



Teaching
Regulation
Agency

Ms Christina Manning: Professional conduct panel meeting outcome

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

January 2022

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

Teacher:	Ms Christina Manning
Teacher ref number:	1175732
Teacher date of birth:	25 March 1986
TRA reference:	18867
Date of determination:	19 January 2022
Former employer:	Princes Primary School, Liverpool

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 19 January 2022 by way of a virtual meeting, to consider the case of Ms Christina Manning.

The panel members were Mr Craig Underwood (lay panellist – as the chair), Mr Paul Hawkins (lay panellist) and Ms Jo Palmer-Tweed (teacher panellist).

The legal adviser to the panel was Mr Sam Haldane 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 Manning that the allegations be considered without a hearing. Ms Manning provided a signed statement of agreed facts and admitted conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Jamie Hughes of Capsticks Solicitors LLP, Ms Manning or her representative.

The meeting took place in private by way of a virtual meeting, 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 10 December 2021.

It was alleged that Ms Manning was guilty of having been convicted of a relevant offence, in that:

1. On 25 June 2019, at Chester Magistrates' Court, she was convicted of:
 - a) 'Drive with alcohol level above limit', contrary to section 5(1)(a) of the Road Traffic Act 1988;
 - b) 'Drunk in charge of a child under the age of seven years', contrary to section 2 of the Licencing Act 1902.

Ms Manning admitted the facts of allegations 1(a) and 1(b) and that her behaviour amounted to a conviction of a relevant offence, as set out in the response to the notice of proceedings dated 28 September 2021, and in the statement of agreed facts signed by Ms Manning on 21 October 2021.

Preliminary applications

There were no preliminary applications.

The panel noted that since the date of the referral to the TRA in this case, new 'Teacher misconduct: Disciplinary procedures for the teaching profession' were published in May 2020 (the "May 2020 Procedures"). The panel understands that the earlier provisions contained within the 'Teacher misconduct: disciplinary procedures for the teaching profession' updated in April 2018 (the "April 2018 Procedures") apply to this case, given that those provisions applied when the referral was made. Although the panel has the power to direct that the May 2020 Procedures should apply in the interests of justice or the public interest, the panel had received no representations that this should be the case. For the avoidance of doubt, therefore, the panel confirms that it has applied the April 2018 Procedures in this case.

Summary of evidence

Documents

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

- Section 1: Chronology, anonymised pupil list and list of key people – pages 3 to 6

- Section 2: Notice of referral, response and notice of meeting – pages 7 to 28
- Section 3: Statement of agreed facts and presenting officer representations – pages 29 to 32
- Section 4: Teaching Regulation Agency documents – pages 33 to 77
- Section 5: Teacher documents – pages 78 to 89

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Ms Manning on 21 October 2021.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Ms Manning 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.

Ms Manning was working in a long-term placement at Princes Primary School, Liverpool ('the School') via Teacher Active agency ('the Agency'), from June 2019.

On 24 June 2019, Ms Manning was arrested and charged with drink driving and being drunk in charge of a child under 7 years old whilst under the influence of alcohol.

On 25 June 2019, Ms Manning was convicted at Chester Magistrates' Court, and was later sentenced on 27 July 2019. Ms Manning's sentence was varied on appeal, on 29 July 2019.

On 12 November 2019, the matter was referred to the TRA.

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 25 June 2019, at Chester Magistrates' Court, you were convicted of:

a) 'Drive with alcohol level above limit', contrary to section 5(1)(a) of the Road Traffic Act 1988;

b) 'Drunk in charge of a child under the age of seven years', contrary to section 2 of the Licencing Act 1902.

The panel noted page 8 of the Teacher Misconduct: The Prohibition of Teachers ("the Advice") which states that where there has been a conviction at any time of a criminal offence, the hearing will not re-examine the facts of the case and the panel will accept the conviction as conclusive proof that establishes the relevant fact.

The panel had been provided with a copy of the certificate of conviction from The Crown Court at Chester, which detailed that Ms Manning had been convicted of driving with an alcohol level above the limit and being drunk in charge of a child under the age of 7 years old.

In addition, the panel noted that within the statement of agreement facts, signed by Ms Manning on 21 October 2021, Ms Manning admitted the facts of allegations 1(a) and 1(b).

