



Teaching
Regulation
Agency

Miss Emma Rule: Professional conduct panel outcome

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

May 2021

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

Teacher:	Miss Emma Rule
Teacher ref number:	1146905
Teacher date of birth:	4 June 1988
TRA reference:	18187
Date of determination:	11 May 2021
Former employers:	Queen Elizabeth’s Grammar School, Derbyshire Oakwood High School, Rotherham via Eden Brown Education recruitment consultancy

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 10 May 2021 to 11 May 2021 to consider the case of Miss Emma Rule (‘Miss Rule’).

The panel members were Mrs Melissa West (teacher panellist – in the chair), Mr Alan Wells (former teacher panellist) and Mr David Raff (lay panellist).

The legal adviser to the panel was Miss Carly Hagedorn of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Mr Paul Wakerley of Counsel instructed by Fieldfisher LLP solicitors.

Miss Rule was not present and was not represented at the hearing.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 11 March 2021.

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

1. Whilst a teacher at Queen Elizabeth's Grammar School on 23 November 2018, she;
 - a) purchased alcohol during school hours, having told one or more members of staff that she needed to collect medicine;
 - b) consumed alcohol whilst on the school premises;
 - c) were under the influence of alcohol whilst on the school premises;
 - d) used foul and/or abusive language towards Individual A in that she said '*fucking patronising bitch*' or words to that effect;
 - e) used foul and/or abusive language towards Individual B in that she said '*fucking bitch*' or words to that effect;
2. Whilst a teacher at Oakwood High School on 12 March 2019, she;
 - a) was under the influence of alcohol whilst on the school premises;
 - b) used foul and/or abusive language towards Individual C in that she said "I can't fucking believe this" or words to that effect;
 - c) used foul and/or abusive language towards Individual D in that she was swearing and/ or verbally abusive;
 - d) used foul and/or abusive language towards Individual E in that she said "You didn't give a flying fuck" or words to that effect;
 - e) drove her car in the car park while under the influence of alcohol;
3. By her conduct set out in allegation 1(a), she;
 - a) was dishonest;
 - b) failed to act with integrity;
4. By her conduct set out in the following allegations, she failed to maintain high standards of behaviour within school
 - a) Allegation 1(a);
 - b) Allegation 1(b);
 - c) Allegation 1(c);
 - d) Allegation 1(d);
 - e) Allegation 1(e);

- f) Allegation 2(a);
- g) Allegation 2(b);
- h) Allegation 2(c);
- i) Allegation 2(d);
- j) Allegation 2(e);
- k) Allegation 3;
- l) Allegation 4;
- m) Allegation 5

5. She has been convicted of a relevant criminal offence in that on 26 March 2019, at South Yorkshire Magistrates Court, she was convicted of driving a motor vehicle with excess alcohol on 12 March 2019, contrary to section 5(1)(a) of the Road Traffic Act 1988 and was fined £120.00 and disqualified from driving for 24 months.

In the absence of response from Miss Rule, the facts of the allegations are not admitted, nor that they constituted unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

Proceeding in Absence

The panel considered whether this hearing should continue in the absence of the teacher.

The panel was satisfied that the TRA complied with the service requirements of paragraph 19 (1) a to c of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations").

The panel was also satisfied that the Notice of Proceedings complied with paragraphs 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession, updated April 2018 (the "Procedures").

The panel determined to exercise its discretion under paragraph 4.29 of the Procedures to proceed with the hearing in the absence of the teacher.

The panel has taken as its starting point the principle from R v Jones that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one. In considering the question of fairness, the panel has recognised that fairness to the professional is of prime importance but that it also encompasses the fair, economic, expeditious and efficient

disposal of allegations against the professional, as was explained in GMC v Adeogba & Visvardis.

In making its decision, the panel noted that the teacher may waive her right to participate in the hearing. The panel firstly took account of the various factors drawn to its attention from the case of R v Jones.

The TRA sent Miss Rule the Notice of Proceedings dated 11 March 2021 to her last known address. On 26 March 2021, Miss Rule contacted the TRA to confirm that she would not be attending the virtual hearing and stated that she would appreciate if her email dated 26 March 2021 could be used in a statement explaining her absence.

