciplinary hearing for the support she gave in light of the facts found and had agreed that it had been correct for him to have been dismissed. Despite this, she then proceeded to submit the references to other schools and, in short, within them, described any safeguarding concerns as 'unfounded' and so made false and misleading statements in his support. In addition, she omitted to provide relevant information concerning the concerns that had been raised into his conduct. It was alleged that such conduct by Mrs Hawksworth lacked integrity and was dishonest.

## **Findings of fact**

Our findings of fact are as follows:

We have found the following particulars of the allegations against you proved, for these reasons:

**2. You provided false and/or misleading information and/or omitted relevant information, within one or more of the references you provided for Individual A, including by;**

**a. Failing to provide details and the outcome of any allegations/concerns regarding Individual A's behaviour towards children within a reference you completed on or around 13 October 2014;**

**b. Suggesting within a reference that you completed on or around 2 July 2013 that any allegations or concerns regarding Individual A's suitability to work with children were "unfounded";**

**3. Your conduct as may be found proved at 2 above was dishonest and/or lacked integrity.**

Particular 2.b.

Page 66 of the bundle shows that Mrs Hawksworth stated within this reference that such allegations or concerns were 'unfounded'. This was despite the fact that, as designated safeguarding lead at the School, and having assisted individual A at his disciplinary hearing, Mrs Hawksworth had become aware of specific concerns that had arisen concerning his conduct towards the children and young adults whom he had come into contact. This had led Mrs Hawksworth to state, in a meeting with the principal of Fulbridge Academy soon after the disciplinary hearing, that those safeguarding issues (as revealed in his police interview) had led her to conclude that the governors had no option but to dismiss individual A from his position at Fulbridge Academy in February 2013. She had signed a meeting note to this effect only a few months prior to preparation of the reference.

In the circumstances, we have concluded that the information provided in the reference was therefore both false and misleading, as the reference omitted to include details of relevant information relating to safeguarding concerns arising from Individual A's employment at Fulbridge Academy. This particular of the allegation is therefore proved.

Particular 2.a.

Page 72 of the bundle shows that Mrs Hawksworth signed this reference off as 'Senior Leader' at Fulbridge Academy and left blank the box relating to the 'details and outcome of any concerns regarding the applicant's behaviour towards children or young people or their safety or welfare.' The reference was therefore misleading and omitted to include the details and outcome of allegations/concerns regarding individual A's behaviour towards children. Mrs Hawksworth was aware of these from her involvement in his disciplinary hearing and the meeting that took place thereafter, to which we refer in our reasoning above. This particular of the allegation is therefore proved.

Particular 3:

We find that in preparing the references with the content and omissions as shown by the papers within the bundle, Mrs Hawksworth's actions were entirely deliberate. She was aware of the potential consequences of her action and was, at the time of writing, aware that individual A had been dismissed from his role at Fulbridge Academy due to serious safeguarding concerns relating to his conduct around children. She was personally close to individual A at the relevant time. In the panel's view, any reasonable person would conclude that Mrs Hawksworth's actions were dishonest. It follows that a person who acts dishonestly has acted with a lack of integrity. Anyone acting honestly and properly in such circumstances would, in the panel's view, have properly described the circumstances surrounding individual A's dismissal from Fulbridge Academy in the references. The panel does not accept Mrs Hawksworth's explanation that those receiving the references were already aware of individual A's disciplinary history.

We have found the following particular of the allegations against you not proven, for these reasons:

**1. You demonstrated a serious lack of professional judgment, in that you provided a reference on one or more occasions for Individual A, who you knew had been dismissed in early 2013 for matters including child protection/safeguarding concerns;**

The references were written in a way that gave the impression that they were written on behalf of Fulbridge Academy; and contained false/misleading information or omitted other relevant information and were written in circumstances whereby the writer was not independent and knew the subject well personally. However, we consider that the act of provision of references in and of itself by Mrs Hawksworth does not necessarily demonstrate a serious lack of professional judgment. Had these references properly and

fully outlined the reasons for the dismissal and safeguarding concerns, it would not have been improper for Mrs Hawksworth to provide them. We therefore find this particular 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 proved, 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 we refer to as “the Advice”.

The panel is satisfied that the conduct of Mrs Hawksworth in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mrs Hawksworth 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
  - 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.

Safeguarding pupils' well-being is at the heart of good practice for a member of the teaching profession. Mrs Hawksworth failed in this regard, which is a serious failure, particularly for a teacher who acted as the designated safeguarding lead at the School at which she was employed. She failed to pass on relevant information relating to pupil safeguarding in two individual references. This was information that she had previously agreed had rightly resulted in individual A's dismissal from a previous post.

