



Teaching
Regulation
Agency

Mrs Sandra Stevens: Professional conduct panel outcome

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

March 2022

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

Teacher:	Mrs Sandra Stevens
Teacher ref number:	9850690
Teacher date of birth:	22 May 1968
TRA reference:	19389
Date of determination:	4 March 2022
Former employer:	Burstow Primary School, Surrey

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 28 February to 4 March 2022 remotely, via Microsoft Teams, to consider the case of Mrs Sandra Stevens.

The panel members were Ms Melissa West (teacher panellist – in the chair), Dr Martin Coles (lay panellist) and Mr Zubair Hanslot (lay panellist).

The legal adviser to the panel was Miss Sarah Price of Blake Morgan LLP solicitors.

The presenting officer for the TRA was Ms Charlotte Mitchell-Dunn of Thomas More Chambers instructed by Capsticks solicitors.

Mrs Stevens was present and was represented by Mr Russell Davies, Counsel of Deans Court Chambers.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegation(s) set out in the notice of hearing dated 11 November 2021.

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

1. When she applied for employment at Burstow Primary School ("the School"), she failed to disclose in her application ("the Application") her employment at Langshott Primary School;
2. She caused or allowed to be made a false certification that the information in the Application was true and accurate to the best of your knowledge and belief.
3. On or around 18 June 2020, during the course of an interview for a position at Our Lady Queen of Heaven School, she failed to disclose that she had been dismissed from the School;
4. Her conduct described in Paragraph 1 to 3 above was dishonest,
5. By her conduct at Paragraph 1, she prevented the School from carrying out proper safeguarding checks prior to her employment at the School in relation to her employment history, contrary to statutory guidance.

It was confirmed that Mrs Stevens does not admit the facts of the allegations. The case proceeded as a disputed case.

Preliminary applications

The panel first heard an application from the TRA to amend part of the allegation. The amendment related to allegation 2, which stated:

"You falsely certified that the information in the Application was true and accurate to the best of your knowledge and belief";

The application was made to change the wording to:

"You caused or allowed to be made a false certification that the information in the Application was true and accurate to the best of your knowledge and belief"

Mr Davies, on Mrs Stevens' behalf, confirmed that the application was not opposed. The panel considered and accepted the legal advice. The panel allowed the application on the basis that both parties were in agreement to the amendment of allegation 2 and that it

was in the interests of justice that the allegations correctly reflected the evidence before the panel.

The panel next considered a joint application for any evidence relating to the health of Mrs Stevens and Witness D be held in private. The panel considered and accepted the legal advice. The panel considered that there is a public interest in disciplinary proceedings being transparent. However, the panel agreed that private matters relating to an individual's health should be heard in private.

Next, the panel considered an application from the TRA for additional documents to be admitted. These documents formed an addendum bundle which included a copy of a reference form provided by Witness E dated 14 March 2019 and the Teacher Misconduct Referral Form dated 7 July 2020. This application was not opposed. The panel heard and accepted legal advice on this application. The panel determined that the documents were relevant to the issues it had to determine and it was in the interests of a fair hearing for the documents to be admitted.

A further application was made by the TRA during the course of the proceedings to admit an email from Bar Council, dated 3 March 2022. This application was not opposed. The panel heard and accepted legal advice on this application. The panel determined that the document was relevant to the issues it had to determine and it was in the interests of a fair hearing for it to be admitted.

During the course of the proceedings, the panel considered an application for any matters relating to Witness D's [REDACTED] should be heard in private. The panel heard and accepted legal advice on this matter. The panel determined that given the sensitive nature it was appropriate for those matters to be heard in private.

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 12

Section 2: Notice of hearing and response – pages 13 to 26

Section 3: Teaching Regulation Agency witness statements – pages 27 to 36

Section 4: Teaching Regulation Agency documents – pages 37 to 385

Section 5: Teacher documents – pages 386 to 855.

In addition, the panel agreed to accept the following:

Addendum bundle – pages 1 to 38, consisting of a copy of a reference form provided by Witness E dated 14 March 2019 and the Teacher Misconduct Referral Form dated 7 July 2020.

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 panel heard oral evidence from the following witnesses called on behalf of the TRA:

- Witness A, [REDACTED]
- Witness B, [REDACTED]
- Witness C, [REDACTED]

The panel heard oral evidence from the following witnesses called on behalf of Mrs Stevens:

- Sandra Stevens, the teacher;
- Witness D, [REDACTED]
- Witness E, [REDACTED]

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mrs Stevens was employed at Burstow Primary School from 1 September 2018 as a class teacher. She had previously worked at Burstow Primary School as a supply teacher on two occasions in May and June 2018. On the day before she was due to commence her first day as a supply teacher, an application form for employment at Burstow Primary School was submitted in Mrs Stevens' name. That application form did not include Mrs Stevens' employment at Langshott Primary School, where she had been employed on a temporary contract and she worked there between 1 January 2018 and 5 March 2018. Following investigation, Mrs Stevens was dismissed from her position at Burstow Primary School.

