



Teaching
Regulation
Agency

Ms Frances North: Professional conduct panel meeting outcome

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

January 2021

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

Teacher:	Ms Frances North
Teacher ref number:	9637321
Teacher date of birth:	8 June 1974
TRA reference:	19112
Date of determination:	4 January 2021
Former employer:	Feering Primary School, Feering, Essex

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 4 January 2021 by video conference to consider the case of Ms Frances North.

The panel members were Mr Kamal Hanif (teacher panellist – in the chair), Mr Robert Allan (lay panellist) and Ms Susan Davies (lay panellist).

The legal adviser to the panel was Ms Josie Beal of Birketts LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Ms North that the allegations be considered without a hearing. Ms North provided a signed statement of agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer Mr Luke Berry, Ms North or her representative Mr Paul Singh of the National Education Union.

The meeting took place in private and the panel’s decision was also announced in private.

Allegations

The panel considered the allegations set out in the notice of meeting dated 2 December 2020.

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

1. She failed to disclose that Individual A had been convicted of offences including sexual offences against children and/or offences involving indecent images of children:
 - a) when appointed by Feering Primary School in or around August 2018;
 - b) when Individual A moved back into her family home in or around March 2019; and
 - c) at any point between March 2019 to July 2019 whilst employed as a teacher at the school;
2. Her conduct as may be found proven at 1. above amounted to a failure to take appropriate action and/or ensure appropriate action was taken to safeguard pupils at the school;
3. Her conduct as may be found proven at 1. above was despite having been informed by the police that she needed to make the school aware of her association with Individual A:
 - a) in or around August 2018; and/or
 - b) in or around March 2019;
4. In or around March 2019 she told police that the school was aware of her association with Individual A and/or that Individual A was living at her home, when this was not the case;
5. Her conduct as may be found proven at 4. above lacked integrity and/or was dishonest.

Ms North admits the facts of allegations 1 to 5 against her and that her behaviour amounts to unacceptable professional conduct and conduct that may bring the profession into disrepute falling short of the standards of behaviour expected of a teacher, as set out in the statement of agreed facts signed by Ms North on 24 August 2020.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

- section 1: notice of referral and response – pages 5 to 11
- section 2: statement of agreed facts and presenting officer representations – pages 13 to 21
- section 3: Teaching Regulation Agency documents – pages 23 to 207
- section 4: teacher documents – pages 209 to 213

The panel members confirmed that they had read all of the documents within the bundle, in advance of the meeting.

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Ms North on 24 August 2020 in relation to Ms North failing to disclose that [redacted] Individual A had been convicted of sexual offences against children and/or offence involving images of children. Ms North failed to disclose this information to her employer on three occasions: when appointed by Feering Primary School in or around August 2018; when Individual A moved back into Ms North's home in or around March 2019; and at any point between March 2019 and July 2019 whilst employed as a teacher at the school.

Ms North admitted in the statement of agreed facts that in or around March 2019 she told police that the school was aware of her association with Individual A and/or that Individual A was living at her home, when this was not the case.

Ms North additionally admitted after her role commenced in September 2018, she should have disclosed the information, in order to comply with her contractual and other safeguarding duties as a teacher. Ms North admitted that her conduct lacked integrity and was dishonest.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Ms North for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

In summary Ms North applied for a role as a class teacher at the school in or around February 2018, and began her employment in September 2018.

[Redacted], Individual A, was convicted of various offences under the Sexual Offences Act 2003 in February 2016 including seven counts of making indecent images of children, three of possessing prohibited images of children, two counts of possessing an extreme pornographic image and two counts of voyeurism.

In March 2019, Individual A moved back into Ms North's home. Ms North told the police officer monitoring Individual A's case that she had informed the school of her association with Individual A and/or that Individual A was living at her home. However, this was not the case and she had not disclosed any information to the school regarding Individual A.

On or around 23 July 2019, the headteacher of the school received a whistleblowing email from a member of the public which contained a news article referring to Individual A's convictions and that Individual A had been seen at Ms North's home regularly by local residents.

Ms North formally resigned on 26 July 2019 with immediate effect. A disciplinary hearing was held on 6 December 2019, Ms North did not attend, and the disciplinary panel concluded the allegations were proven.

Findings of fact

The findings of fact are as follows:

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

1. You failed to disclose that Individual A had been convicted of offences including sexual offences against children and/or offences involving indecent images of children:

a) when appointed by Feering Primary School in or around August 2018;

b) when Individual A moved back into your family home in or around March 2019; and

c) at any point between March 2019 to July 2019 whilst employed as a teacher at the school;

On examination of the documents before the panel, and the admission of this allegation in the signed statement of agreed facts, the panel was satisfied that the allegation was proven.