On examination of the documents before the panel, the panel was satisfied that the facts of allegation 1 were proven.

Findings as to a conviction of relevant offences

Having found the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to a conviction of relevant offences.

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 Manning, in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Ms Manning 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
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel noted that Ms Manning's actions were relevant to teaching, working with children and/or working in an education setting. The panel was of the view that outside of the school, and particularly in similar education settings, Ms Manning was duty-bound to uphold the professional and personal standards of a teacher, which she had not done on this occasion.

The panel noted that the behaviour involved in committing the offences could have had an impact on the safety or security of pupils and/or members of the public. The panel were clear that it was more luck than good judgement that nobody was hurt and that this could have resulted in serious injury to a pupil or member of the public.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Ms Manning's behaviour in committing the offences could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.

The panel noted that Ms Manning's behaviour ultimately led to a sentence of imprisonment, (albeit that it was suspended), which was indicative of the seriousness of the offences committed.

This was a case involving serious offences, particularly those including alcohol or drugs, which the Advice states is more likely to be considered a relevant offence.

The panel took into account Ms Manning's letter to the TRA, dated 4 July 2021, which provided an account of the mitigating circumstances she described leading up to the incident.

The panel also found that the seriousness of the offending behaviour that led to the convictions was relevant to Ms Manning's ongoing suitability to teach. The panel considered that these convictions were for relevant offences, and it was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of convictions for a relevant offence, it was necessary for the panel 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 and declaring and upholding proper standards of conduct.

In the light of the panel's findings against Ms Manning which involved driving with alcohol above the limit and being drunk in charge of a child under the age of 7 years, there was a strong public interest consideration in 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 Manning were not treated with the utmost seriousness when regulating the conduct of the profession.

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

Notwithstanding the clear public interest considerations that were present, the panel considered carefully whether it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Ms Manning.

In carrying out the balancing exercise, the panel had regard to the public interest considerations as well as the interests of Ms Manning. 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;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures.

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 to suggest that Ms Manning was acting under duress.

No evidence was submitted to attest to Ms Manning's previous history as a teacher.

The panel noted a letter from Ms Manning to the TRA, dated 4 July 2021, which detailed mitigating circumstances from the period of 2014 to 2019 which the panel considered. Ms Manning stated that there were several events leading up to the incidents, which had caused her to act in the way she had done. Ms Manning suffered the [REDACTED], which had a major impact on her mental well-being and as a result, at times, [REDACTED].

In addition, Ms Manning was under pressure with her job which she described as demanding. During her time at University Cathedral Free School in 2016, she was asked to undertake the role of SENCO and stated that she worked especially hard in order to achieve this. During this time, however, Ms Manning also suffered [REDACTED] which was an extremely difficult time for her.

Ms Manning later gave birth to her second child in February 2018, however, upon her return to work her child [REDACTED], which was a very stressful time for both Ms Manning and her family.

Ms Manning was later signed off work with stress in October 2018. During this period, the headteacher at University Cathedral Free School subsequently left and was replaced. Ms Manning began receiving phone calls telling her that she had to attend a back to work interview. Ms Manning reluctantly agreed to attend, even though she felt she was not ready to return to work. Ms Manning felt that her well-being had been overlooked and she made the decision to leave her employment following the back to work meeting.

Ms Manning was later approached by the Agency and accepted a new role. Whilst Ms Manning enjoyed her role, she was increasingly worried about her future and income and fell back to the coping mechanism which she had previously developed; to consume alcohol.

Ms Manning was also registered as a child minder by Ofsted, in April 2019. On 24 June 2019, the day Ms Manning was arrested for drink driving, Ms Manning felt increasing anxious and decided to consume alcohol in an attempt to calm herself down.

In her letter to the TRA, dated 4 July 2021, Ms Manning expressed remorse for her actions. Ms Manning stated that she has taken positive steps to deal with her personal issues, including: working closely with the Child in Need project; attending a family group conference and adhering to a family plan; completing an alcohol treatment requirement; attending counselling sessions; engaging with an exercise programme; attending a course for drink drive offenders; and completing the rehabilitation activity requirement.

