



Teaching
Regulation
Agency

Ms Natalie Ochana: Professional conduct panel meeting outcome

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

January 2021

Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	5
Documents	5
Statement of agreed facts	5
Decision and reasons	5
Findings of fact	6
Panel's recommendation to the Secretary of State	13
Decision and reasons on behalf of the Secretary of State	15

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

Teacher:	Ms Natalie Ochana
Teacher ref number:	0756106
Teacher date of birth:	18 February 1986
TRA reference:	0018735
Date of determination:	18 January 2021
Former employer:	Endeavour Federation, Wythenshawe

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 18 January 2021 by video conference, to consider the case of Ms Ochana.

The panel members were Mr Maurice McBride (lay panellist – in the chair), Ms Dawn Hawkins (teacher panellist) and Ms Kathleen O’Hare (former teacher panellist).

The legal adviser to the panel was Mrs Luisa Gibbons of Eversheds Sutherland (International) 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 Ochana that the allegations be considered without a hearing. Ms Ochana provided a signed statement of agreed facts and admitted unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer, Ms Sherelle Appleby of Browne Jacobson LLP or Ms Ochana.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the notice of meeting dated 13 January 2021.

It was alleged that Ms Ochana was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as a Teacher and Special Needs Co-Ordinator at Endeavour Federation, Wythenshawe Campus ('the Unit') between 1 September 2011 and 9 July 2019:

1. She demonstrated a lack of professional judgment in respect of her relationship with Individual A, whom she knew was a convicted sex offender, in that:
 - a. She did not disclose to the Unit [REDACTED] in a timely manner;
 - b. She did not disclose the nature of Individual A's conviction to the Unit;
 - c. On one or more occasions, she provided false and/or misleading information to Individual B, a social worker, regarding:
 - i. the circumstances of [REDACTED];
 - ii. the Unit's knowledge and/or awareness of Individual A's conviction and/or her relationship with him.
2. Her conduct as may be found proven at 1. above was dishonest and/or lacked integrity in that she sought to conceal:
 - a. the nature of Individual A's conviction;
 - b. the nature of her relationship with Individual A.

Ms Ochana has admitted the facts of the allegations and that they constitute unacceptable professional conduct and conduct that may bring the profession into disrepute.

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– pages 1 to 2

Section 2: Notice of referral, response and Notice of Meeting – pages 3 to 9

Section 3: Correspondence attempts for mitigation evidence – pages 10 to 13

Section 4: Statement of Agreed Facts – pages 14 to 19

Section 5: TRA documents – pages 20 to 111

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 was signed by Ms Ochana on 2 May 2020.

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 Ochana 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 Ochana was employed as a teacher and special educational needs co-ordinator at Endeavour Federation from 1 September 2011 until 9 July 2019. At the time of the events alleged, she was the Unit's designated safeguarding lead. On 4 December 2018, Ms Ochana informed the Unit of [REDACTED]. On [REDACTED] 2018, Ms Ochana [REDACTED]. The Unit was subsequently made aware by external agencies of Ms Ochana's relationship with Individual A, who is a registered sex offender. An investigation ensued, culminating in a disciplinary hearing on 8 July 2019 which determined to summarily dismiss Ms Ochana from her employment at the Unit.

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:

Whilst employed as a teacher and special educational needs co-ordinator at Endeavour Federation, Wythenshawe Campus ('the Unit') between 1 September 2011 and 9 July 2019:

1. You demonstrated a lack of professional judgment in respect of your relationship with Individual A, whom you knew was a convicted sex offender, in that:

a. You did not disclose to the Unit [REDACTED] in a timely manner;

Ms Ochana stated during her interview for the Unit's disciplinary investigation that she had [REDACTED] on 27 November 2018, and that it was [REDACTED]. She stated that she was referred to a [REDACTED] on 28 November 2018. She stated that [REDACTED] on 29 November. Her [REDACTED] the following day showed the [REDACTED]. She then clarified later in the interview that in May 2018, she had a [REDACTED], but had not seen a GP, then in July 2018, she believed [REDACTED].