2. Her conduct as may be found proven at 1. above amounted to a failure to take appropriate action and/or ensure appropriate action was taken to safeguard pupils at the school;

On examination of the documents before the panel, and the admission of this allegation in the signed statement of agreed facts, the panel was satisfied that the allegation was proven.

The panel noted that with effect from 1 September 2018 there was no statutory requirement for a teacher to disclose whether they lived with an individual with a relevant conviction that may give rise to a safeguarding concern. The panel considered the additional guidance contained within the bundle, namely the school's policies and Keeping Children Safe in Education. The panel noted that those documents did not contain an explicit obligation on Ms North to disclose Individual A's conviction when Individual A moved back into Ms North's home in March 2019. However, the panel was of the view that, by failing to inform the school of Individual A's conviction, Ms North did not act appropriately. In particular, the panel considered that, in failing to make such a disclosure, Ms North had deprived the school of the ability to take appropriate action (by way of risk assessments or otherwise) to satisfy itself that pupils were appropriately safeguarded in line with the school's policies.

3. Her conduct as may be found proven at 1. above was despite having been informed by the police that she needed to make the school aware of her association with Individual A:

a) in or around August 2018; and/or

b) in or around March 2019;

The panel did not consider that this allegation was clearly set out. However, it understood the allegation to be that Ms North had failed to disclose her association with Individual A to the school despite having been informed by the police that she should make the school aware of this association.

On examination of the documents before the panel, and the admission of this allegation in the signed statement of agreed facts, the panel was satisfied that the allegation was proven.

In making this determination, the panel relied upon Ms North's own admission in this regard, as no direct evidence from the police was included in the bundle of documents before the panel. The panel noted that there was some hearsay evidence in the bundle

that indicated that the police had informed Ms North that she should disclose her association with Individual A to the school. The panel was advised that hearsay evidence was admissible in civil proceedings but that it should be recognised as hearsay and the panel should determine the weight to be placed on it. The panel placed more weight on Ms North's admission in the statement of agreed facts.

4. In or around March 2019 she told police that the school was aware of her association with Individual A and/or that Individual A was living at her home, when this was not the case;

On examination of the documents before the panel, and the admission of this allegation in the signed statement of agreed facts, the panel was satisfied that the allegation was proven.

Similarly to allegation 3, in making this determination, the panel relied upon Ms North's own admission in this regard, as no direct evidence from the police was included in the bundle of documents before the panel. The panel noted that there was some hearsay evidence in the bundle that indicated that Ms North had informed the police that the school was aware of her association with Individual A. The panel was advised that hearsay evidence was admissible in civil proceedings but that it should be recognised as hearsay and the panel should determine the weight to be placed on it. The panel placed more weight on Ms North's admission in the statement of agreed facts.

5. Her conduct as may be found proven at 4. above lacked integrity and/or was dishonest.

On examination of the documents before the panel, and the admission of this allegation in the signed statement of agreed facts, the panel was satisfied that the allegation was proven.

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

Having found the allegations proved, the panel went on to consider whether the facts of the proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. In doing so, the panel had regard to the Teacher Misconduct: The Prohibition of Teachers, which is referred to as "the Advice".

The panel was satisfied that the conduct of Ms North, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Ms North was 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.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel took into account the fact that Ms North appeared to have sought to manage the potential risks of Individual A living in her home herself. Ms North had not told Individual A which school she worked at, and she did not take her school tablet or any of her work home with her.[Redacted]. As a result, Ms North had concluded that there was no danger to the pupils.

However, the panel ultimately concluded that Ms North should have disclosed information relating to Individual A's convictions to the school to enable it to conduct its own risk assessment. The panel understood that Ms North was a safeguarding lead in a previous role and concluded that she was aware of her safeguarding duties. The panel was of the view that Ms North had made a conscious decision not to disclose this information. On balance, therefore, the panel was satisfied that the conduct of Ms North fell short of the standards expected of the profession.

The panel considered whether Ms North's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The panel found that none of these offences was relevant.

Accordingly, the panel was satisfied that Ms North was guilty of unacceptable professional conduct.

The panel spent some time considering whether Ms North's conduct amounted to conduct that may bring the profession into disrepute. The panel appreciated that Individual A was not living with Ms North when she began employment at the school and it also appreciated the change in legislation relating to the disclosure of such associations. Furthermore, it considered the measures Ms North had taken to seek to mitigate against the potential risks of Individual A living in her home (as outlined above).

The panel noted that there was no evidence of pupils being exposed to any danger as a result of Ms North's association with Individual A. Furthermore, the police had informed the LADO that it was extremely unlikely that Individual A would access any details of pupils at home, given the particular nature of Individual A's convictions. The panel appreciated that, even if Ms North had disclosed her association with Individual A to the school, parents and/or other members of the local community may have discovered Individual A's convictions and complained to the school in any event.

