



Teaching
Regulation
Agency

Ms Kate Griffiths: Professional conduct panel outcome

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

August 2022

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

Teacher:	Ms Kate Griffiths (formerly Kate Brook)
Teacher ref number:	1260208
Teacher date of birth:	18 June 1985
TRA reference:	17105
Date of determination:	4 to 8 July 2022 and 15 August 2022
Former employer:	Benton Park School, Leeds

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually via Microsoft Teams on 4 to 8 July 2022 and 15 August 2022, to consider the case of Ms Kate Griffiths.

The panel members were Ms Mona Sood (lay panellist – in the chair), Mr Paul Hawkins (teacher panellist) and Ms Christine McLintock (teacher panellist).

The legal advisers to the panel were Mr Delme Griffiths (4 to 8 July 2022) and Ms Clare Strickland (15 August 2022) of Blake Morgan LLP, solicitors.

The presenting officer for the TRA was Ms Sherelle Appleby of Browne Jacobson LLP, solicitors.

Ms Griffiths was present and was represented by Ms Louise Price of Counsel.

The hearing took place in private and was recorded.

Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 15 March 2022.

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

1. She engaged in and/or developed an inappropriate relationship with Pupil A in or around approximately November 2016 – August 2017 including by:

[Redacted]

- b. exchanging telephone calls and/or electronic messages with him;

- c. meeting with him away from school;

- d. permitting him to visit you at your home;

[Redacted]

- f. giving him money on one or more occasions;

[Redacted]

[Redacted]

2. Her conduct as may be found proven at Allegation 1 took place and/or continued notwithstanding:

- a. having received advice from the school's HR department via e-mail on or around 8th February 2017 to the effect that:

- i. she should avoid one to one meetings with Pupil A;

- ii. Pupil A was a vulnerable pupil;

- iii. Pupil A might misinterpret attention from her.

- b. that she was subject to a school investigation which included her conduct towards Pupil A in or around March – July 2017;

- c. that she was asked during a school investigation interview on 27th March 2017:

- i. whether she had ever contacted a pupil using her personal mobile phone and stated that she had not;

ii. whether she had any pupils' telephone numbers and stated that she did not.

d. that during a school disciplinary hearing on 19th July 2017 she:

i. instructed and/or permitted her representative to state that she had avoided 1:1 meetings with Pupil A between 8th February 2017 and 19th July 2017;

[Redacted]

iii. stated that she was taking steps to avoid any further issues arising in respect of her professional conduct despite having exchanged approximately 62 calls with Pupil A three days earlier on 16th July 2017 and/or proceeding to exchange approximately 100 calls with Pupil A five days later on 24th July 2017;

e. having receiving a formal written warning from the school on 20th July 2017 resulting from their investigation which included her conduct towards Pupil A.

3. She stated to the police during interview on 15th August 2017 that she had only kept in touch with Pupil A via text after she had left the school when in fact she had:

i. exchanged telephone calls with Pupil A;

ii. been communicating with Pupil A by telephone and/or electronic messages prior to him leaving the school on or around 28th June 2017;

[Redacted]

5. Her conduct as may be found proven at Allegations 2(c), 2(d), 2(e) and (3) was dishonest and/or lacked integrity.

In response to the panel's preliminary decision to exclude certain hearsay evidence, the TRA confirmed that no evidence would be put forward in relation to allegations 1(a), 1(e), 1(g) and 1(h).

In relation to the remaining allegations, Ms Griffiths admitted the facts of allegations 1(b), 1(c), 1(d), 1(f), 2(a), 2(b), 2(c) and 2(d).

Allegation 5 was admitted in part whereby it was accepted that Ms Griffiths' conduct lacked integrity in relation to allegation 2(c) insofar as she did not disclose the existence of her telephone communications with Pupil A.

Allegation 5 was otherwise denied as were allegations 3 and 4.

Ms Griffiths also denied that her actions amounted to unacceptable professional conduct or conduct that may bring the profession into disrepute.

Preliminary applications

Application for Ms Griffiths' parents to be present throughout the hearing and to give evidence

The panel was informed on the morning of the first day of the hearing, for the first time, that Ms Griffiths wished to call both her parents to give evidence on her behalf at the factual stage of these proceedings.

