



Teaching  
Regulation  
Agency

# **Ms Dovile Jankauskaite: Professional conduct panel outcome**

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

**May 2021**

## Contents

Introduction	3
Allegations	4
Preliminary applications	5
Summary of evidence	8
Documents	8
Witnesses	8
Decision and reasons	8
Findings of fact	9
Panel's recommendation to the Secretary of State	16
Decision and reasons on behalf of the Secretary of State	18

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

**Teacher:** Ms Dovile Jankauskaite  
**Teacher ref number:** 0630170  
**Teacher date of birth:** 15 November 1976  
**TRA reference:** 18320  
**Date of determination:** 12 to 13 May 2021  
**Former employer:** [Redacted] “(the School)”

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 12 May 2021 to 13 May 2021 by way of a virtual hearing, to consider the case of Ms Dovile Jankauskaite.

The panel members were Mr Steve Woodhouse (teacher panellist – in the chair), Ms Charlotte McCallum (lay panellist) and Mr Duncan Tilley (lay panellist).

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

The presenting officer for the TRA was Ms Rebecca Harris of QEB Hollis Whiteman, instructed by Fieldfisher LLP solicitors.

Ms Jankauskaite was not present and was not represented.

The hearing took place by way of a virtual hearing in public (save for parts, which were heard in private) and was recorded.

## Allegations

The panel considered the allegations, which were set out in the notice of proceedings dated 15 March 2021. The allegations were subsequently amended and set out in a letter to Ms Jankauskaite's representative at the time, dated 23 April 2021. A copy of this letter was also sent to Ms Jankauskaite on 23 April 2021. Allegation 2.c) was amended, allegation 3.b) was withdrawn and allegation 4 was further particularised. As set out below, the presenting officer made an application to amend the allegations in line with the letter dated 23 April 2021, which the panel agreed to. The amended allegations are as follows:

It was alleged that Ms Jankauskaite was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a teacher at [redacted]:

1. On or after 27 January 2018, she:

- a) rubbed Pupil A's belly;
- b) hugged Pupil A from behind;
- c) told Pupil A, 'you're the only one that I love', or words to that effect;

2. On various occasions in February 2018 or March 2018, she:

a) exchanged romantic messages with Pupil A including:

- i. several heart shaped emoticons;
- ii. 'I took it because it was very beautiful';
- iii. 'but in fact you have mine';

b) met with Pupil A alone at her house on more than one occasion;

c) allowed Pupil A to drink her alcohol at her home address;

d) engaged in sexual activity with Pupil A;

3. On an unknown date prior to 12 February 2019, she discussed her mental health with Pupil B.

4. Her conduct was sexually motivated in relation to the following:

- a) Allegation 1 (a);
- b) Allegation 1 (b);

- c) Allegation 1 (c);
- d) Allegation 2 (a);
- e) Allegation 2 (b);
- f) Allegation 2 (c);
- g) Allegation 2 (d);

5. By her conduct set out in the foregoing paragraphs, she failed to observe a proper boundary appropriate to a teacher's professional position.

Ms Jankauskaite provided written comments and/or replies in respect of the original allegations (which were contained within the bundle) within which she admitted to allegations 1.c), 2.a), 2.b), 2.d), 3 and 5. Within the written comments supplied as evidence, she denied the remaining allegations.

Whilst it was not possible for a statement of agreed facts to be agreed between the parties, Ms Jankauskaite had marked up a draft agreed statement of facts (which included the new allegations) with her comments and signed it on 27 April 2021.

In reply to the amended allegations, Ms Jankauskaite referred to the amended allegations and stated that they were "hearsay", "served to form a hugely negative picture of her" and stated, "these new allegations are absolutely not true". She did not provide any new information or evidence but referred back to her previous statement in respect of the allegations. Finally, she admitted that she breached "teacher conduct" but stated that her actions were not premeditated.