The panel has seen correspondence following occupational health appointments on 2 July 2018 and 18 September 2018. These recorded that Ms Ochana had been absent from work since approximately May 2018, but made no reference to Ms Ochana [REDACTED]. Ms Ochana stated at interview that none of the medical professionals, with whom she had been involved since May 2018, had considered [REDACTED].

The panel has also seen a return to work record form regarding Ms Ochana's absence from work on 30 November 2018, that stated Ms Ochana was feeling unwell and had to go to hospital, but made no reference to [REDACTED].

The panel has seen a witness statement from the head of centre at the Unit which stated that Ms Ochana had told him on 4 December 2018 that [REDACTED].

The panel has seen an undated letter from Ms Ochana to her employer stating that she had [REDACTED] on [REDACTED] 2018 and which stated "Unfortunately I could not have informed you earlier as I was unaware [REDACTED] until shortly before [REDACTED]. [REDACTED] week commencing 11/02/2019, but was [REDACTED]".

The statement of agreed facts records that Ms Ochana became aware that [REDACTED] in May 2018. It is agreed that she was assessed on two occasions as a result of concerns about her prolonged sickness and absence from the Unit since May 2018, and that Ms Ochana did not disclose the fact that [REDACTED] during these sessions. Ms

Ochana accepts that she did not disclose the fact that [REDACTED] to the Unit until 4 December 2018.

At the disciplinary investigation meeting, and in her undated letter referred to above, it is clear that Ms Ochana sought to persuade her employer that she had not disclosed [REDACTED] earlier on the basis that she had been unaware that [REDACTED] until just before [REDACTED]. At the same time, Ms Ochana at interview admitted having a [REDACTED] in May 2018, and believing herself to [REDACTED] in July. The panel considered it more probable than not, that had Ms Ochana believed [REDACTED], Ms Ochana would have sought medical assistance and there is no indication that she did so. The panel therefore considered it more likely than not, given the [REDACTED] that Ms Ochana had known [REDACTED] since May 2018 and had therefore failed to inform the Unit in a timely manner of [REDACTED].

In the statement of agreed facts, Ms Ochana has accepted her lack of professional judgment in the above regard.

The panel considered Ms Ochana had demonstrated a lack of professional judgment in respect of her relationship with Individual A in failing to disclose that [REDACTED]. This left the Unit unable to assess and mitigate any risks to Ms Ochana [REDACTED] and unable to plan for a replacement to cover [REDACTED] to the detriment of her pupils.

Given Ms Ochana's admissions and the evidence referred to above, the panel therefore found both the fact of this allegation and Ms Ochana's lack of professional judgment in this regard proven on the balance of probabilities.

b. You did not disclose the nature of Individual A's conviction to the Unit;

In the minutes of the strategy meeting dated 8 January 2018, it is apparent that Ms Ochana's relationship with Individual A was made known to the Probation Service by Individual A on 31 October 2018, and that [REDACTED] thereafter became involved with Ms Ochana.

During the school's disciplinary investigation, Ms Ochana stated that she had met Individual A in March 2018 and that he had told her at some point during the summer of 2018 that he was registered on the sex offender's register. She stated that her relationship with Individual A had been very casual, and that she had not invited him to move in with her, he had turned up with his bags. She stated that she had not told the school about her relationship with Individual A as she was concerned about her own health at the time, and that she had realised she "wanted to get rid of [Individual A]" and "did not want a serious relationship with him". She admitted that a [REDACTED], who had contacted her after Individual A had declared his change in address, had advised her to tell her employer about the situation and report back. She stated that Individual A had moved out of her property on 14 April 2019 and that they had not been together since Individual A's [REDACTED].