Subsequently, Mrs Stevens applied for a job at Our Lady Queen of Heaven Catholic Primary School in April 2020. During the interview for that position on 18 June 2020, it is alleged that she failed to disclose that she had been dismissed by Burstow Primary

School. As a result of concerns, a conditional offer of employment was withdrawn and a referral to the Local Authority Safeguarding Officer (LADO) was made. A retrospective TRA referral was then made by the headteacher of Burstow Primary School on 7 July 2020, as advised by the LADO.

Findings of fact

The findings of fact are as follows:

The panel heard live evidence from a number of witnesses. The panel considered that the witness evidence from those witnesses called by the TRA gave credible evidence in respect of the allegations. On the contrary, the panel did not find the witnesses called by Mrs Stevens, credible.

In particular, the panel had regard to the fact that Witness D, had, by his own admission falsely referred to himself as a Crown Court Judge/QC. The panel was provided with evidence that Witness D is not a Crown Court Judge and had never been registered with the Bar Council as a barrister. The panel noted that in her live evidence Witness E admitted that she did not tell the truth in her reference for Mrs Stevens provided to Three Bridges Primary School.

The panel took into account all of the live evidence heard during the course of these proceedings. It had careful regard to the credibility of the witness evidence provided.

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

- 1. When you applied for employment at Burstow Primary School ("the School"), you failed to disclose in your application ("the Application") your employment at Langshott Primary School;**

The panel was provided with a copy of the application form and noted that details of Mrs Stevens' employment at Langshott Primary School were not included. The panel heard live evidence from Mrs Stevens who accepted that the application form submitted for employment at Burstow Primary School failed to disclose her employment at Langshott Primary School.

Allegation 1 is proved.

- 2. You caused or allowed to be made a false certification that the information in the Application was true and accurate to the best of your knowledge and belief.**

The panel heard evidence from Mrs Stevens that Witness D had submitted the application on her behalf and had inserted her electronic signature on to that application. Witness D confirmed that this is what he had done. The panel was informed by Mrs Stevens that she did not know that the application form had been submitted at the time. However, Mrs Stevens told the panel that she accepted that it was her responsibility to ensure that the information in the application form was true and accurate to the best of her knowledge and belief.

Allegation 2 is proved.

3. On or around 18 June 2020, during the course of an interview for a position at Our Lady Queen of Heaven School, you failed to disclose that you had been dismissed from the School;

The panel heard live evidence from Mrs Stevens who accepted that she did not disclose that there had been a disciplinary hearing leading to her dismissal from Burstow Primary School. Mrs Stevens told the panel that she did not intend to mislead Witness C, [REDACTED]. The panel noted that during his evidence, Witness C confirmed that this information was not disclosed to him during the interview.

The panel assessed the weight and reliability of the evidence, and on the balance of probabilities, it believed that the failure to disclose was more likely than not to have occurred.

Allegation 3 is proved.

4. Your conduct described in Paragraph 1 to 3 above was dishonest;

The panel considered that, on balance, Mrs Stevens was aware that the application form submitted to Burstow School by Witness D and that reference to Langshott Primary School was omitted. The panel considered that this was a deliberate omission to avoid a reference being provided to Burstow Primary School from Langshott Primary School, which would not be favourable.

The panel heard evidence from Witness A, [REDACTED] that Mrs Stevens had been employed at the School for a short period of time and had only taught unsupervised for two days before she went on sick leave. Witness A told the panel how she received a number of emails from Mrs Stevens, which became "increasingly aggressive and accusatory" over time. The panel saw evidence of these emails. Mrs Stevens' evidence was that Witness D had sent these emails.

The panel noted the evidence provided by Witness B [REDACTED]. Witness B told the panel that she had been contacted by Witness A to find out why a reference had not been requested when Mrs Stevens applied for a job at Burstow Primary School. A reference was subsequently provided. The panel heard that Mrs Stevens was suspended

by Burstow Primary School pending investigation, which led to a dismissal. The panel also heard evidence from Witness B that a grievance was raised by Mrs Stevens against her.

The panel noted that Mrs Stevens' evidence was that Witness D completed and submitted the application form. Mrs Stevens accepted that she did not state this during the disciplinary proceedings at Burstow Primary School.

The panel considered that Mrs Stevens had been given several opportunities to tell the truth about who completed the application form, but she did not. The panel noted that Mrs Stevens, during the course of preparing for this hearing, altered her position to say that it was, in fact, Witness D that had completed the application form, contrary to what she had told others previously.

The panel heard from Witness C [REDACTED] that Mrs Stevens made an application for a position at the School. Witness C told the panel that during an interview Mrs Stevens did not inform him of the reasons why her employment ended at Burstow Primary School. The application form stated "job ended". Witness Cs evidence was that Mrs Stevens told him that she left her previous role because she had asked to go part time and this had not been possible. The panel found this statement to be credible. The panel considered, on balance, that Mrs Stevens had an opportunity to be truthful with Witness C on this occasion about her dismissal, but chose not to.