## **Preliminary applications**

The panel heard the following preliminary applications:

### Application for the admission of additional documents

The panel considered an application from the presenting officer for the admission of additional documents, comprising of a supplementary bundle with additional correspondence between Ms Jankauskaite and the TRA.

The documents subject to the application had not been served in accordance with the requirements of paragraph 4.20 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession 2018 (the "Procedures"), therefore the panel was required to decide whether the documents should be admitted under paragraph 4.25 of the Procedures at the discretion of the panel.

The panel heard representations from the presenting officer in respect of the application.

The panel considered that the additional documents were relevant and would assist the panel in determining issues in the hearing and, in particular, some of the remaining preliminary issues. Accordingly, the documents were added to the bundle at pages 115 to 120.

Application to proceed in the absence of the teacher.

Ms Jankauskaite was not present at the hearing nor was she represented. The presenting officer made an application to proceed in the absence of Ms Jankauskaite.

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it, as derived from the guidance set down in the case of *R v Jones [2003] 1 AC 1* (as considered and applied in subsequent cases, particularly *GMC v Adeogba*).

The panel was satisfied that the notice of proceedings had been sent to Ms Jankauskaite in accordance with the Procedures and that she had engaged in correspondence with the presenting officer, including providing comments on the allegations and a statement she had previously provided to the Disclosure and Barring Service.

The panel was satisfied that, on 23 April 2021, minor changes were proposed to the allegations, including an amendment to allegation 2.c), the withdrawal of allegation 3.b) and the further particularisation of allegation 4. The panel did not consider that the allegations, as amended, were new allegations, nor did it consider that the amendment of the allegations had caused Ms Jankauskaite's non-attendance at the hearing.

The panel noted that Ms Jankauskaite initially indicated her intention to attend the hearing but later changed her mind. The panel was satisfied that Ms Jankauskaite was clearly aware of the hearing and had emailed the presenting officer to confirm that she would not be attending. The panel concluded that Ms Jankauskaite's absence was voluntary and that she was aware that the matter would proceed in her absence.

The panel noted that Ms Jankauskaite had not sought an adjournment to the hearing, and it did not consider that an adjournment would procure her attendance at a hearing. There was no medical evidence before the panel that Ms Jankauskaite was unfit to attend the hearing. The panel considered that it was in the public interest for the hearing to take place. It also considered the effect on the witnesses of any delay.

Having decided that it was appropriate to proceed, the panel agreed to strive to ensure that the proceedings were as fair as possible in the circumstances, bearing in mind that Ms Jankauskaite was neither present nor represented.

### Application for hearing to be heard in private

The panel also considered a written application from Ms Jankauskaite that the hearing be heard in private. The application was set out in an email from Ms Jankauskaite to the presenting officer dated 5 May 2021. Within this email she referred to public embarrassment and her health; she stated that [redacted].

The panel heard submissions from the presenting officer on the application before reaching its decision, and read the written submissions provided by Ms Jankauskaite. The presenting officer confirmed that the TRA's position was neutral and that it was a matter for the panel to consider.

After deliberation, the panel decided not to grant the application for the entirety of the hearing to be heard in private. Whilst the panel was sympathetic to Ms Jankauskaite in respect of her privacy, it did not find her application to be compelling. The panel noted that there is a presumption that hearings will take place in public and considered that it would be contrary to the public interest for the entire hearing to be heard in private. The panel noted that pupil names had been anonymised and that sensitive parts of its decision could be redacted.

However, the panel decided that parts of the hearing would be heard in private where the panel considered it necessary to do so, for example, where sensitive matters or matters relating to Ms Jankauskaite's health were discussed.

### Application to amend allegations

As mentioned above, the presenting officer made a formal application to amend the allegations as follows: to amend the wording of allegation 2.c) to better reflect the evidence and/or position, to withdraw allegation 3.b) and to further particularise allegation 4.