Miss Rule also explained in her email of 27 October 2020 to the TRA's solicitors that she had asked previously not to be contacted but she believed that she needed to be kept informed by law.

The panel was satisfied that Miss Rule was aware of the proceedings and deliberately absented herself from attending the hearing. The panel noted that Miss Rule had contacted the TRA after receiving the Notice of Proceedings to explain that she would not be attending the virtual hearing.

Miss Rule stated in her email dated 26 March 2021 that *“rehashing the worst version of myself and the most humiliating time is just not something I want to do.”* In light of Miss Rule's email dated 26 March 2021, the panel did not consider there to be any prospect of an adjournment resulting in Miss Rule attending voluntarily.

Miss Rule was not legally represented and has not provided any indication that she would wish to adjourn to obtain legal representation.

The panel has the benefit of representations made by Miss Rule. The panel has noted that the witnesses relied upon can be called to give evidence and the panel can test that evidence in questioning the witnesses, considering such points which are favourable to the teacher and reasonably available on the evidence. The case will proceed as a disputed case, and the panel will have to consider whether the presenting officer has discharged the burden of proof. The panel is also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account.

The panel has recognised that the allegations against the teacher are serious and that there is a real risk that if proven, the panel will be required to consider whether to recommend that the teacher ought to be prohibited from teaching.

The panel recognises that the efficient disposal of allegations against teachers is required to ensure the protection of pupils and to maintain confidence in the profession. The panel also notes that there are witnesses available, who are prepared to give evidence, and that it would be inconvenient for them if the case is adjourned. Delaying the case may impact upon the memories of the witnesses.

Taking account of the factors detailed above, the panel has decided to proceed with the hearing in the absence of Miss Rule.

Excluding the Public

The panel has considered whether to exercise its discretion under paragraph 11 of the Regulations and paragraph 4.57 of the Procedures to exclude the public from all or part of the hearing. This follows the panel's concerns about confidential matters relating to the teacher's health being placed in the public domain. The panel has taken into account the fact that the hearing is proceeding in the teacher's absence and exercised caution for such confidential matters relating to the teacher's health to be placed in the public domain.

The panel has determined to exercise its discretion under paragraph 11(3)(a) of the Regulations and the first bullet point of paragraph 4.57 of the Procedures that the public should be excluded from parts of the hearing.

The panel has taken into account the general rule that hearings should be held in public and that this is generally desirable to maintain public confidence in the administration of these proceedings and also to maintain confidence in the teaching profession. On this occasion, however, the panel considers that parts of the hearing should be heard in private, given the concerns about confidential matters relating to the teacher's [REDACTED] health being placed in the public domain and the fact that the hearing is proceeding in the teacher's absence. The panel has therefore determined that any parts of the hearing which relate to the teacher's [REDACTED] are to be excluded from the public hearing.

The panel is required to announce its decisions in public as to whether the facts have been proven and whether those facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. In the event that the case continues any decision of the Secretary of State will also be in public. The panel considers that in the circumstances of this case where the facts are so intertwined with private matters relating to the teacher's health that the public interest will be satisfied by these public announcements. Those public announcements will ensure that public confidence in these proceedings and in the standards of the profession are maintained.

Summary of evidence

Documents

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

Section 1: Chronology– pages 1 to 2

Section 2: Notice of Proceedings and response – pages 3 to 15

Section 3: Teaching Regulation Agency documents – pages 16 to 86

Section 4: Teacher Regulation Agency Documents – pages 87 to 89

Section 5: Further Teaching Regulation Agency documents – pages 90 to 122

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

Witnesses

The presenting officer made available four witnesses.

The panel decided to take the witness statements as read and decided and there was no additional benefit in three of the witnesses attending in person.