Unfortunately, no witness statements have been submitted for either individual. Accordingly, it was unclear precisely what they would be saying in evidence, other than it was confirmed it would address, in some respects, Ms Griffiths' state of mind and therefore certain of the allegations she faces in these proceedings.

Despite this indication, it was requested that Ms Griffiths be allowed to have both of parents present, Individual A in person with her daughter and Mr Griffiths virtually, throughout the hearing, including during the evidence from the TRA's witnesses.

The basis for the request was Ms Griffiths' [Redacted], whereby it was suggested the presence of her parents was a reasonable adjustment warranted and necessary due to her specific circumstances.

The request was opposed by the TRA.

It was submitted that the effect of adhering to this request would be that the independence of their evidence would be compromised through the fact they would be able to hear the evidence provided by the other witnesses. It was further suggested that fairness and Ms Griffiths' concerns could be achieved by the provision of appropriate breaks during the hearing.

The panel carefully considered the parties' submissions and accepted the legal advice provided.

On balance, the panel decided to refuse Ms Griffiths' request. It concluded it would be contrary to the interests of justice for Mr Griffiths and [Individual A] to sit through the entirety of the case and hear all of the other evidence before being called to give evidence themselves. That was not appropriate and outweighed Ms Griffiths' concerns.

The panel's concerns were heightened by the fact that no witness statement had been produced for either parent.

The panel had no objection to Ms Griffiths seeking the assistance of another friend or relative, one who is not giving evidence on her behalf, to be present with her throughout the hearing. The panel recognised that these proceedings will be extremely stressful for Ms Griffiths and that was a heightened concern in this case given [Redacted]

However, if Ms Griffiths is of the view that her concerns [Redacted] can only be assuaged by one or both of her parents being present, then unfortunately that would mean she will be unable to call them to give evidence on her behalf at the first stage of these proceedings.

Ultimately, that is a matter for Ms Griffiths.

If Ms Griffiths were to decide she did want one or both of her parents to give evidence, meaning they could not be present from the point at which evidence is presented to the panel, it will be necessary for them to produce witness statements ahead of doing so.

The panel did not think it was appropriate or fair for it and the presenting officer to be given no advance notice of what they intend to say in their evidence-in-chief.

Accordingly, if Ms Griffiths wants to call upon one or both of their parents to give evidence, statements need to be produced and served by no later than 11:00am tomorrow, day 2 of the hearing, 5 July 2022.

If Ms Griffiths wished to call either parent and produced a statement(s) to that end, they would be unable to attend the hearing until they are called as witnesses.

Application to exclude hearsay evidence

The panel considered an application made on behalf of Ms Griffiths for certain hearsay evidence to be excluded.

In considering the application, the panel had careful regard to parties' submissions. It accepted the legal advice provided.

The application concerned the following witnesses:

- Individual B; and
- Pupil C.

Statements from both individuals were included in the hearing papers. However, neither would be giving oral evidence in this case.

In relation to Individual B, it was suggested on behalf of the TRA that she was never going to be called as a witness and had not been listed as a witness in the Notice of Proceedings. No specific reason was put forward by way of explanation.

In relation Pupil C, it was confirmed that it was expected he would attend up to last Friday, 1 July 2022. On that date, via Pupil C's father, it was communicated that he was no longer attending. It was unclear why contact had occurred with Pupil C's father rather than Pupil C directly given he was now an adult. However, it was apparent that communication had been with Pupil C's father throughout these proceedings.

On behalf of Ms Griffiths it was submitted that, in the absence of these witnesses, their statements should be excluded.

Given the seriousness of the allegations it was submitted it would be unfair to rely upon their evidence given they could not be cross-examined. Further, in relation to Pupil C, it was submitted his statement was the sole or decisive evidence in support of certain charges, namely allegations 1(a), 1(e), 1(g) and 1(h).

It was submitted that fairness could not be met by assessing the weight to be attached to their accounts and reference was also made to the fact that no good reason had been put forward for their absence.

On behalf of the TRA, it was submitted there was a good reason for Pupil C's absence in that he had confirmed he was uncomfortable about giving evidence.

It was also submitted that Pupil C's evidence was not the sole or decisive evidence in relation to all of the allegations suggested on behalf of Ms Griffiths and that Individual B evidence was not sole or decisive in any respect.

Further, it was contended that fairness could be met by the panel considering the extent to which there was corroborating evidence and deciding what weight, if any, should attach to the evidence of Pupil C and Individual B.