Ms Ochana stated at interview that she realised that the executive headteacher would have been concerned had he known of her situation, but her “head was just not in the right place. [She] had other things on [her] mind. [Her] health was a worry, [She] was not sure [she] was in a relationship as it was so casual and [she] did not think [she] needed to say anything to work”.

The panel has seen confirmation from the National Probation Service that Individual A was convicted of a sexual offence on 3 February 2017.

Within the statement of agreed facts, Ms Ochana has agreed that she began a relationship with Individual A in January 2018, and that he is a registered sex offender, having been convicted on 3 February 2017. Ms Ochana accepts that Individual A disclosed the fact of his conviction to her at the beginning of their relationship in January 2018, which he was required to do pursuant to the terms of his registration and/or orders imposed by the Court. Ms Ochana accepts that she did not disclose to the Unit the fact that she was in a relationship with Individual A and that the Unit only became aware of her relationship having been informed by external agencies in or around December 2018.

Ms Ochana accepts that in or around October 2018, she and Individual A began living together and that she did not disclose this to the Unit. She acknowledges that the Unit became aware of this as a result of information provided by external agencies in or around December 2018.

The referral to the Teaching Regulation Agency by the executive headteacher refers to having received a phone call from [REDACTED] on 2 January 2019 regarding [REDACTED].

The panel therefore found it proven that Ms Ochana had failed to disclose to the Unit the nature of Individual A’s conviction.

Ms Ochana has accepted her failure in this regard in the statement of agreed facts.

The panel considered Ms Ochana had demonstrated a lack of professional judgment in respect of her relationship with Individual A in failing to disclose the nature of Individual A’s conviction since it left the Unit unable to make any assessment of any risk to pupils of the Unit and any mitigating measures that might be required. The Unit was left unable to consider any reputational and operational issues that might be caused given Ms Ochana’s status as the designated safeguarding lead.

Given the evidence of Ms Ochana’s relationship with Individual A, the nature of his conviction, the evidence that the Unit had not been informed by Ms Ochana of the relationship, and Ms Ochana’s admissions, the panel therefore found both the fact of this allegation and Ms Ochana’s lack of professional judgment in this regard proven on the balance of probabilities.

c. On one or more occasions, you provided false and/or misleading information to Individual B, a [REDACTED], regarding:

i. the circumstances of [REDACTED];

ii. the Unit's knowledge and/or awareness of Individual A's conviction and/or her relationship with him.

In the notes of a safeguarding strategy meeting of 8 January 2019, it is recorded that:

- Individual B stated that she had been told by Ms Ochana that she had fully engaged with [REDACTED], but that when Ms Ochana had presented to the hospital, she was found [REDACTED] and had not [REDACTED] so had not received [REDACTED].
- Individual B also stated that she had been told by Ms Ochana that she had a private consultation in Manchester, but was not provided with any further details. It is recorded that Ms Ochana “has recently admitted this was a lie”.
- Individual B further stated that Ms Ochana had told her that she had “informed her employer and Ofsted of ‘everything’, and that Ms Ochana had asked her to wait a few days before she informed the LADO so that she could tell her employer the reason for [REDACTED] involvement. It is recorded that Ms Ochana had not disclosed information relating to her relationship with Individual A to her employer or Ofsted.
- Individual B had been told by Ms Ochana that she believed [REDACTED] in July and then believed that [REDACTED] again in August.

In the statement of agreed facts, it is accepted that on or around 25 October 2018, Individual A made probation services aware that he was in a relationship with Ms Ochana and was living with her. Ms Ochana accepts that on two occasions on or around 7 November 2018 and 28 November 2018, she met with [REDACTED]. Ms Ochana has accepted that she made the following false assertions during those meetings:

- that she was fully engaged [REDACTED];
- that she had attended a private consultation in Manchester in relation to [REDACTED];
- that she had informed the Unit about her relationship with Individual A and the fact that he was a registered sex offender;
- that [REDACTED] on or around 21 July 2018 and subsequently taken a [REDACTED] at the end of August which was [REDACTED].