The panel noted that Ms Jankauskaite had been informed of the proposed changes to the allegations in advance of the hearing in a letter dated 23 April 2021.

The panel was advised that it had the power to amend allegations in accordance with paragraph 4.56 of the Procedures. The panel was satisfied that the amendments did not change the nature, scope, or seriousness of the allegations and that there was no unfairness or prejudice caused by the amendments to the allegations. Accordingly, the panel granted this application and considered the amended allegations, which are set out above.

## 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 1 to 2

Section 2: Notice of referral response, statement of agreed facts and notice of proceedings and response – pages 3 to 26

Section 3: Teaching Regulation Agency documents – pages 27 to 73

Section 4: Witness statements – pages 74 to 100

Section 5: Teacher documents – pages 101 to 103

Section 6: Correspondence – pages 104 to 114

In addition, the panel agreed to accept a supplementary bundle of documents comprising of correspondence between Ms Jankauskaite and the TRA, which was admitted at pages 115 to 120.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional documents that the panel decided to admit.

### Witnesses

The TRA called the following witnesses to give oral evidence at the hearing:

- Individual A [redacted].
- Individual B [redacted].
- Pupil B [redacted].

Ms Jankauskaite was not present and therefore did not provide oral evidence or produce any witnesses.

### Decision and reasons

The panel announced its decision and reasons as follows:

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

Ms Jankauskaite was employed as [redacted] at [redacted]. Ms Jankauskaite joined the School on [redacted].



Whilst employed by the School, Ms Jankauskaite commenced an intimate relationship with one of her pupils, Pupil A, in/around February 2018. [redacted]

[Redacted], Pupil B made a disclosure to Individual C [redacted], on 12 February 2019, that Pupil B was aware of an incident between Ms Jankauskaite and Pupil A. Ms Jankauskaite was questioned and confirmed that she had been involved in a relationship with Pupil A. Ms Jankauskaite showed text messages between her and Pupil A and she also confirmed that their relationship was sexual and that she was “in love”.

[Redacted}

Ms Jankauskaite was suspended from work on 13 February 2019 and resigned from her role at the School with effect from 31 August 2019.

## **Findings of fact**

The findings of fact are as follows:

At the outset, the panel identified that there was hearsay evidence in the hearing bundle, and it noted that Pupil A had not provided a witness statement in connection with these proceedings, nor did Pupil A attend the hearing as a witness. The panel was advised that hearsay evidence is 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 found Individual A, Individual B and Pupil B to be credible witnesses. The panel heard direct evidence and hearsay evidence from these witnesses and tested their evidence where possible. The panel considered that the oral evidence provided was consistent with the accounts provided by the witnesses throughout this matter, including in its early stages. The panel found Individuals A and B to be professional and clear in their witness testimonies. The panel was impressed by Pupil B’s evidence and found Pupil B to be clear, open, and honest. Whilst the panel considered Ms Jankauskaite’s written comments, which were present in the bundle, it gave greater weight to the evidence provided by the witnesses it heard from and whose evidence it was able to test.

### **1. On or after 27 January 2018, you:**

- a) rubbed Pupil A’s belly;**
- b) hugged Pupil A from behind;**
- c) told Pupil A, ‘you’re the only one that I love’, or words to that effect;**

The panel noted from the bundle of documents before it that Ms Jankauskaite admitted allegation 1.c).

The panel also noted that Ms Jankauskaite denied allegations 1.a) and 1.b). In her written comments, Ms Jankauskaite had indicated that these were false allegations and that the conduct described had never taken place.

The panel heard oral evidence from Individual A that Pupil A had told Individual A that Ms Jankauskaite had hugged Pupil A from behind. Pupil A also demonstrated to Individual A that Ms Jankauskaite had touched Pupil A's belly. Individual A provided the panel with a demonstration of this.