The panel took 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 also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way they behave.

The panel considered that Ms North's actions were towards the lower end of the scale of serious misconduct. However, it did find that her conduct met a threshold of serious misconduct that could have a negative impact on Ms North's status as a teacher, potentially damaging the public perception. This was on the basis of Ms North's failure to inform to school to enable it to conduct its own risk assessment and on the basis that she admitted she had been dishonest to the police.

The panel therefore found that Ms North's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of the allegations proved, the panel further found that Ms North's conduct amounted to both unacceptable professional conduct and 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 would be an appropriate and a proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have a punitive effect.

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

In the light of the panel's findings against Ms North, which involved safeguarding, there was a strong public interest consideration in respect of the protection of pupils.

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

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

Notwithstanding the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Ms North.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Ms North. 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 proved. 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 and/or covered up;

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

There was evidence that Ms North's actions were deliberate and there was no evidence to suggest that she was acting under duress.

Unfortunately, the panel was not presented with evidence of Ms North's history as a teacher and it was therefore unable to consider her contribution to the teaching profession. Furthermore, the panel was not presented with any evidence in mitigation, most notably Ms North did not provide a statement or details of any mitigating circumstances to explain her actions. The panel noted there were no character statements or references in the bundle provided from any colleagues that could attest to her abilities as a teacher.

[Redacted].

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 would be sufficient.

The panel was of the view that Ms North's conduct was at the less serious end of the possible spectrum. However, in the absence of information as to the mitigating factors that may have been present in this case, the panel concluded that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate

response to recommend no prohibition order. Recommending that the publication of adverse findings was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Ms North of prohibition. The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Ms North. Ms North's failure to allow the school the opportunity to conduct its own safeguarding risk assessment was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate to recommend that a review period of the order should be considered. The panel was mindful that the Advice 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 decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a 2 year 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 both sanction and review period.

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

In this case, the panel has found all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Ms Frances North should be the subject of a prohibition order, with a review period of 2 years.

In particular, the panel has found that Ms North 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.
- 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 North fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of a failure to disclose that an Individual A had been convicted of offences including sexual offences against children and/or offences involving indecent images of children and a failure to take appropriate action and/or ensure appropriate action was taken to safeguard pupils at the school, despite having been informed by the police to make the school aware of her association with Individual A.

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 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 North and the impact that will have on her, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel noted that there was no evidence of pupils being exposed to any danger as a result of Ms North's association with Individual A. The panel took into account the fact that Ms North appeared to have sought to manage the potential risks of Individual A living in her home and as a result, Ms North had concluded that there was no danger to the pupils. However, the panel ultimately concluded that Ms North should have disclosed information relating to Individual A's convictions to the school to enable it to conduct its own risk assessment. 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 was not presented with any evidence in mitigation, most notably Ms North did not provide a statement or details of any mitigating circumstances to explain her actions". The panel has also commented that "there was evidence that Ms North's actions were deliberate and there was no evidence to suggest

that she was acting under duress". 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, "Ms North's actions were towards the lower end of the scale of serious misconduct. However, it did find that her conduct met a threshold of serious misconduct that could have a negative impact on Ms North's status as a teacher, potentially damaging the public perception and that Ms North's actions constituted conduct that may bring the profession into disrepute". I am particularly mindful of the finding of dishonesty in this case, by a failure to inform the school and admitting she had been dishonest to the police 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 the public might regard a failure to impose a prohibition order 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 North herself who no longer works at the school, the panel reported they were not presented with evidence of Ms North's history as a teacher and it was therefore unable to consider her contribution to the teaching profession. The panel noted there were no character statements or references in the bundle provided from any colleagues that could attest to her abilities as a teacher.

A prohibition order would prevent Ms North from teaching. 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 "the panel understood that Ms North was a safeguarding lead in a previous role and concluded that she was aware of her safeguarding duties. The panel was of the view that Ms North had made a conscious decision not to disclose this information" and "in light of the panel's findings against Ms North, which involved safeguarding, there was a strong public interest consideration in respect of the protection of pupils".

I have given less weight in my consideration of sanction therefore, to the contribution that Ms North has made to the profession and noted the panel was of the view that "Ms

North's conduct was at the less serious end of the possible spectrum. However, in the absence of information as to the mitigating factors that may have been present in this case, the panel concluded that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order". In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by evidence 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 intended aims of a prohibition order.

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 decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a 2 year review period".

I consider therefore that a 2 review period is required to satisfy the maintenance of public confidence in the profession.

This means that Ms Frances North 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 5 January 2023, 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 North remains prohibited from teaching indefinitely.

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

Ms North 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: Sarah Buxcey

Date: 5 January 2021

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