The panel therefore found it proven that Ms Ochana had provided false or misleading statements to Individual B regarding the circumstances of [REDACTED] and the Unit's knowledge of Individual A's conviction as a sex offender.

Ms Ochana has accepted her failure in these regards in the statement of agreed facts.

The panel was of the view that since Ms Ochana was the designated safeguarding lead, providing false or misleading information to [REDACTED] demonstrated a lack of professional judgment given the interaction required between a designated safeguarding lead and [REDACTED].

The panel therefore found both the fact of this allegation and Ms Ochana's lack of professional judgment in this regard proven on the balance of probabilities.

2. Your conduct as may be proven at 1. above was dishonest and/or lacked integrity in that you sought to conceal:

a. the nature of Individual A's conviction;

b. the nature of your relationship with Individual A.

Having found the conduct alleged at 1 proven, the panel went on to consider whether Ms Ochana was dishonest, or lacked integrity.

On the basis of the facts agreed, Ms Ochana admitted that her behaviour lacked integrity and was dishonest.

Ms Ochana admitted that her conduct as set out above lacked integrity and that she acted in a manner which fell far below the standard expected of professional persons and which the teaching profession expects of its members.

Ms Ochana further accepted that her behaviour was dishonest, that she knowingly withheld and/or provided false and misleading information and accepted that ordinary decent people would regard her behaviour as dishonest.

The panel first considered Ms Ochana's intention in not disclosing [REDACTED] in a timely manner, bearing in mind Ms Ochana has accepted that this was to conceal the nature of Individual A's conviction and/or the nature of her relationship with him. Given the panel's findings above, the panel considered that the most likely reason why she had not disclosed [REDACTED] was because she was seeking to conceal that she [REDACTED] an individual who appears on the Sex Offender's Register.

The panel next considered Ms Ochana's intention in not disclosing the nature of Individual A's conviction to the Unit, bearing in mind Ms Ochana has accepted that this was to conceal the nature of Individual A's conviction and/or the nature of her relationship with him. The panel noted that Ms Ochana has previously referred to the casual nature of her relationship with Individual A, but given that since May 2018 Ms Ochana had been [REDACTED] with Individual A and that since at least October 2018, he had moved into her home, the panel considered there to have been ample opportunity for Ms Ochana to have recognised their relationship and declared it to her employer. The panel therefore

considered it more probable than not that her intention was to conceal the nature of Individual A's conviction and the nature of her relationship with him.

The panel next considered Ms Ochana's intention in providing false and/or misleading information to Individual B, bearing in mind Ms Ochana has accepted that this was to conceal the nature of Individual A's conviction and/or the nature of her relationship with him. Given the panel's findings above, the panel considered that the most likely reason why she had not disclosed [REDACTED] was because she was seeking to conceal from her employer the nature of Individual A's conviction and the nature of her relationship with him. The panel was particularly persuaded of this, given that Ms Ochana had led Individual B to believe the matter was already known to her employer, when in fact this was not the case.

Given that the panel has found that Ms Ochana's intention was to conceal the nature of Individual A's conviction and the nature of her relationship with Individual A, the panel considered that ordinary decent people would consider her conduct to be dishonest.

The panel also considered that her conduct fell below the standard expected of the teaching profession and therefore lacked integrity.

The panel therefore found this allegation proven in its entirety.

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

Having found all of the allegations proved, the panel went on to consider whether those facts 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 Ochana in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Ms Ochana was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach
- 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 Ochana fell significantly short of the standards expected of the profession. Depriving the Unit of the opportunity to find appropriate cover for Ms Ochana's [REDACTED], particularly given Ms Ochana's role as designated safeguarding lead and special educational needs co-ordinator was to the detriment of the pupils. Her relationship with the Unit and [REDACTED] ought to have been built on a foundation of honesty, and the panel has found Ms Ochana to have acted dishonestly. Failing to disclose her relationship with Individual A to the Unit prevented the Unit from taking measures in mitigation to ensure that there were no safeguarding issues for pupils as a result of that relationship.