On balance, the panel agreed to the application and decided this hearsay evidence should be excluded, for the following reasons:

- In the absence of Individual B and Pupil C, the panel will be unable to test the reliability of their evidence. This was a matter of particular concern in relation to Pupil C given his account was the sole and decisive evidence in relation to, at the very least, allegation 1(g).
- Whilst Individual B evidence was not sole or decisive, it was nevertheless very important. For example, in paragraph 2 of Individual B statement, she refers to what she was told by Pupil A's mother and it also addresses the nature of and outcome of the police investigation. In Individual B absence, this evidence could not be tested.
- The gravity of the allegations made against Ms Griffiths and the seriousness of the potential consequences for her were such that a fair hearing would be

compromised should this evidence be admitted as hearsay. The panel had firmly in mind the seriousness of the case, particularly in terms of the importance of these proceedings to Ms Griffiths.

- No satisfactory reason has been put forward for either witnesses' non-attendance. In relation to Individual B, there was no clear and obvious reason at all. In relation to Pupil C, the panel was informed that the only reason was a stated reluctance delivered by Pupil C's father, indirectly, at very late notice.
- The panel did not agree that fairness could be met by admitting the evidence and affording such weight that the panel considered appropriate.

In summary, the panel considered that the admission of this evidence as hearsay would result in manifest unfairness to Ms Griffiths.

Whilst it took account of the public interest in serious allegations being properly considered, Ms Griffiths' position would be unfairly prejudiced, if she is unable to cross-examine these witnesses, to an extent that warranted the exclusion of this evidence. The introduction of this evidence as hearsay would compromise a fair hearing.

Application for the hearing to be held in private

An application was made on behalf of Ms Griffiths to hear these proceedings in private.

It was submitted that these proceedings engaged extremely private and personal matters. These were addressed in the submissions made and included Ms Griffiths' [Redacted] issues that arose during the course of it, a subsequent dispute of a family nature and [Redacted]. Specific reference was made to Ms Griffiths' [Redacted] and to their potential identification should the hearing be continued in public.

In summary, it was submitted that a private hearing was necessary to safeguard Ms Griffiths' interests, given the nature of the allegations [Redacted]

The application was opposed by the TRA insofar as it was for the entirety of the hearing to be in private.

It was accepted that references to Ms Griffiths' [Redacted] and other private matters should be heard in private.

Whilst some practical suggestions were made to seek to address Ms Griffiths' concerns, it was submitted that all other aspects of the hearing should be heard in public. In summary, it was submitted that the reasons outlined in support of the application were insufficient to depart from the default position of a public hearing and there was a public interest in these allegations being determined in public.

In determining the application, the panel had careful regard to the parties' submissions and it accepted the legal advice provided.

The panel took account of the fact that there is a presumption that hearings of this nature will take place in public and there is a legitimate public interest in the openness and transparency of the TRA's disciplinary procedures.

The panel additionally noted that the outcome of the hearing is to be announced in public in any event.

On balance, the panel agreed that the entirety of the hearing should be heard in private on the specific basis that this was necessary to protect the interests of Ms Griffiths and [Redacted].

In particular, the documents and the evidence likely to be heard by the panel alluded to matters of a [Redacted], if aired in public.

The panel therefore concluded that it was necessary, in the interests of justice and to protect the interests of Ms Griffiths [Redacted], to exclude the public.

The panel gave careful consideration as to whether it would be appropriate for only part of the hearing to be heard in private.

However, in the circumstances it did not consider this was appropriate or practical.

The wider factual background to this case, Ms Griffiths' [Redacted] and the allegations were likely to be closely interwoven in the presentation of this case. The panel concluded there was a risk of significant disruption if it sought to compartmentalise the issues, which was likely to prove an unhelpful distraction and result in a lack of continuity. There was also a risk of sensitive and private information being revealed inadvertently if it attempted to hear even a limited part of the hearing in public.

Application to admit late documents

The panel considered an application made on behalf of Ms Griffiths, on the afternoon of day 2 of the hearing, to admit the following documents:

- Ms Griffiths' statement in response to the allegations;
- Statements from Ms Griffiths' parents;
- Further character/mitigation evidence.

All of the documents were provided to the panel on the morning of day 2. In relation to the latter category, it was confirmed that this included two further mitigation statements that were not provided to the panel at the time the application was made.