The panel concluded that the conduct described in allegation 1.a) and 1.b) was consistent with the nature of the relationship between Ms Jankauskaite and Pupil A, which was an intimate relationship. Whilst the panel did not hear evidence from Pupil A or Ms Jankauskaite it concluded that, on the balance of probabilities, this conduct was likely to have occurred.

The panel took into account Ms Jankauskaite's admission in respect of allegation 1.c) but made its own determination on the facts of the allegation based upon the evidence before it and the oral evidence it heard. The panel was not presented with any evidence to suggest that this allegation did not take place as described.

Whilst the panel considered an assertion from Ms Jankauskaite that she only said, "you're the only one I love" in response to Pupil A [redacted], it did not consider this to be relevant in determining whether the allegation was proven.

On examination of the documents before the panel and on consideration of the wider documentary and oral evidence, the panel was satisfied that the facts of allegations 1.a), 1.b) and 1.c) were proved.

**2. On various occasions in February 2018 or March 2018, you:**

**a) exchanged romantic messages with Pupil A including:**

- i. several heart shaped emoticons;**
- ii. 'I took it because it was very beautiful';**
- iii. 'but in fact you have mine';**

**b) met with Pupil A alone at your house on more than one occasion;**

**c) allowed Pupil A to drink your alcohol at your home address;**

**d) engaged in sexual activity with Pupil A;**

The panel noted from the bundle of documents before it that Ms Jankauskaite admitted allegations 2.a), 2.b) and 2.d) and denied allegation 2.c).

In respect of allegation 2.a), the panel was provided with screenshots of text messages exchanged between Ms Jankauskaite and Pupil A which contained heart shaped emoticons and an exchange as follows:

Pupil A: [redacted]

Ms Jankauskaite: *"I just took it because it was very beautiful!!! [...] But in fact you have mine!"*

In respect of allegation 2.b), the panel noted that Ms Jankauskaite admitted to meeting with Pupil A at her house, alone on more than one occasion. She stated that this was initiated by Pupil A and that she had not invited Pupil A. The panel did not consider this to be relevant to determining whether the fact of the allegation was proven, given that Ms Jankauskaite admitted that she met Pupil A at her house.

In any event, the panel did not consider this to be a credible explanation. The panel heard witness evidence from Individual B that pupils would not have access to teachers' home addresses. Individual B also told the panel that Ms Jankauskaite had told them that she had cooked dinner for Pupil A at her house. Pupil B also confirmed that they were not aware of Ms Jankauskaite's home address at the time. The panel noted that Ms Jankauskaite did not appear to have asked Pupil A to leave her home, nor had she reported his attendance at her home address to the School. She also allowed Pupil A to enter her home on more than one occasion. The panel's view was that it was likely that Ms Jankauskaite had invited Pupil A to her home address and provided Pupil A with her address.

In respect of allegation 2.c), the panel noted that Ms Jankauskaite had stated that she did not allow or provide Pupil A with alcohol at her home, but that Pupil A had helped themselves to some wine on her kitchen fridge whilst she was out of the room. Ms Jankauskaite said that she told Pupil A that Pupil A should not be drinking.

Pupil B's evidence was that Pupil A told them that Pupil A had consumed alcohol at Ms Jankauskaite's home address. The panel was not presented with any evidence that Ms Jankauskaite had attempted to take the alcohol away from Pupil A or that she had reported the alcohol consumption to the School.

In respect of allegation 2.d), Ms Jankauskaite admitted to engaging in sexual activity, including sexual intercourse with Pupil A. The oral evidence the panel heard was consistent with this admission.

Notwithstanding Ms Jankauskaite's admission in respect of allegations 2.a), 2.b) and 2.d), the panel made its own determination on the facts of the allegations on all of the evidence before it, and the oral evidence it had heard at the hearing.

On examination of the documents before the panel and on consideration of the wider documentary and oral evidence, the panel was satisfied that the facts of allegations 2.a), 2.b), 2.c) and 2.d) were proved.