The panel also considered whether Ms Ochana's conduct displayed behaviours associated with any of the offences listed in the Advice. The panel found that none of these offences are relevant.

The panel noted that allegation 1c. took place outside the education setting. However, this affected the way Ms Ochana fulfilled her teaching role in a harmful way since her role in safeguarding required that she engage with [REDACTED] in her professional position. Her dishonesty towards [REDACTED] in her personal role cast doubt upon the foundation of honesty upon which a relationship has to be built. In lying about the Unit's awareness of her relationship with Individual A, this had the potential to deprive [REDACTED] and the Unit from putting in place mitigating measures to ensure the protection of pupils.

Accordingly, the panel was satisfied that Ms Ochana 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 the individual's status as a teacher, potentially damaging the public perception of the profession and the Unit.

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

Having found the facts of particulars 1 and 2 proved, the panel further found that Ms Ochana's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and 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 a punitive effect.

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

In the light of the panel's findings against Ms Ochana which involved dishonesty in her dealings with the Unit and [REDACTED], there was a strong public interest consideration in respect of the protection of pupils given that Ms Ochana's actions deprived the Unit of taking mitigating measures to protect pupils and to plan for [REDACTED].

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

The panel decided that there was also a public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon her abilities as an educator and she is able to make a valuable contribution to the profession. This, however, was currently outweighed by the adverse public interest considerations given that the findings cast doubt upon the trust that could be placed in Ms Ochana.

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 Ochana.

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 Ochana. 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;
- misconduct seriously affecting the education and/or well-being of pupils;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up;

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

The panel has found that Ms Ochana's actions were deliberate, given that she acted dishonestly.

There was no evidence to suggest that Ms Ochana was acting under duress, and, in fact, the panel found Ms Ochana's actions to be calculated and motivated. Ms Ochana stated at the school's disciplinary hearing that her health was paramount in her mind at the time, but the panel has seen no independent or expert evidence of any effect of any health condition upon Ms Ochana's actions.

Ms Ochana did have a previously good history. The panel noted that the school's investigation recognised that Ms Ochana was an experienced and well regarded teacher, that she had worked hard during her employment with the Federation to qualify as a SENCO and to achieve the position of designated safeguarding lead. It also recognised that there had never before been any safeguarding concerns in relation to Ms Ochana during her period of employment at the Unit and that she had a clean disciplinary record.

The panel has seen no character statements attesting to Ms Ochana's character or her abilities as a teacher.

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 Ochana 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 Ochana. Her sustained dishonesty over a prolonged period of time towards both the Unit and [REDACTED] 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 militate against the recommendation of a review period. One of these behaviours includes serious dishonesty. The panel did not consider Ms Ochana's actions to constitute serious dishonesty in the possible scale of dishonesty and in the absence of any apparent personal gain to Ms Ochana. However, it is apparent that it was continued over a sustained period.

Ms Ochana has accepted the facts of the allegations and has apparently brought the relationship with Individual A to an end. Ms Ochana attended the interview for the Unit's disciplinary investigation and accepted that she had failed to disclose Individual A's status as a registered sex offender. She also accepted that this had the potential to bring the reputation of the Federation into disrepute, that this brought into question her standards of honesty and integrity and that it amounted to a breach of the Federation's safeguarding policy. Ms Ochana did not, however, attend the Unit's subsequent disciplinary hearing, having been given ample opportunity to attend. She has not demonstrated her understanding as to the impact of her actions on pupils.

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 provision for a review period after two years. Ms Ochana had a good history prior to this conduct, the dishonesty was at the less serious end of the possible spectrum, and a two year period would allow time for Ms Ochana to reflect on the impact of her actions.

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/or conduct that may bring the profession into disrepute.