The panel also noted that in her live evidence, Mrs Stevens stated that in preparation for these proceedings, she had a discussion with Witness D about telling the truth about what happened, but that he had advised her not to do so. Mrs Stevens told the panel that she followed Witness D's advice. When Witness D was asked about this, he stated that no such conversation had taken place. The panel considered, despite the contradictory evidence provided about whether this conversation took place or not, that Mrs Stevens had chosen not to tell the truth at that time.

The panel considered that Mrs Stevens' conduct as described in paragraphs 1-3 was dishonest.

Allegation 4 is proved.

5. By your conduct at Paragraph 1, you prevented the School from carrying out proper safeguarding checks prior to your employment at the School in relation to your employment history, contrary to statutory guidance.

The panel heard live evidence from Mrs Stevens. The panel noted that Mrs Stevens accepted that appropriate safeguarding checks may not have been made. The panel considered whether this was a deliberate action on the part of Mrs Stevens, and concluded that, on balance, it was not. The panel considered that Mrs Stevens'

motivation was to avoid a negative reference, nevertheless the panel found that she did prevent the School from carrying out proper safeguarding checks.

Allegation 5 is proved.

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

Having found a number of the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as “the Advice”.

The panel was satisfied that the conduct of Mrs Stevens in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mrs Stevens 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 was satisfied that the conduct of Mrs Stevens amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mrs Stevens’ conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

The panel found that none of these offences were strictly relevant. However, the panel had in mind that the conduct as found proven included dishonesty, which was a serious finding.

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

The panel considered that Mrs Stevens’ conduct fell short of what was required in the circumstances. The panel found Mrs Stevens to be dishonest and therefore she failed to maintain the high standards of ethics and behaviour required of teachers.

Accordingly, the panel was satisfied that Mrs Stevens 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 Mrs Stevens' actions constituted conduct that may bring the profession into disrepute.

Having found the facts of particulars proved, the panel further found that Mrs Stevens' conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct/conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

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

In the light of the panel's findings against Mrs Stevens which involved a serious finding of dishonesty, there was a strong public interest consideration in respect of the protection of pupils and the wider public.

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

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

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 Mrs Stevens. 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;
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests.
- collusion or concealment including:
 - any activity that involves knowingly substantiating another person's statements where they are known to be false;
 - lying to prevent the identification of wrongdoing;

Even though some of the behaviours 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 accepted that Mrs Stevens had not previously been subject to regulatory proceedings and did have a previously good history. In particular, the panel noted that Mrs Stevens is an experienced teacher of over 20 years.

Although the panel was provided with evidence of character references, it noted that these were not from colleagues that could attest to her abilities as a teacher. The panel

did not consider that it has been presented with evidence that Mrs Stevens had acted under duress. The panel found Mrs Stevens' actions were deliberate.

The panel considered that although Mrs Stevens had offered an apology, she had not demonstrated genuine remorse and had limited insight in to 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 Mrs Stevens 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 Mrs Stevens. The finding that Mrs Stevens had acted dishonestly 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 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 two years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. The panel did not consider that any of these applied in this case.

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 after two years.

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found 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 Mrs Sandra Stevens should be the subject of a prohibition order, with a review period of 2 years.

In particular, the panel has found that Mrs Stevens 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 Mrs Stevens fell significantly short of the standards expected of the profession.

The findings of misconduct include a finding of serious dishonesty, which prevented the school from carrying out proper safeguarding checks, contrary to statutory guidance.

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 Mrs Stevens, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would safeguard pupils. The panel has observed, "The panel considered that Mrs Stevens' motivation was to avoid a negative reference, nevertheless the panel found that she did prevent the School from carrying out proper safeguarding checks." 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 considered that although Mrs Stevens had offered

an apology, she had not demonstrated genuine remorse and had limited insight in to her actions.” In my judgement, the lack of remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing 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, “In the light of the panel’s findings against Mrs Stevens which involved a serious finding of dishonesty, there was a strong public interest consideration in respect of the protection of pupils and the wider public.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mrs Stevens were not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of dishonesty 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 Mrs Stevens herself and the panel comment, “The panel accepted that Mrs Stevens had not previously been subject to regulatory proceedings and did have a previously good history. In particular, the panel noted that Mrs Stevens is an experienced teacher of over 20 years.”

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

In this case, I have placed considerable weight on the panel’s comments, “The panel considered that Mrs Stevens’ conduct fell short of what was required in the circumstances. The panel found Mrs Stevens to be dishonest and therefore she failed to maintain the high standards of ethics and behaviour required of teachers.”

I have also placed considerable weight on the following observation by the panel, “Mrs Stevens had been given several opportunities to tell the truth about who completed the application form, but she did not. The panel noted that Mrs Stevens, during the course of

preparing for this hearing, altered her position to say that it was, in fact, Witness D that had completed the application form, contrary to what she had told others previously.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mrs Stevens 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 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 two 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 after two years.”

I have considered whether a two 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 and in this case I have decided it does.

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

This means that Mrs Sandra Stevens 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 2024, two 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, Mrs Stevens remains prohibited from teaching indefinitely.

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

Mrs Stevens has a right of appeal to the Queen’s Bench Division of the High Court within 28 days from the date she is given notice of this order.



Decision maker: Sarah Buxcey

Date: 7 March 2022

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