The presenting officer called the following witness to give oral evidence:

Witness A – [REDACTED]

Decision and reasons

The panel announced its decision and reasons as follows:

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

Miss Rule had been employed at Queen Elizabeth’s Grammar School (“the Grammar School”) from 1 September 2013 as an English teacher. On 23 November 2018, allegations were raised by Miss Rule’s colleagues regarding Miss Rule being under the influence of alcohol whilst on duty. Miss Rule was suspended by the Grammar School pending investigation. Following a disciplinary hearing on 24 January 2019, Miss Rule was dismissed from her post for gross misconduct.

On 5 March 2019, Miss Rule was employed as a supply teacher of English at Oakwood High School (“the High School”) via Eden Brown Education recruitment consultancy. On 12 March 2019, allegations were raised by members of staff regarding Miss Rule being intoxicated whilst on the High School premises. Miss Rule subsequently got into her

vehicle which was parked in a nearby car park and attempted to reverse her vehicle out of the bay.

The police were called by representatives of Eden Brown Education. Miss Rule was subsequently charged with driving whilst under the influence of alcohol. On 26 March 2019, Miss Rule was convicted of driving a motor vehicle whilst under the influence of alcohol, contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.

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. Whilst a teacher at Queen Elizabeth’s Grammar School on 23 November 2018, she;

a) purchased alcohol during school hours, having told one or more members of staff that she needed to collect medicine;

As part of the Grammar School’s investigation into Miss Rule’s conduct on 23 November 2018, Miss Rule admitted to making up a story “*to persuade her colleague to drive to Boots to pick up something.*” Miss Rule stated that she then “*purchased two bottles of wine, drank the contents*”.

Miss Rule’s colleague who drove her that day stated in her witness statement that “*I drove Emma to Boots to collect medication*”...“*I was unable to see if Emma went in to Boots or not.*”

The panel found allegation 1a proved.

b) consumed alcohol whilst on the school premises;

As part of the Grammar School’s investigation into Miss Rule’s conduct on 23 November 2018, Miss Rule stated that she was drunk at work and had a drink whilst at work. Miss Rule stated during investigation that she had drunk wine in the toilet.

A colleague of Miss Rule’s was interviewed as part of the investigation into Miss Rule’s conduct on 23 November 2018. Miss Rule’s colleague, stated that she saw Miss Rule’s bag on the floor with a scarf on top. Miss Rule’s colleague picked Miss Rule’s scarf out of her bag and saw a bottle of wine there. Miss Rule’s colleague confirmed that there was about two inches left in the bottom.

The panel found allegation 1b proved.

c) were under the influence of alcohol whilst on the school premises;

The panel heard oral evidence from Witness A during the hearing. Witness A stated that Miss Rule's behaviour on 23 November 2018 was "extreme" and "out of character". Witness A stated in her written statement that "*I know Emma was under the influence of alcohol, on 23 November 2018, whilst on school premises as I have attended work parties where Emma was also present. Emma was acting the same way, on 23 November 2018, as she would after few glasses of wine. Emma also smelt of wine on the day in question.*"

The panel found Witness A to be coherent and a credible witness.

A colleague of Miss Rule who was interviewed as part of the investigation into her conduct on 23 November 2018 stated that Miss Rule was slurring her words and was confused. Miss Rule's behaviour was described as "erratic" by her colleague.

Another colleague stated that she could smell alcohol on Miss Rule.

Miss Rule has also admitted as part of the Grammar School's investigation that she was drunk at work and had a drink whilst at work.

The panel found allegation 1c proved.

d) used foul and/or abusive language towards Individual A in that she said 'fucking patronising bitch' or words to that effect;

Individual A stated in her witness statement that "*Emma did not seem to like my presence as highlighted by her referring to me as a "patronising bitch" and "fucking patronising bitch"*".

When Miss Rule was questioned as part of the investigation into her conduct on 23 November 2018, Miss Rule agreed that she was verbally aggressive to staff members.

On the balance of probabilities, the panel found that it was more probable than not that Miss Rule used this language. Therefore, the panel found allegation 1d proved.

e) used foul and/or abusive language towards Individual B in that she said 'fucking bitch' or words to that effect;

Miss Rule admitted during her investigation interview with the Grammar School that she could not remember the full content of the conversations with her colleagues (one of whom was Individual B), but remembers being vile towards them.