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

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach
- 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 Ochana fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of sustained dishonesty and lack of integrity, knowingly withholding and/or providing false and misleading information and not informing the Federation of her relationship with a convicted sex offender.

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 Ochana, 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, “Depriving the Unit of the opportunity to find appropriate cover for Ms Ochana’s [REDACTED], particularly given Ms Ochana’s role as designated safeguarding lead and special educational needs co-ordinator was to the detriment of the pupils” and that “Failing to disclose her relationship with Individual A to the Unit prevented the Unit from taking measures in mitigation to ensure that there were no safeguarding issues for pupils as a result of that relationship”. 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 Ochana has accepted the facts of the allegations and has apparently brought the relationship with Individual A to an end. Ms Ochana attended the interview for the Unit’s disciplinary investigation and accepted that she had failed to disclose Individual A’s status as a registered sex offender. She also accepted that this had the potential to bring the reputation of the Federation into disrepute, that this brought into question her standards of honesty and integrity and that it amounted to a breach of the Federation’s safeguarding policy. Ms Ochana did not, however, attend the Unit’s subsequent disciplinary hearing, having been given ample opportunity to attend. She has not demonstrated her understanding as to the impact of her actions on pupils”.

I have also noted the following comments “There was no evidence to suggest that Ms Ochana was acting under duress, and, in fact, the panel found Ms Ochana’s actions to be calculated and motivated. Ms Ochana stated at the school’s disciplinary hearing that her health was paramount in her mind at the time, but the panel has seen no independent or expert evidence of any effect of any health condition upon Ms Ochana’s actions”. In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour. 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 Ms Ochana which involved dishonesty in her dealings with the Unit and [REDACTED], there was a strong public interest consideration in respect of the protection of pupils given that Ms Ochana’s actions deprived the Unit of taking mitigating measures to protect pupils and to plan for [REDACTED]. I am particularly mindful of the finding of failure to disclose a relationship with a convicted sex offender 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 Ochana herself. Although she was dismissed from the Federation the panel comment “Ms Ochana did have a previously good history. The panel noted that the school’s investigation recognised that Ms Ochana was an experienced and well regarded teacher, that she had worked hard during her employment with the Federation to qualify as a SENCO and to achieve the position of designated safeguarding lead. It also recognised that there had never before been any safeguarding concerns in relation to Ms Ochana during her period of employment at the Unit and that she had a clean disciplinary record”.

A prohibition order would prevent Ms Ochana 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 finding of the panel that Ms Ochana acted dishonestly over a prolonged period of time, this affected the way Ms Ochana fulfilled her teaching role in a harmful way since her role in safeguarding required that she engage with [REDACTED] in her professional position. Her dishonesty towards [REDACTED] in her personal role cast doubt upon the foundation of honesty upon which a relationship has to be built. In lying about the Unit’s awareness of her relationship with Individual A, this had the potential to deprive [REDACTED] and the Unit from putting in place mitigating measures to ensure the protection of pupils.

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Ochana 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 2 year review period.

I have considered the panel’s comments “Ms Ochana had a good history prior to this conduct, the dishonesty was at the less serious end of the possible spectrum, and a two year period would allow time for Ms Ochana to reflect on the impact of her actions”.

I have considered whether a 2 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, a number of 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 intentional and prolonged dishonesty found, withholding information that prevented the unit from taking measures to ensure there were no safeguarding issues for pupils and a failure to fully demonstrate the impact her behaviour could have had on pupils, colleagues and the Federation.

I have concluded that I do not support the panels recommended review period and have decided therefore that a four year review period is required to satisfy the maintenance of public confidence in the profession, after which the teacher may apply for a prohibition order to be set aside.

This means that Ms Natalie Ochana 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 29 January 2025, 4 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 Ochana remains prohibited from teaching indefinitely.

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

Ms Ochana 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 horizontal line underneath.

Decision maker: Sarah Buxcey

Date: 25 January 2021

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