



Teaching
Regulation
Agency

Ms Claire Bailey: Professional conduct panel outcome

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

May 2022

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

Teacher:	Ms Claire Bailey
TRA reference:	19828
Date of determination:	31 May 2022
Former employer:	Grateley Primary School, Hampshire

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 31 May 2022 by way of a virtual hearing, to consider the case of Ms Claire Bailey.

The panel members were Mr Paul Millett (lay panellist – in the chair), Ms Kathleen O'Hare (former teacher panellist) and Mr Chris Major (teacher panellist).

The legal adviser to the panel was Ms Lucy Churchill of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Jacob Rickett of Capsticks LLP solicitors.

Ms Bailey was present and was represented by Mr Simon Pettet of NASUWT.

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

Allegations

The panel considered the allegation set out in the notice of proceedings dated 18 March 2022.

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

1. On 18 March 2021, at Basingstoke Magistrates' Court, she was convicted of 'driving a motor vehicle after consuming so much alcohol that the proportion of it in her breath, namely 91 micrograms of alcohol in 100 millilitres of breath, exceeded the prescribed limit' on 11 February 2021, contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.

Ms Bailey admitted the facts of allegation 1 as set out in the response to the notice of referral dated 20 December 2021, and in the statement of agreed facts signed by Ms Bailey on 11 February 2022. However, Ms Bailey denied that the admitted facts constituted a "relevant offence".

Preliminary applications

The panel considered an application from Ms Bailey that the hearing should be heard in private.

The panel heard submissions from the presenting officer on the application before reaching its decision. The presenting officer objected to the whole hearing being heard in private. The presenting officer did not have an objection to part of the hearing being heard in private, to the extent it related to [Redacted].

The panel had regard to the presumption that a hearing will take place in public and that it is in the public interest that the proceedings take place in public.

The panel noted its discretion to hear all or part of a hearing in private where it does not consider it to be contrary to the public interest to do so.

The panel granted the application. The panel considered it was not contrary to the public interest for the hearing to be heard in private. This was in view of the substantial evidence supporting the mitigating circumstances raised on behalf of Ms Bailey [Redacted].

The panel considered a preliminary application from the teacher's representative for the admission of an additional document.

The teacher's document was a timeline of medical events leading up to the incident on 11 February 2021.

The documents subject to the application had not been served in accordance with the requirements of paragraph 5.37 of the Teacher misconduct: Disciplinary procedures for the teaching profession (the “Procedures”). Therefore, the panel was required to decide whether the documents should be admitted under paragraphs 5.33 and 5.34 of the Procedures.

The panel heard representations from the teacher’s representative in respect of the application and the presenting officer did not have an objection to the admission of the document as it was only a summary of [Redacted] included in the bundle.

The panel considered the additional document was relevant. Accordingly, the document was added to the bundle.

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 3 to 5
- Section 2: Notice of proceedings and response – pages 6 to 17
- Section 3: Statement of agreed facts – pages 18 to 20
- Section 4: Teaching Regulation Agency documents – pages 21 to 32
- Section 5: Teacher documents – pages 33 to 164.

In addition, the panel agreed to accept the document titled [Redacted].

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

Witnesses

No witnesses were called to give oral evidence at the hearing on behalf of the TRA.

Ms Bailey was present and gave oral evidence.

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 Bailey was employed as a teacher by Grateley Primary School ('the School') from 11 April 2016 until she resigned in July 2021.

Between October 2020 to February 2021, Ms Bailey reported that [Redacted].

On 11 February 2021, Ms Bailey drank a bottle of vodka, drove her car, narrowly avoided a head on collision and subsequently came to a stop on a grassy bank. Ms Bailey was arrested for "Fail to co-operate with a preliminary test – motor vehicle offence". Ms Bailey provided an evidential sample of 91 micrograms of alcohol in 100 millilitres of breath and was charged with the offence of "Driving a motor vehicle with excess alcohol".