Witness A stated in her written evidence that "*I can confirm that I heard Emma call Individual B a 'fucking bitch'*".

On the balance of probabilities, the panel found that it was more probable than not that Miss Rule used this language. Therefore, the panel found allegation 1d proven.

2. Whilst a teacher at Oakwood High School on 12 March 2019, she;

a) was under the influence of alcohol whilst on the school premises;

The panel considered all of the evidence before it.

In a written statement from the Head of School, she stated that on 12 March 2019, *“Emma seemed very drunk”... “She was not speaking coherently and was unsteady on her feet as she walked down the corridor. I expressed my concern and asked Emma if she had been drinking. She said that she had not and that I did not need to say any more as she was leaving.”*

Representatives from Eden Brown Education arrived at the nearby carpark and could see Miss Rule standing next to a car. One of the representatives stated that *“it was clear Emma was drunk, I could smell alcohol on her breath and she was upset.”* The second representative stated in his witness statement that Miss Rule *“was clearly drunk and smelled strongly of alcohol.”*

The panel found allegation 2a proved.

b) used foul and/or abusive language towards Individual C in that she said “I can’t fucking believe this” or words to that effect;

Individual C stated in her written statement that the Head of Learning Zone was in the office at the time Emma was leaving and spoke to her to check that she wasn’t planning to drive. Miss Rule told the Head of Learning Zone that her boyfriend was picking her up. Individual C confirmed that Miss Rule *“was a little aggressive, saying ‘I can’t fucking believe this’”*

The panel did not see any evidence to dispute this allegation.

On the balance of probabilities, the panel found allegation 2b proved.

c) used foul and/or abusive language towards Individual D in that she was swearing and/ or verbally abusive;

Individual D stated in her witness statement that she told Miss Rule that she was a *“safeguarding risk”*. Miss Rule then *“started swearing at me and being verbally abusive.”*

Individual D’s colleague also stated in his witness statement, that Miss Rule was being *“nasty”* during this time.

The panel did not see any evidence to dispute this allegation.

On the balance of probabilities, the panel found allegation 2c proved.

d) used foul and/or abusive language towards Individual E in that she said “You didn’t give a flying fuck” or words to that effect;

Individual E stated in his witness statement that he told Miss Rule that “*she wasn’t in reverse. She said she didn’t give a flying fuck, then did the same again and nearly hit the fence*”.

The panel did not see any evidence to dispute this allegation.

On the balance of probabilities, the panel found allegation 2d proved.

e) drove her car in the car park while under the influence of alcohol;

Individual D stated that Miss Rule “*tried to reverse it but ended up going forward and nearly hit the fence*”. Individual E’s witness statement aligned with Individual D’s witness statement, stating that Miss Rule “*nearly hit the fence*”.

The police were called and Miss Rule was taken to the police station. The proportion of alcohol in Miss Rule’s breath exceeded the prescribed limit contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988. Miss Rule later pleaded guilty to the offence and was convicted on 26 March 2019 for driving whilst under the influence of alcohol. Therefore, the panel found allegation 2e proved.

3. By her conduct set out in allegation 1(a), she;

a) was dishonest;

The panel considered all of the evidence before it.

The panel had regard for the legal adviser’s advice when considering an allegation of dishonesty. The panel needed first to ascertain subjectively the actual state of Miss Rule’s knowledge or belief as to the facts. Secondly, the panel needed to determine whether Miss Rule’s state of mind was honest or dishonest by the application of the objective standards of the ordinary honest person.

The panel firstly turned its mind to the actual state of Miss Rule’s knowledge or belief as to the facts. The panel had seen evidence from the Grammar School’s investigation into Miss Rule’s conduct on 23 November 2018. At interview, Miss Rule admitted to making up a story “*to persuade her colleague to drive to Boots to pick up something.*” Miss Rule stated that she then “*purchased two bottles of wine, drank the contents*”.