The panel is satisfied that the conduct of Mrs Hawksworth, which includes acts of dishonesty, amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession. We therefore find that Mrs Hawksworth's conduct amounts to unacceptable professional conduct.

The panel has taken into account the way 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 Mrs Hawksworth's 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/conduct that may bring the profession into disrepute, it is necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

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

The panel has considered the particular public interest considerations set out in the Advice and having done so has found a number of them to be relevant in this case.

The panel's findings against Mrs Hawksworth relate to the repeated dishonest preparation of references for someone she knew well on a personal level who had been recently dismissed from a teaching position due to safeguarding concerns. There is a strong public interest consideration in marking the seriousness of such behaviour, which undermines the integrity of the system of provision of accurate and open references; and the adverse effect that this can have on safe recruitment.

The panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mrs Hawksworth were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel concluded that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mrs Hawksworth was outside that which could reasonably be tolerated.

In view of the clear public interest considerations that were present, the panel considered carefully whether it would be proportionate to impose a prohibition order taking into account the effect that this would have on Mrs Hawksworth.

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 Mrs Hawksworth. 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;
- dishonesty especially where there have been serious consequences, and/or it has been repeated or covered up;

The panel considered whether it would be proportionate to conclude this case with no recommendation of prohibition, weighing whether the publication of the findings made by the panel is sufficient, taking into account Mrs Hawksworth's good character.

The panel is of the view that applying the standard of the ordinary intelligent citizen recommending no prohibition order is not a proportionate and appropriate response. Recommending that publication of adverse findings is sufficient in the case would unacceptably compromise the public interest considerations present in this case, despite the severity of consequences for the teacher of prohibition.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mrs Hawksworth. The repeated dishonesty in the case and the way in which the conduct undermined the process of provision of references in a safe recruitment environment 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 it would be appropriate for them to decide to recommend that a review period of the order should be considered. The panel was 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 two years.

The panel had sight of a large number of very positive references in the bundle, which attested to Mrs Hawksworth's many years of unblemished service and her kind heart and dedication, as well as her personal commitment to all the safeguarding matters in which she had been professionally involved. The panel also took note of Witness A's very positive comments about Mrs Hawksworth's ability and dedication as a teacher with whom he had worked for nearly twenty years.

The Advice indicates that there are behaviours that, if proven, would militate against the recommendation of a review period. One of these behaviours is serious dishonesty, but the panel does not believe that the dishonesty in this case is so serious as to require that there be no period after which the prohibition can be reviewed. The panel felt the findings indicated a situation in which a review period of two years would be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provision for such 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 two of the three allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. Where the panel has not found the third allegation to be proven I have put that matter from my mind entirely. The panel has made a recommendation to the Secretary of State that Mrs Hawksworth should be the subject of a prohibition order, with a review period of two years.

In particular the panel has found that Mrs Hawksworth 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
  - 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.

The findings of misconduct are particularly serious as they include a finding of dishonesty.

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 Mrs Hawksworth, 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 "Safeguarding pupils' well-being is at the heart of good practice for a member of the teaching profession. Mrs Hawksworth failed in this regard, which is a serious failure, particularly for a teacher who acted as the designated

safeguarding lead at the School at which she was employed.” A prohibition order would therefore prevent such a risk from being present in the future. In this case there is no specific mention of insight or remorse. In my judgement the lack of explicit insight and remorse means that there is some risk of the repetition of this behaviour and this risks future well being of pupils within the context of the safeguarding regime. 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 it, “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.”

I am particularly mindful of the finding of dishonesty in this case and the impact that such a finding has on the reputation 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 Mrs Hawksworth herself. The panel has said it, “had sight of a large number of very positive references in the bundle, which attested to Mrs Hawksworth’s many years of unblemished service and her kind heart and dedication, as well as her personal commitment to all the safeguarding matters in which she had been professionally involved. The panel also took note of Witness A’s very positive comments about Mrs Hawksworth’s ability and dedication as a teacher with whom he had worked for nearly twenty years.”

A prohibition order would prevent Mrs Hawksworth from continuing to teach. 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 which set out, “The repeated dishonesty in the case and the way in which the conduct undermined the process of provision of references in a safe recruitment environment was a significant factor in forming that opinion.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mrs Hawksworth has made to the profession, although I have given greater weight to that contribution when considering the matter of a review period. 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 an explicit statement of 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 findings indicated a situation in which a review period of two years would be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provision for such a review period.

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. In this case, I consider that to be the case.

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

**This means that Mrs Jean Hawksworth 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, Mrs Jean Hawksworth remains prohibited from teaching indefinitely.

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

Mrs Jean Hawksworth 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: 27 July 2018**

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