### **3. On an unknown date prior to 12 February 2019, you discussed your mental health with Pupil B.**

The panel noted from the bundle of documents before it that Ms Jankauskaite admitted allegation 3.

The panel was presented with a witness statement from Pupil B within which Pupil B stated that Ms Jankauskaite had discussed her mental health with Pupil B. Pupil B confirmed this in the oral evidence given at the hearing.

Notwithstanding Ms Jankauskaite's admission in respect of allegation 3 the panel made its own determination on the facts of the allegations on all of the evidence before it, and the oral evidence it had heard at the hearing.

On examination of the documents before the panel and on consideration of the wider documentary and oral evidence, the panel was satisfied that the facts of allegation 3 was proved.

### **4. Your conduct was sexually motivated in relation to the following:**

**a) Allegation 1 (a);**

**b) Allegation 1 (b);**

**c) Allegation 1 (c);**

**d) Allegation 2 (a);**

**e) Allegation 2 (b);**

**f) Allegation 2 (c);**

**g) Allegation 2 (d);**

The panel noted from the bundle of documents before it that Ms Jankauskaite denied that her conduct was sexually motivated and denied allegation 4. The panel understood that Ms Jankauskaite's position was that she had entered into a romantic relationship with Pupil A and that she did not do so with "sexual intent".

The panel's attention was drawn to section 78 *Sexual Offences Act 2003* and to the cases of *Sait v The General Medical Council [2018]*, *Basson v General Medical Council [2018]* and *The General Medical Council v Haris [2020] EWHC 2518*.

The panel considered whether the conduct was sexually motivated. It noted that in *Basson* it was stated that “A sexual motive means that the conduct was done either in pursuit of sexual gratification or in pursuit of a sexual relationship”. The panel further considered that in *Haris*, the High Court indicated that the criteria in *Basson* sets the bar too high. Foster J stated:

*“in the present case it is in my judgement clear beyond argument that the intimate touching of Patients A and B was sexual and that answering a question as to the motivation of the toucher, the only available answer, is yes, the motivation must have been sexual[...].”*

*“Of course, there are significant differences in the context and the analogy is not exact, but it does seem to me that pleading ‘sexual motivation’ is unhelpful. Similarly to look for ‘sexual gratification’ may be misleading or overcomplicating. It is irrelevant to the actions which the GMC would wish to proscribe whether or not the perpetrator was sexually ‘gratified’ at all – whether before, after or during the act in question. Gratification, as with ‘pursuit of a relationship’ are, pace the analysis of Mostyn J in Basson, not helpful in my judgement in promoting the public interests at stake here. These criteria set the bar too high and I respectfully disagree that they represent the law”.*

*“Had the touching been pleaded as being ‘sexual’ and had the Tribunal asked themselves whether in all the circumstances, which includes the absence of accident[...] absence of consent [...] and any other clinical or other proper justification [...] then it seems to me impossible they would have reached any conclusion other than that the touching was sexual”.*

The panel noted that Ms Jankauskaite had admitted to having had a sexual relationship, and to having engaged in sexual activity, with Pupil A whilst Pupil A was her pupil.

On examination of the documents before the panel and consideration of the wider documentary and oral evidence, the panel concluded that Ms Jankauskaite’s conduct as set out in allegations 1.a), 1.b), 1.c), 2.a), 2.b) and 2.d) was sexually motivated. The panel was of the view that there was no other reason for this conduct from a teacher towards a pupil. It noted that this ultimately led to a sexual relationship between Ms Jankauskaite and Pupil A. The panel therefore found that this conduct was in pursuit of a sexual relationship and/or was sexually motivated.

The panel also considered that, had the allegation been pleaded as conduct of a sexual nature, then it would be impossible to reach any other conclusion other than that the conduct was sexual, as set out in *Haris*.