The panel considered Miss Rule’s own admission where she deliberately made up a story about the need to pick up medication to persuade her colleague to drive her to the shops, so that she could actually purchase alcohol. Miss Rule had a clear intent to act in the manner she did and failed to act honestly. Furthermore, the panel found that these actions would be regarded by the standards of ordinary, decent people to be dishonest. Therefore, the panel found allegation 3a proved.

b) failed to act with integrity;

When considering lack of integrity, the panel recognised that this allegation connotes adherence to the ethical standards of one's own profession that involves more than mere honesty. It is linked to the manner in which the profession professes to serve the public.

The panel recognised that in addition to Miss Rule acting dishonestly, Miss Rule's actions impacted on the colleague who drove Miss Rule out of school on that day seemingly to collect medication. Miss Rule's actions disrupted the working day of that colleague, simply in order to purchase alcohol, and that of the colleague who had to cover her lesson. Her actions also disrupted the school day of the children in her class.

The panel considered that Miss Rule's behaviour did not adhere to the ethical standards of a teacher and was in contrast to the manner in which the profession professes to serve the public. The panel therefore found allegation 3b proved.

4. By her conduct set out in the following allegations, she failed to maintain high standards of behaviour within school

a) Allegation 1(a)

The panel found Miss Rule's behaviour in allegation 1a lacked honesty and integrity and therefore Miss Rule failed to uphold the high standards of behaviour expected of a teacher within a school. Therefore, allegation 4a was found proved.

b) Allegation 1(b)

The panel considered that the consumption of alcohol by a teacher on school premises did not maintain the high standards of behaviour expected of a teacher within a school. Therefore, allegation 4b was found proved.

c) Allegation 1(c)

The panel recognised that teachers have a duty to uphold public trust in the profession. The panel did not consider that a teacher could maintain high standards of behaviour whilst under the influence of alcohol on the school premises. Therefore, allegation 4c was found proved.

d) Allegation 1(d)

e) Allegation 1(e)

A teacher is required to show tolerance and respect for others. The panel found that the use of abusive language by Miss Rule in allegations 1d and 1e towards colleagues did not maintain the high standards of behaviour expected of a teacher. Therefore, allegations 4d and 4e were found proved.

f) Allegation 2(a);

The panel recognised that teachers have a duty to uphold public trust in the profession. The panel did not consider that a teacher could maintain high standards of behaviour

whilst under the influence of alcohol on the school premises. Therefore, allegation 4f was found proved.

g) Allegation 2(b)

h) Allegation 2(c)

i) Allegation 2(d)

The panel recognised that a teacher is required to show tolerance and respect for others. The panel found that the use of abusive language by Miss Rule in allegations 2b, 2c and 2d towards colleagues did not maintain the high standards of behaviour expected of a teacher. Therefore, allegations 4g, 4h and 4i were found proved.

j) Allegation 2(e)

A teacher is expected to demonstrate consistently high standards of personal and professional conduct. The panel recognised that in driving whilst under the influence of alcohol, Miss Rule failed to maintain such standards.

Allegation 4j was found proved.

k) Allegation 3

The panel found Miss Rule's behaviour in allegation 3 lacked honesty and integrity and therefore she failed to uphold the high standards of behaviour expected of a teacher within a school. Therefore, allegation 4k was found proved.

m) Allegation 5

A teacher is expected to demonstrate consistently high standards of personal and professional conduct. The panel considered that Miss Rule's conviction of driving a motor vehicle with excess alcohol was of a serious nature and consequently failed to maintain these standards.

Allegation 4m was found proved.

- 5. She has been convicted of a relevant criminal offence in that on 26 March 2019, at South Yorkshire Magistrates Court, she was convicted of driving a motor vehicle with excess alcohol on 12 March 2019, contrary to section 5(1)(a) of the Road Traffic Act 1988 and was fined £120.00 and disqualified from driving for 24 months.**

The panel considered the police incident report dated 12 March 2019 and the Memorandum of Entry entered in the register of the South Yorkshire Magistrates Court dated 26 March 2019.

Miss Rule pleaded guilty to driving a motor vehicle after consuming alcohol which exceeded the prescribed limit contrary to section 5(1)(a) of the Road Traffic Act 1988 and

Schedule 2 to the Road Traffic Offenders Act 1988. Miss Rule was convicted of the offence on 26 March 2019, fined £120.00 and disqualified from driving for 24 months.