The timing of the application was extremely regrettable. The panel was not persuaded that the procedural issues referred to by the parties, including with reference to the hearing bundle, afforded an adequate explanation for the delay.

Ms Griffiths could and should have submitted this evidence in advance of the hearing. The fact that there were elements to the bundle that were not agreed did not afford an excuse. There was a very good reason why the parties are expected to provide documentation in advance of the hearing and this application has resulted in a wasted day, with a consequential impact on the witnesses who were scheduled to give evidence.

Nonetheless, the panel agreed to admit the documents. There was no dispute that they were relevant to the issues the panel would need to consider. It was also appropriate to admit them in the interests of a fair hearing. Whilst the TRA understandably took issue with the timing, which had impacted on preparedness, it was accepted that it was not unfairly prejudiced to an extent that the presenting officer's ability to present the case was compromised.

The documents were accordingly added to the case papers.

Application of no case to answer in relation to allegations 3 and 5 (in part)

The panel considered a submission, at the conclusion of the TRA's case, that there was no case to answer in relation to allegation 3 and also allegation 5 insofar as it was relevant to allegation 3.

The panel had careful regard to the submissions of both parties and it accepted the legal advice provided.

On behalf of Ms Griffiths, it was submitted that there was no evidence before the panel in relation to allegations 3(i) and (ii) and, therefore, allegation 5 insofar as it concerns allegation 3.

It was submitted that the only relevant evidence was the police interview conducted with Ms Griffiths on 16 August 2017, which was not verbatim.

Insofar as it was alleged that Ms Griffiths answered, in response to a question from the police, without reference to her telephone calls with Pupil A, it was submitted that was reliant on speculation as to what Ms Griffiths was asked, which was not recorded in the interview note. Reference was also made to the general context whereby Ms Griffiths attended on a voluntary basis, made admissions and had already handed over her phone to the police.

As regards the alternative proposition that Ms Griffiths is recorded as stating she had only kept in touch with Pupil A via text message after he had left school for good, as regards whether or not this was true it was suggested it would depend on Ms Griffiths' understanding and interpretation of when Pupil A had left school and it was noted there were no actual messages included in evidence.

Accordingly, it was submitted that the panel could do no more than speculate on the basis of the available evidence and there was no clear, direct evidence in support of the allegations.

On that basis, even taking the TRA's case at its highest, the panel could not find these allegations proved.

The submissions made on behalf of Ms Griffiths in relation to these issues were carefully considered by the panel.

The application was opposed by the TRA.

In short, it was submitted that there was a case to answer on the basis that there was sufficient evidence and to discontinue the allegations was a step too far, particularly given decisions have to be made on the balance of probabilities and inferences can properly be drawn.

Over and above the police evidence, the panel was referred to the evidence relating to what the School directed in relation to Pupil A and the evidence of the communications that took place.

In considering this submission, the panel carefully considered all of the evidence before it relating to allegation 3.

Having done so, the panel concluded, on balance, that Ms Griffiths' application should not succeed.

First, for present purposes it was satisfied that it could not be said that the evidence relating to allegation 3 was so unreliable that the allegations were not capable of being proved.

Secondly, whilst it recognised the police evidence was not verbatim, which will be a relevant factor to be considered in due course, on balance it was satisfied that the nature of the evidence that was available was not so unsatisfactory that the panel could not find these allegations proved.

Whether the evidence was sufficient to result in the allegations being proved will be a matter for the panel to consider in due course at the conclusion of the evidence, having regard to the burden and standard of proof. For that reason, the panel determined it

would not be appropriate to pass further comment on the evidence presented by the TRA in relation to these matters.

For present purposes, it concluded there was a case to answer in relation to allegation 3 and 5 as it relates to allegation 3. The submission that there is no case to answer is accordingly dismissed.

Summary of evidence

Documents

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

Section 1: Notice of Proceedings – pages 6 to 10

Section 2: Anonymised pupil list – pages 12 to 13

Section 3: Teaching Regulation Agency witness statements – pages 15 to 29

Section 4: Teaching Regulation Agency documents – pages 31 to 280

Section 5: Teacher documents – pages 282 to 307

In addition, the panel agreed to accept the following:

- A witness statement from Ms Griffiths;
- A witness statement from Individual A, [Redacted]
- A witness statement from Individual C, [Redacted]; and
- Further character/mitigation evidence.