Without hearing evidence from Pupil A or Ms Jankauskaite, the panel found it difficult to understand the context in respect of allegation 2.c) (and therefore allegation 4.f)). The panel was not presented with a chronology setting out when exactly allegation 2.c) was

said to have taken place. It therefore was unable to assess whether this conduct was done in the pursuit of a sexual relationship or was sexually motivated.

The panel therefore found the facts of allegations 4.a), 4.b), 4.c), 4.d), 4.e) and 4.g) proven. The panel did not find the facts of allegation 4.f) proven.

**5. By your conduct set out in the foregoing paragraphs, you failed to observe a proper boundary appropriate to a teacher's professional position.**

The panel noted from the bundle of documents before it that Ms Jankauskaite admitted allegation 5.

Notwithstanding Ms Jankauskaite's admission in respect of allegation 5 the panel made its own determination on the facts of the allegations on all of the evidence before it, and the oral evidence it had heard at the hearing.

The panel was of the view that Ms Jankauskaite clearly failed to observe proper boundaries appropriate to her professional position by engaging in a relationship with a pupil she taught, Pupil A.

On examination of the documents before the panel and on consideration of the wider documentary and oral evidence, the panel was satisfied that the facts of allegation 5 were proved.

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

Having found all but one 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 Ms Jankauskaite, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Ms Jankauskaite 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
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position

- 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.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

The panel also considered whether Ms Jankauskaite'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 sexual activity was relevant. The Advice indicates that where behaviours associated with such an offence exist, a panel is more likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel noted that allegation 2 took place outside the education setting in that Ms Jankauskaite was sending text and/or social media messages. In addition, Ms Jankauskaite met with Pupil A at her home outside of school hours and engaged in sexual activity. The panel's view was that the findings of misconduct were of a serious nature, and the conduct displayed would be likely to impact upon pupils and/or have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

Accordingly, the panel was satisfied that Ms Jankauskaite 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 Ms Jankauskaite's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of particulars in allegations 1, 2, 3 and 4.a), 4.b), 4.c), 4.d), 4.e), 4.g) and 5 proved, the panel further found that Ms Jankauskaite'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/or 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 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 Jankauskaite there was a strong public interest consideration in respect of the protection of pupils, particularly given the serious findings of a failure to maintain appropriate professional boundaries with pupils and an inappropriate sexual relationship with a pupil.

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

The panel was provided with limited information in respect of Ms Jankauskaite's ability as a teacher and, as Ms Jankauskaite did not attend the hearing, it was not possible to question her about this. The panel sought information in this regard from the witnesses it heard from. Individual B told the panel that Ms Jankauskaite was a good teacher who achieved good results. It also appeared that Ms Jankauskaite had strong subject knowledge. The panel was provided with a copy of Ms Jankauskaite's application to the School, which contained references that commented positively on her ability as a teacher. However, the panel noted that it had not been provided with any up to date evidence in connection with these proceedings in respect of Ms Jankauskaite's contribution to the profession.

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 Ms Jankauskaite.



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 Jankauskaite. 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;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;

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.

The panel acknowledged that Ms Jankauskaite had stated that [redacted]. However, it was not compelled by this explanation. Ms Jankauskaite was Pupil A's teacher and was in a position of power and trust. Furthermore, Pupil A was [redacted]. The panel concluded that, in light of its findings, Ms Jankauskaite's actions were deliberate, and she was not acting under duress.

As referred to above, it appeared that Ms Jankauskaite did have a previously good history as a teacher, albeit limited evidence was provided in respect of this. It also appeared that the relationship with Pupil A was a one-off incident, which, in her written comments, Ms Jankauskaite referred to as being a naïve mistake.

The panel considered Ms Jankauskaite's written responses to the allegations, within which she acknowledged her actions and expressed some level of remorse. However, the panel was concerned by the comments made by Ms Jankauskaite, which, to some degree, were seeking to [redacted].