The panel considered that the offence was relevant to Miss Rule's fitness to be a teacher and was contrary to the standards of personal and professional conduct expected of a teacher.

The panel also considered whether Miss Rule's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The panel found that the offence of serious driving offences, particularly those involving alcohol and serious offences involving alcohol was relevant.

The panel also considered that the conviction would be likely to affect public confidence in the teaching profession.

Therefore, the panel found allegation 5 proved.

The panel found the following particulars of the allegations against Miss Rule not proved, for these reasons:

4. By her conduct set out in the following allegations, she failed to maintain high standards of behaviour within school

1) Allegation 4;

The panel noted that allegation 4I should have made reference to a separate allegation, to make logical sense. The panel considered that this allegation may have been included as a typographical error. The panel did not find Allegation 4I proved.

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

Having found a number of the allegations proved, the panel went on to consider whether the facts of those 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 document Teacher Misconduct: The Prohibition of Teachers, which is referred to as "the Advice".

The panel was satisfied that the conduct of Miss Rule, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Miss Rule 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

- showing tolerance of and respect for the rights of others
- 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 Miss Rule in the proved allegations amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Miss Rule's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice.

The panel found that the offence of serious driving offences, particularly those involving alcohol / serious offences involving alcohol was relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

Accordingly, the panel was satisfied that Miss Rule was guilty of unacceptable professional conduct.

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 that they behave.

The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

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

Having found the facts of particulars 1a, 1b, 1c, 1d, 1e, 2a, 2b, 2c, 2d, 2e, 3a, 3b, 4a, 4b, 4c, 4d, 4e, 4f, 4g, 4h, 4i, 4j, 4k, 4m and 5 proved, the panel further found that Miss Rule'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/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 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 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 protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct.

In the light of the panel's findings against Miss Rule, there was a strong public interest consideration in respect of the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct. The panel was also cognisant of Miss Rule's failure to act with honesty and integrity towards her fellow colleagues and the serious nature of Miss Rule's conviction of driving a motor vehicle with excess alcohol.

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

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

In view of 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 Miss Rule.

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 Miss Rule. 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 were relevant in this case were:

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

- a deep-seated attitude that leads to harmful behaviour;
- 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 to show that Miss Rule's actions were deliberate by her own admission in her interview as part of the Grammar School's investigation into her conduct on 23 November 2018. Miss Rule deliberately made up a story about the need to collect medication to persuade her colleague to drive her to the shops, so that she could actually purchase alcohol. Miss Rule had a clear intent to act in the manner she did. There was no evidence to suggest that Miss Rule was acting under duress, and, in fact, the panel found Miss Rule's actions to be deliberate and intentional.

There was evidence to show that Miss Rule had been subject to a prior warning and a disciplinary hearing in regard to her conduct on 23 November 2018 during her time at the Grammar School.

The panel heard evidence from Witness A who stated that Miss Rule did try to engage pupils in some lessons by trying "*new and engaging*" techniques for creative writing. She also stated that Miss Rule could "*bring the classroom to life*". However, Witness A also stated that Miss Rule "*could not distance herself from her emotions*" and "*had a relaxed style with students*". Witness A described Miss Rule as a "*liability*" when attending the school prom. Witness A stated that Miss Rule needed to be "*managed*" and "*supported*".

The panel noted that in Miss Rule's email of 18 April 2020 to the TRA, she asked "*not to be barred permanently from the profession as I have 6 years of outstanding Ofsted reports and I truly believe I am a talented teacher who is passionate about her pupils*".

The panel did not see the Ofsted reports as part of the evidence. Miss Rule absented herself from the hearing, so the panel was unable to question Miss Rule on her performance as a teacher.

