



Teaching
Regulation
Agency

Ms Lottie Littlehales: Professional conduct panel meeting outcome

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

August 2021

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

Teacher:	Ms Lottie Littlehales
Teacher ref number:	0747259
Teacher date of birth:	27 March 1987
TRA reference:	19227
Date of determination:	13 August 2021
Former employer:	Temple Meadow Primary School, Cradley Heath

Introduction

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

The panel members were Mr John Martin (teacher panellist – in the chair), Ms Mona Sood (lay panellist) and Mr Jeremy Phillips QC (lay panellist).

The legal adviser to the panel was Mrs Rebecca Utton of Birketts LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Ms Littlehales that the allegations be considered without a hearing. Ms Littlehales provided a signed statement of agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer, Eimear Meenan of Fieldfisher LLP, Ms Littlehales or any representative.

The meeting took place in private by way of a virtual hearing, save for the announcement of the panel’s decision, which was announced in public and recorded.

Allegations

The panel considered the allegations set out in the notice of meeting dated 15 June 2021.

It was alleged that Ms Littlehailes was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst working as a teacher at Temple Meadow Primary School:

1. On or around 26 July 2019, she failed to maintain high standards of behaviour in that she procured, possessed and consumed a class A drug (cocaine);
2. On or around 27 September 2019 she failed to maintain high standards of behaviour in that, following an Occupational Health appointment, she possessed and consumed a class A drug (cocaine);
3. On 7 October 2019 she failed to maintain high standards of behaviour in that she attended school smelling of alcohol.

Ms Littlehailes admitted the facts of allegations 1 to 3 and that her behaviour amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute, as set out in the response to the notice of proceedings dated 26 October 2020 and in the statement of agreed facts signed by Ms Littlehailes on 2 May 2021.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

- Section 1: Index, chronology and list of key people – pages 1 to 6
- Section 2: Notice of referral, response and notice of meeting – pages 7 to 22.b
- Section 3: Statement of agreed facts, PCPM pro forma request and presenting officer representations – pages 23 to 28
- Section 4: Teaching Regulation Agency documents – pages 29 to 115
- Section 5: Teacher documents – pages 116 to 117

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

Statement of agreed facts

The panel considered a statement of agreed facts which Ms Littlehales had signed on 2 May 2021.

Decision and reasons

The panel announced its decision and reasons as follows:

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

In summary, Ms Littlehales was employed by Temple Meadow Primary School ('the School'), as a class teacher with a teaching and learning responsibility for dance and PE, from 1 September 2018.

Ms Littlehales attended a party with colleagues, following a work gathering, on 26 July 2019. Ms Littlehales allegedly procured, possessed and consumed a class A drug (cocaine) during this evening.

On 6 August 2019, Individual A disclosed this information to Individual B. The school then made a referral to the LADO. However, it was considered that the threshold for the LADO involvement was not met.

A meeting was held at the School with Ms Littlehales, on 3 September 2019, in which Ms Littlehales admitted that she had an issue with alcohol. Ms Littlehales further stated that her drug use on 26 July 2019 was a "*one off*".

Ms Littlehales attended an occupational health appointment on 17 September 2019. A drugs and alcohol test was arranged, in which the result was negative. However, Ms Littlehales later admitted to obtaining and using cocaine.

On 7 October 2019, Individual B and Individual A stated that they smelled alcohol on Ms Littlehales whilst at school. The School subsequently updated the previously submitted LADO referral and suspended Ms Littlehales, on 8 October 2019, to enable an internal investigation.

A professional meeting, on 16 October 2019, confirmed that no further action would be taken by LADO and the School would deal with the matter internally. Occupational health

arranged a second drugs screening and alcohol test for Ms Littlehales, for which the result was negative.

On 14 November 2019, Ms Littlehales resigned from her employment at the School. The TRA received a referral from the Disclosure and Barring Service on 20 March 2020.

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. On or around 26 July 2019, you failed to maintain high standards of behaviour in that you procured, possessed and consumed a class A drug (cocaine);**

The panel noted that in the response to the notice of proceedings dated 26 October 2020 and in the statement of agreed facts, which Ms Littlehales signed on 2 May 2021, Ms Littlehales admitted the facts of allegation 1.

Notwithstanding this, the panel made its own determination on the facts of the allegations on all of the evidence before it.

The panel considered the witness statement of Individual A in which she detailed how she had witnessed Ms Littlehales consuming a class A drug. Individual A stated that when she enquired with Ms Littlehales what the substance was, Ms Littlehales stated it was cocaine.

The panel also considered the statement of Ms Littlehales, in which she admitted to asking Individual A's son to take her to procure the class A drug, which she then proceeded to take in front of Individual A.

The panel found the facts of allegation 1 proved.

- 2. On or around 27 September 2019 you failed to maintain high standards of behaviour in that, following an Occupational Health appointment, you possessed and consumed a class A drug (cocaine);**

The panel noted that in the response to the notice of proceedings dated 26 October 2020 and in the statement of agreed facts, which Ms Littlehales signed on 2 May 2021, Ms Littlehales admitted the facts of allegation 2.

Notwithstanding this, the panel made its own determination on the facts of the allegations on all of the evidence before it.

The panel considered the statement of Ms Littlehales, in which she admitted that following her Occupational Health appointment, she did take cocaine again.

The panel found the facts of allegation 2 proved.

3. On 7 October 2019 you failed to maintain high standards of behaviour in that you attended school smelling of alcohol.

The panel noted that in the response to the notice of proceedings dated 26 October 2020 and in the statement of agreed facts, which Ms Littlehales signed on 2 May 2021, Ms Littlehales admitted the facts of allegation 3.

Notwithstanding this, the panel made its own determination on the facts of the allegations on all of the evidence before it.