The panel noted a letter from Individual A, social worker at Cheshire West & Chester Council, confirming that Ms Manning's case with children's social care had been closed and that she had engaged with the support and services well. The panel also noted a letter from Individual B, case manager at Cheshire & Greater Manchester Community

Rehabilitation Company, confirming that Ms Manning had completed the alcohol treatment requirement which commenced on 29 July 2019. A certificate of completion was also submitted to confirm that Ms Manning had completed a Road Traffic Offenders Act 1998 course for drink-drive offenders.

The panel noted a reference provided on behalf of Ms Manning, from Individual C, a mentor for New Leaf, a project aimed at breaking down the barriers to employment, training and education. In particular the panel noted the following comments:

- *“I can confirm that Christina has worked extremely hard during her time on New Leaf, and has made many positive steps over the last 6 months.”*
- *“Christina has often spoken of her passion for working with children, and for the teaching profession. I can confirm that Christina is a kind and caring individual who has shown clear remorse for her actions, and wishes to continue moving forward in a positive direction.”*

The panel took into account all of the mitigation from Ms Manning and felt that whilst there was some insight into the impact the offending had upon herself there was a distinct lack of understanding in relation to the school community, the families of the children involved and the impact upon the profession as a whole.

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 Manning of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Ms Manning. The seriousness of the offence 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 2 years.

The Advice indicates that there are behaviours that, if proved, would mitigate against the recommendation of a review period. The panel found that Ms Manning was not responsible for any such behaviours.

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 review period of five years due to the serious nature of the offending and the lack of insight in relation to the impact upon other individuals and the reputation of the profession as a whole.

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 the allegations proven and found that those proven facts amount to a relevant conviction.

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

In particular, the panel has found that Ms Christina Manning 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
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel finds that the conduct of Ms Manning fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding that involved driving with alcohol above the limit and being drunk in charge of a child under the age of 7 years.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. 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 considered whether the consequences of such a publication are themselves sufficient. I have considered, therefore, whether or not prohibiting Ms Manning, 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 Manning which involved driving with alcohol above the limit and being drunk in charge of a child under the age of 7 years, there was a strong public interest consideration in 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, "Ms Manning expressed remorse for her actions. Ms Manning stated that she has taken positive steps to deal with her personal issues" The panel has also commented that it "took into account all of the mitigation from Ms Manning and felt that whilst there was some insight into the impact the offending had upon herself there was a distinct lack of understanding in relation to the school community, the families of the children involved and the impact upon the profession as a whole". In my judgement, the lack of full insight means that there is some risk of the repetition of this behaviour and this puts at risk future pupils' wellbeing. 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 and, "took account of the way the teaching profession is viewed by others. The panel considered that Ms Manning's behaviour in committing the offences could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community."

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 Manning herself and the panel comment "No evidence was submitted to attest to Ms Manning's previous history as a teacher." I have also noted a reference seen by the panel "*Christina has often spoken of her passion for working with children, and for the teaching profession. I can confirm that Christina is a kind and caring individual who has shown clear remorse for her actions, and wishes to continue moving forward in a positive direction.*"

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

In this case, I have placed considerable weight on the panel's comments concerning the seriousness of the offence, which led to a sentence of imprisonment (albeit suspended) and the standards expected of a teacher. The panel has said, "Ms Manning's actions were relevant to teaching, working with children and/or working in an education setting. The panel was of the view that outside of the school, and particularly in similar education settings, Ms Manning was duty-bound to uphold the professional and personal standards of a teacher, which she had not done on this occasion."

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Manning made to the profession. In my view, it is necessary to impose a prohibition 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 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 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 5-year review period.

I have considered the panel's comments "The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review period of five years due to the serious nature of the offending and the lack of insight in relation to the impact upon other individuals and the reputation of the profession as a whole."

I have considered whether a 5 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, 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 seriousness of the offence, involving alcohol, whilst responsible for a young child and the lack of insight on the wider impact of her actions.

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

This means that Ms Christina Manning 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 2027, 5 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 Manning remains prohibited from teaching indefinitely.

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

Ms Manning 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 'S Buxcey', with a stylized flourish at the end.

Decision maker: Sarah Buxcey

Date: 21 January 2022

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