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, 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 would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Miss Rule 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 Miss Rule. The seriousness of the matters found proven relating to the consumption of alcohol whilst on the school premises was a deep seated issue, irrespective of Miss Rule's performance as a teacher. The panel also considered that the repetitive nature of such conduct was a significant factor in forming that opinion. The panel noted that the incident at the High School on 12 March 2019 took place very shortly after her dismissal from the Grammar School. 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 for it to decide to recommend a review period of the order. 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 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period, but the panel did not consider any of these to be relevant.

The panel acknowledged that Miss Rule did show some insight into her conduct. The panel noted that as part of the Grammar School's investigation into Miss Rule's conduct on 23 November 2018, she stated that she had a full understanding of the implications of the situation realising the safeguarding issues to students and the severity of her actions. Miss Rule said that she felt "*disgusted and humiliated*" by the details of the events of 23 November 2018.

Miss Rule also stated in an email that "*I fully understand the need for punishment etc and appreciate what I did needs to be addressed*".

The panel also noted Miss Rule's comments in her email dated 26 March 2021, stating that "*the incidents happened over two years ago after I [REDACTED]*"

The panel decided that the findings indicated a situation in which a review period would be appropriate. The panel was of the view that over time with sufficient help and guidance Miss Rule could address the underlying issues that led to her unprofessional behaviour and be in a position to be able to make a positive contribution to the teaching profession again. As such, the panel decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period after 3 years.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of 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 some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute and a relevant conviction. In this case, the panel has found some of the allegations not proven. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Miss Emma Rule should be the subject of a prohibition order, with a review period of three years.

In particular, the panel has found that Miss Rule 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
 - showing tolerance of and respect for the rights of others
- 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 Miss Rule fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of purchasing alcohol during school hours, consuming and being under the influence of alcohol on school premises, using foul language to colleagues, conduct that was dishonest, a failure to act with integrity and a conviction for drink driving.

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 Miss Rule, 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 has observed, "The panel noted that as part of the Grammar School's investigation into Miss Rule's conduct on 23 November 2018, she stated that she had a full understanding of the implications of the situation realising the safeguarding issues to students and the severity of her actions". 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 acknowledged that Miss Rule did show some insight into her conduct. Miss Rule said that she felt *"disgusted and humiliated"* by the details of the events of 23 November 2018."

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "In the light of the panel's findings against Miss Rule, there was a strong public interest consideration in respect of the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct. The panel was also cognisant of Miss Rule's failure to act with honesty and integrity towards her fellow colleagues and the serious nature of Miss Rule's conviction of driving a motor vehicle with excess alcohol".

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 Miss Rule herself and the panel comment "The panel heard evidence from Witness A who stated that Miss Rule did try to engage pupils in some lessons by trying *"new and engaging"* techniques for creative writing. She also stated that Miss Rule could *"bring the classroom to life"*. However, Witness A also stated that Miss Rule *"could not distance herself from her emotions"* and *"had a relaxed style with students"*. Witness A described Miss Rule as a *"liability"* when attending the school prom. Witness A stated that Miss Rule needed to be *"managed"* and *"supported"*. A prohibition order would prevent Miss Rule 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 following comments from the panel “The seriousness of the matters found proven relating to the consumption of alcohol whilst on the school premises was a deep seated issue, irrespective of Miss Rule’s performance as a teacher. The panel also considered that the repetitive nature of such conduct was a significant factor in forming that opinion. The panel noted that the incident at the High School on 12 March 2019 took place very shortly after her dismissal from the Grammar School”.

I have given less weight in my consideration of sanction therefore, to the contribution that Miss Rule 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, in light of the circumstances in this case, 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 3 year review period.

I have considered the panel’s comments “The panel was of the view that over time with sufficient help and guidance Miss Rule could address the underlying issues that led to her unprofessional behaviour and be in a position to be able to make a positive contribution to the teaching profession again.”

I have considered whether a 3 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, a number of factors mean that a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the repetitive nature of the conduct, lack of full evidence of the contribution to the profession and performance as a teacher.

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

This means that Miss Emma Rule 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 19 May 2024, 3 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, Miss Rule remains prohibited from teaching indefinitely.

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

Miss Rule 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 'SABuxcey', with a horizontal line underneath.

Decision maker: Sarah Buxcey

Date: 14 May 2021

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