On 16 February 2021 the police referred the matter to the TRA.

[Redacted].

On 18 March 2021 Ms Bailey was convicted at Basingstoke Magistrates' Court.

[Redacted]

Findings of fact

The findings of fact are as follows:

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

1. **On 18 March 2021, at Basingstoke Magistrates' Court, you were convicted of 'driving a motor vehicle after consuming so much alcohol that the proportion of it in your breath, namely 91 micrograms of alcohol in 100 millilitres of breath, exceeded the prescribed limit' on 11 February 2021, contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.**

The panel considered the statement of agreed facts, signed by Ms Bailey on 11 February 2022. In that statement of agreed facts, Ms Bailey admitted the particulars of allegation 1 and that the admitted facts of allegation 1 amounted to a conviction of a relevant offence. However, in the response to the notice of proceedings, dated 5 April 2022, Ms Bailey denied that the facts of allegation 1 amounted to a conviction of a relevant offence.

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 panel will accept the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction, unless exceptional circumstances apply. The panel did not find that any exceptional circumstances applied in this case.

The panel had been provided with a copy of the certificate of conviction from North Hampshire Magistrates' Court, which detailed that Ms Bailey had been convicted of driving a motor vehicle after consuming so much alcohol that the proportion of it in her breath, namely 91 micrograms of alcohol in 100 millilitres of breath, exceeded the prescribed limit contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.

In respect of the allegations, Ms Bailey was ordered to pay a fine of £416; a surcharge to fund victim services of £42; and costs of £85. Further, a collection order was made, and Ms Bailey was disqualified from holding or obtaining a driving licence for 23 months.

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

Findings as to conviction of a relevant offence

Having found the allegation proved, the panel went on to consider whether the facts of the proved allegation amounted to a conviction of a "relevant offence".

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 Bailey, in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Ms Bailey 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:
 - not undermining fundamental British values, including the rule of law.
- 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 Bailey's actions took place outside of the education setting, in that she was driving her own car, and not in the course of her teaching duties. The incident did not involve any pupils or colleagues at the School. However, the panel considered Ms Bailey's actions touched upon her profession as a teacher, especially as she was driving close to a primary school, and therefore could have caused harm to others, including children.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety and/or security of children and/or members of the public, and was contrary to the standard of personal and professional conduct expected of teachers.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Ms Bailey's behaviour in committing the offence 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 Bailey's behaviour did not lead to a sentence of imprisonment.

This was a case concerning a serious driving offence involving alcohol, which the Advice states is more likely to be considered a "relevant offence".

The panel took into consideration Ms Bailey's account of her personal difficulties she was encountering at the relevant time.

The panel also found that the seriousness of the offending behaviour that led to the conviction was relevant to Ms Bailey's ongoing suitability to teach. Whilst the panel was mindful of the mitigating circumstances, it considered that a finding that this conviction was for a "relevant offence" 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 a conviction of a relevant offence, 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.

The panel were aware that 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, namely:

- the safeguarding and wellbeing of pupils and the protection of other members of the public;
- the maintenance of public confidence in the profession;
- declaring and upholding proper standards of conduct; and
- that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

The panel found Ms Bailey committed a “relevant offence”, which involved a conviction of driving a motor vehicle after consuming alcohol contrary to section 5(a)(a) of the Road Traffic Act 1988.

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

The panel was of the view that there was a strong public interest consideration in declaring proper standards of conduct in the profession, and Ms Bailey fell short of these standards.

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 likely effect that this would have on Ms Bailey.

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 Bailey. 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;
- 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 substantial medical evidence to demonstrate that Ms Bailey’s [Redacted]. The panel was satisfied from the evidence presented that the incident was an uncharacteristic, one-off event, which is unlikely to be repeated.

The panel concluded the incident was triggered by circumstances beyond the control of Ms Bailey. These included [Redacted].

Further the panel accepts the first formal [Redacted] support Ms Bailey received was on 16 February 2021 [Redacted].