The panel considered the witness statement of Individual A, who recalled that on 7 October 2019, Ms Littlehales had messaged her to say she was not having a good day. Further, as Individual A walked into the staff room, she could evidently smell alcohol on Ms Littlehales. In addition, the panel noted that Individual B was said to have indicated that she could smell alcohol on Ms Littlehales.

The panel noted that the allegation was consistent with the admission made by Ms Littlehales in her statement to consuming significant amounts of alcohol and the acceptance that it was possible alcohol could be smelt on her.

The panel found the facts of allegation 3 proved.

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

Having found allegations 1 to 3 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 Littlehales in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Ms Littlehales was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Ms Littlehailes fell significantly short of the standards expected of the profession.

The panel also considered whether Ms Littlehailes' 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 possession of class A drugs 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 allegations 1 and 2 took place outside the education setting, in that it took place outside of working hours and was not on school premises. It noted that the Advice indicates that misconduct outside of the education setting may only be considered to be relevant if it is serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public's perception of them, therefore bringing the profession into disrepute.

The panel therefore concluded that possession of a class A drug was serious and would be likely to have a negative impact on Ms Littlehailes' status as a teacher, potentially damaging the public perception of the profession.

The panel noted Ms Littlehailes' assertion that the circumstances surrounding allegation 1 was a "*one off*". However, further evidence presented did not corroborate this i.e. the reference to "*my dealer*" and her reference to damage caused to her nose from previous drug use.

The panel found that Ms Littlehailes had not been honest with her employer regarding her drug and alcohol use from the outset, and later admitted to such use. This is a significant departure from the high standards of behaviour of personal and professional conduct expected of a teacher.

Accordingly, the panel was satisfied that Ms Littlehailes 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 they behave.

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

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

Having found the facts of allegations 1, 2 and 3 proved, the panel further found that Ms Littlehales' 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 made 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: the protection of pupils; the protection of other members of the public; 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 Littlehales which involved possession and consumption of a class A drug, and attending the School whilst smelling of alcohol, there was a strong public interest consideration in respect of the protection of pupils.

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

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

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

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 Littlehailes. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards.

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 no evidence that Ms Littlehailes' actions were not deliberate. Nor was there evidence to suggest that Ms Littlehailes was acting under duress.

There was a lack of evidence submitted to attest to Ms Littlehailes' previous history as a teacher. However, the panel noted that in the Occupational Health referral form, it stated Ms Littlehailes had a good attendance record, was always punctual and there were no performance issues. The panel did note that there had been a risk assessment undertaken in respect of Ms Littlehailes' sobriety at a previous school.

[redacted]

It was noted by the panel that Ms Littlehailes referred herself to [redacted]. The panel took account of the contents of the letter provided in support by [redacted], dated 28 October 2019. However, the panel noted that it lacked any detailed commentary into her [redacted].

The panel noted that whilst Ms Littlehailes accepted responsibility for her actions, the evidence she presented to the panel lacked insight into her behaviours, particularly awareness of her substance use and the impact that her behaviours could potentially have on others. Whilst some evidence of remorse was shown the panel viewed this was limited.

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 was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Ms Littlehailes of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate and that the public interest considerations outweighed the interests of Ms Littlehailes. The acceptance by Ms Littlehailes of use of a class A drug and alcohol was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate to recommend that a review period of the order should be considered. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances in any given case that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than two years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours includes class A drug abuse or supply. The panel found that Ms Littlehailes was responsible for procuring, possessing and consuming a class A drug.

Whilst the panel considered that Ms Littlehailes' actions were serious, the panel took into account that there was a public interest in her being able to utilise her skills and expertise as a teacher in the future. The panel therefore concluded that, with [redacted] there may be a time in the future that she would be able to positively contribute once again to the teaching profession.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a 3 year review period.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of both sanction and review period.

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

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

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

In particular, the panel has found that Ms Littlehailes is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was also, "satisfied that the conduct of Ms Littlehailes fell significantly short of the standards expected of the profession."

The findings of misconduct are particularly serious as they include a finding of possession and use of a Class A Drug.

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 Littlehailes, 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, "In the light of the panel's findings against Ms Littlehailes which involved possession and consumption of a class A drug, and attending the School whilst smelling of alcohol, there was a strong public interest consideration in respect of the protection of 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 "The panel noted that whilst Ms Littlehailes accepted responsibility for her actions, the evidence she presented to the panel lacked insight into her behaviours, particularly awareness of her substance use and the impact that her

behaviours could potentially have on others. Whilst some evidence of remorse was shown the panel viewed this was limited.”

In my judgement, the lack of full insight and remorse 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 findings of misconduct were serious and the conduct displayed would be likely to have a negative impact on Ms Littlehailes’ status as a teacher, potentially damaging the public perception of the profession.”

I am particularly mindful of the finding of possession and use of a class A drug 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 Littlehailes herself. The panel comment “Ms Littlehailes had a good attendance record, was always punctual and there were no performance issues.”

A prohibition order would prevent Ms Littlehailes 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 full insight or remorse.

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Littlehailes 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 a 3 year review period.

I have considered the panel's comments "there was a public interest in her being able to utilise her skills and expertise as a teacher in the future. The panel therefore concluded that, with [redacted] there may be a time in the future that she would be able to positively contribute once again to the teaching profession."

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, the factors which mean that a 2 year review period is not sufficient to achieve the aim of maintaining public confidence in the profession are the serious class A drug possession and use and the lack of full insight or remorse.

I consider therefore that a 3 year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Ms Lottie Littlehailes 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 20 August 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, Ms Lottie Littlehailes remains prohibited from teaching indefinitely.

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

Ms Lottie Littlehailes has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date she is given notice of this order.



Decision maker: Alan Meyrick

Date: 16 August 2021

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