Furthermore, the panel was not presented with any evidence to demonstrate that Ms Jankauskaite had taken steps to mitigate against her conduct re-occurring. This caused the panel concern because, [redacted]. Finally, the panel was concerned that Ms Jankauskaite was not prepared to accept that her conduct was sexually motivated. Taking all of these factors into account, the panel did not consider that Ms Jankauskaite had demonstrated sufficient insight into her actions.

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 Ms Jankauskaite of prohibition.

The panel decided that the public interest considerations outweighed the interests of Ms Jankauskaite. The fact that Ms Jankauskaite had engaged in a relationship of a sexual nature with one of her pupils was a significant factor in forming that opinion. The panel was of the view that prohibition was both proportionate and appropriate. 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. One of these behaviours include serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used her professional position to influence or exploit a person or persons. The panel found that Ms Jankauskaite's conduct was sexually motivated and that she may have used her professional position to influence or exploit Pupil A. The panel also considered that Ms Jankauskaite's conduct may have had the potential to harm Pupil A and/or other pupils.

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

## **Decision and reasons on behalf of the Secretary of State**

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

The panel has made a recommendation to the Secretary of State that Ms Dovile Jankauskaite should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Ms Jankauskaite 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
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
  - 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.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was also "satisfied that the conduct of Ms Jankauskaite amounted to misconduct of a serious nature, which fell significantly short of the standards expected of the profession."

The panel also "found that the offence of sexual activity was relevant. The Advice indicates that where behaviours associated with such an offence exist, a panel is more likely to conclude that an individual's conduct would amount to unacceptable professional conduct."

The findings of misconduct are particularly serious in this case as they include a finding of sexual misconduct.

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 Jankauskaite, 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, “Ms Jankauskaite met with Pupil A at her home outside of school hours and engaged in sexual activity. The panel’s view was that the findings of misconduct were of a serious nature, and the conduct displayed would be likely to impact upon pupils.” 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, “Taking all of these factors into account, the panel did not consider that Ms Jankauskaite had demonstrated sufficient insight into her actions.”

In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour and this puts at risk the future well-being of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “the conduct displayed would be likely to have a negative impact on the individual’s status as a teacher, potentially damaging the public perception.”

I am also particularly mindful of the finding of sexual misconduct 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 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 Jankauskaite herself. The panel say, “Ms Jankauskaite did have a previously good history as a teacher, albeit limited evidence was provided in respect of this. It also appeared that the relationship

with Pupil A was a one-off incident, which, in her written comments, Ms Jankauskaite referred to as being a naïve mistake.”

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

In this case, I have placed considerable weight on the panel’s comments concerning the lack of insight or remorse. The panel has said, “The panel decided that the public interest considerations outweighed the interests of Ms Jankauskaite. The fact that Ms Jankauskaite had engaged in a relationship of a sexual nature with one of her pupils was a significant factor in forming that opinion. The panel was of the view that prohibition was both proportionate and appropriate.”

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Jankauskaite 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, that is not backed up by full 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 that no provision should be made for a review period.

I have considered the panel’s comments “The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours include serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used her professional position to influence or exploit a person or persons. The panel found that Ms Jankauskaite’s conduct was sexually motivated and that she may have used her professional position to influence or exploit Pupil A. The panel also considered that Ms Jankauskaite’s conduct may have had the potential to harm Pupil A and/or other pupils.”

I have considered whether allowing for no review reflects the seriousness of the findings and is proportionate and necessary to achieve the aim of maintaining public confidence in the profession. In this case, the factors are the lack of full remorse or insight and the serious sexual misconduct found. I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

**This means that Ms Dovile Jankauskaite is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children’s home in England.** Furthermore, in view of the seriousness of the

allegations found proved against her, I have decided that Ms Dovile Jankauskaite shall not be entitled to apply for restoration of her eligibility to teach.

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

Ms Dovile Jankauskaite 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 'Alan Meyrick', followed by a vertical line.

**Decision maker: Alan Meyrick**

**Date: 18 May 2021**

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