The panel was satisfied that Ms Bailey’s [Redacted] causing her extreme duress.

The panel saw extensive evidence, which demonstrated exceptionally high standards in both personal and professional conduct, showing that Ms Bailey had contributed significantly to the education sector. Ms Bailey has remained committed to her personal and professional development, including studying for a Masters in Psychology of Mental Health and Wellbeing, and SENCo accreditation at the University of Winchester.

The panel considered several character references submitted on Ms Bailey's behalf. In particular, the panel noted the following:

- Individual A, [Redacted]
 - *“Miss Bailey is an inspirational teacher and frequently enabled her children to reach far beyond academic and emotional expectations. She was always kind and compassionate, caring yet honest in all things.”*
- Individual B, [Redacted]
 - *“It was clear during the meeting that Claire was extremely remorseful and reflective about that period in her life. She very much wanted to put things right and be the best she could.”*
- Individual C, [Redacted]
 - *“Since [Redacted] last year, I have never known someone to turn things around for the better in such an amazing way, like Claire has. It has been truly inspirational. Not only has she done a lot of work [Redacted], she has become totally dedicated to the care of children who have special needs.”*
- Individual D, [Redacted]
 - *“Claire has always been open and honest [Redacted] and it is totally to her credit that she has still been willing to help. Her logical, empathetic viewpoint and ability to help decipher what is important and what isn't has been super welcome and I realise that at no point did she have to help us, but she did.”*
- Individual E, [Redacted]
 - *“If I was to describe Claire I would say – Claire is honest, kind, caring, selfless, always willing to help you out, an amazing mother, partner, friend and will always put other people before herself.”*
 - *“Claire has always been up front and honest [Redacted] and has always been very under-control and level-headed. Claire is always helping other people, including myself.”*

- Individual F, [Redacted]
 - *“I always look forward to seeing my friend Claire, she’s inspirational and full of life. [Redacted]. I am also aware that she has been asking for help repeatedly with little effect.”*

Ms Bailey expressed remorse for her actions, as set out in her statements to the TRA dated 27 July 2021 and 20 April 2022, submitting that the shame, guilt and regret she has experienced since [Redacted] resulting in her conviction is beyond comparison with anything she has ever experienced before. Ms Bailey further expressed that she now understands that her actions [Redacted].

[Redacted]

[Redacted]

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, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present (taken together with the remorse Ms Bailey demonstrated and the actions she has taken subsequent to the incident to continue to make a significant contribution to education and her own continued professional development), the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession.

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 sanction.

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 the sole allegation proven and found that the proven facts amount to a relevant conviction.

The panel has recommended that the findings of a relevant conviction should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Ms Claire Bailey 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:
 - not undermining fundamental British values, including the rule of law.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities

The panel also, “noted that Ms Bailey’s actions took place outside of the education setting, in that she was driving her own car, and not in the course of her teaching duties. The incident did not involve any pupils or colleagues at the School.”

The panel also, “considered Ms Bailey’s actions touched upon her profession as a teacher, especially as she was driving close to a primary school, and therefore could have caused harm to others, including children.”

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 Bailey, 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 protect children and safeguard pupils. The panel has observed, “that the behaviour involved in committing the offence could have had an impact on the safety and/or security of children and/or members of the public.” 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 Bailey expressed remorse for her actions, as set out in her statements to the TRA dated 27 July 2021 and 20 April 2022, submitting that the shame, guilt and regret.....” 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 that it, “also took account of the way the teaching profession is viewed by others. The panel considered that Ms Bailey’s behaviour in committing the offence 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 Bailey herself. The panel comment that it, “saw extensive evidence, which demonstrated exceptionally high standards in both personal and professional conduct, showing that Ms Bailey had contributed significantly to the education sector.”

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

For all of these reasons, I have also concluded that a prohibition order is not proportionate or in the public interest. I consider that the publication of the findings made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.



Decision maker: Alan Meyrick

Date: 1 June 2022

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