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 by the presenting officer:

- Individual D, [Redacted];
- Individual E, [Redacted]; and
- Individual F, [Redacted].

Ms Griffiths gave evidence to the panel and called her parents to give evidence on her behalf, Individual A and Individual C.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Introduction

Ms Griffiths was previously employed as a maths teacher at Benton Park School ("the School").

She began working at the School on 1 September 2014.

Ms Griffiths was subject to an investigation following complaints regarding her conduct being raised by a parent in March 2017.

That investigation concluded on 26 June 2017 and Ms Griffiths attended a disciplinary hearing on 20 July 2017. At the conclusion of the hearing, it was decided that Ms Griffiths should be issued with a written warning to remain on her record for 6 months.

Very shortly afterwards, on or around 9 August 2017, the School was notified of further allegations by a parent, including that Ms Griffiths had engaged in an improper relationship with a pupil.

The pupil in question was Pupil A, who also formed part of the earlier investigation.

The panel was informed that Pupil A was considered to be [Redacted] by the School. [Redacted] had become a member of Ms Griffiths' [Redacted] in or around November 2017.

Whilst it was suggested Pupil A [Redacted], he was allowed to attend the School to complete his examinations in the summer of 2017 and was understood to have been considered as a pupil until, at the very earliest, the last weekend of June 2017. There was also a suggestion that Pupil A was provided with some support by the School beyond that. [Redacted].

The report from the parent led to a LADO referral and the police were notified. On or around 7 September 2017, Ms Griffiths was suspended pending the outcome of any police investigation.

In August 2017, Ms Griffiths was interviewed by the police and her mobile telephone and another device were handed over for investigation.

In November 2017, the School was notified by the police that no further action would be taken. It also provided the School with evidence obtained from Ms Griffiths' phone.

The School subsequently commenced its own investigation. [Redacted] at the School, was appointed as investigating officer.

On 2 March 2018, prior to the conclusion of that investigation, Ms Griffiths resigned from her position at the School.

On 27 March 2018, Ms Griffiths was referred to the TRA by the School.

Evidence considered by the panel

The panel carefully considered all of the written and oral evidence presented and the submissions made. It accepted the legal advice provided.

The panel heard evidence from the following witnesses who were called by the presenting officer:

- Individual E, [Redacted];
- Individual F, [Redacted]; and
- Individual D, [Redacted].

The TRA also relied upon hearsay evidence provided via the police and the School, including from Pupil A and other individuals spoken to during the course of the various investigations undertaken.

The panel was satisfied that the admission of this evidence did not give rise to any unfairness in the specific circumstances of this case.

Nonetheless, the hearsay evidence presented was considered with appropriate caution and if and where it was relied upon, this is addressed in the panel's reasons, below.

Ms Griffiths attended the hearing and was represented by counsel. She admitted the facts of allegations 1(b), 1(c), 1(d), 1(f), 2(a), 2(b), 2(c) and 2(d).

Allegation 5 was admitted in part, whereby it was accepted that Ms Griffiths' conduct lacked integrity in relation to allegation 2(c), in that she did not disclose the fact of her telephone contact with Pupil A.

Allegation 5 was otherwise denied as were allegations 3 and 4.

Ms Griffiths also denied that her actions amounted to unacceptable professional conduct or conduct that may bring the profession into disrepute.

Ms Griffiths additionally called her [Redacted] to give evidence on her behalf, Individual A and Individual C.

The panel confirms it has not relied upon any findings made, or opinions expressed, during the earlier investigation process. It formed its own, independent view of the allegations based on the evidence presented to it. That was a particularly important consideration in this case given the panel had sight of unredacted documentation within the hearing papers setting out findings from the School's investigations and various opinions expressed in relation to Ms Griffiths' conduct. Such evidence was, therefore, disregarded.

Similarly, insofar as there were references within the evidence to other failings on the part of Ms Griffiths, these were also disregarded. This was another important consideration in this case. The fact that Ms Griffiths had been subject to an earlier investigation, which involved Pupil A to some extent, formed part of the factual matrix to this case as did the outcome.

However, full details of that investigation, including widespread allegations regarding Ms Griffiths' conduct within the classroom, had been included within the case papers despite the fact that such matters were not subject to specific allegations in these proceedings.

Accordingly, other than where this evidence was relevant to a specific allegation or was relevant contextually, in relation to Ms Griffiths' dealings and relationship with Pupil A, it was also disregarded. As well as being otherwise irrelevant to the allegations in this case and thereby prejudicial, such other criticisms that had been made against Ms Griffiths were predicated on hearsay evidence that would not be tested through these proceedings.

Further, in relation to allegations 1(a), 1(e), 1(g) and 1(h), no evidence was presented by the TRA. That was predicated upon the panel's preliminary determination to exclude certain hearsay evidence, which was also excluded from the panel's deliberations.

Findings of fact

The findings of fact are as follows:

- 1. You engaged in and/or developed an inappropriate relationship with Pupil A in or around approximately November 2016 – August 2017 including by:**

[Redact]

- b. exchanging telephone calls and/or electronic messages with him;**
- c. meeting with him away from school;**

d. permitting him to visit you at your home;

[Redact]

f. giving him money on one or more occasions;

[Redact]

[Redact]

In response to the panel's preliminary decision to exclude the hearsay evidence of Pupil C and Individual B, the TRA confirmed that no evidence would be called in relation to allegations 1(a), 1(e), 1(g) and 1(h).

The panel accepted this was an appropriate step in the circumstances and was satisfied that there was no other direct evidence in support of these allegations.

As a matter of formality for the purposes of this decision, it follows that allegations 1(a), 1(e), 1(g) and 1(h) were not subject to a specific determination. Insofar as it may be necessary for the formal record, they should be recorded as not proved.

The panel proceeded to consider allegations 1(b), 1(c), 1(d) and 1(f), which it did so together given they were inextricably connected.

The panel was informed that, following the complaint received by the School in August 2017, the police proceeded to investigate Ms Griffiths, which included speaking with Pupil A on 10 August 2017. The panel was presented with documentation produced by the police which recorded information provided by Pupil A and his mother.

It was apparent that no direct disclosures were made by Pupil A to the police regarding an inappropriate relationship with Ms Griffiths.

That same date, the police attended Ms Griffiths' home and took possession of her mobile phone, which was subsequently downloaded.

Through further enquiries made by police, including examination of Ms Griffiths' phone and an interview conducted with her, it was identified that:

- Messages were exchanged between Ms Griffiths and Pupil A, who was saved as 'Boo' in her phone.
- The volume of messages could not be identified as they had been deleted.
- There were records of telephone calls, some of which were said to have lasted for up to an hour, including for example:
 - 58 calls on 16 May 2017;
 - 62 calls on 16 July 2017; and
 - Over 100 calls on 24 July 2017, 83 of which were made by Ms Griffiths.

- A total of 1,764 calls were logged as having taken place between Ms Griffiths and Pupil A from April to August 2017.
- As well as phone calls and messages, contact occurred via Facetime.
- There was contact of some nature between Ms Griffiths and Pupil A most days in this period.
- Content deemed relevant to the investigation was discovered within the notes section of Ms Griffiths' phone, albeit it could not be confirmed whether these directly correlated to actual messages sent to Pupil A.
- Ms Griffiths had previously given Pupil A money, which she had indicated was for food as his mother worked at an [Redacted].
- Ms Griffiths admitted that Pupil A attended her home for 'tea', whilst her children were present, [Redact]. This took place approximately 3 weeks prior to her police interview on 16 August 2017.
- Ms Griffiths asserted she and Pupil A would exchange text messages most days, but they were never about anything [Redact].

In these proceedings, Ms Griffiths did not seek to resile from the admissions she had made to the police, with reference to the allegations in these proceedings. She therefore admitted allegations 1(b), 1(c), 1(d) and 1(f). Her position was, *inter alia*, that:

- Phone call and messages did occur between her and Pupil A and the messages were deleted due to storage issues on her phone. This occurred a few weeks before she was questioned by the police, at a time when she stated she had no intention of having further contact with Pupil A.
- The first telephone contact with Pupil A occurred on 12 April 2017. She had previously thought that the first contact occurred in May 2017, but accepted her phone records confirmed otherwise. Ms Griffiths initially thought she was speaking to Pupil A via the phone of a child of a family friend she was [Redacted], but it became apparent a few weeks later that the phone was in fact Pupil A's.
- Around this time, she believed that Pupil A [Redacted] from the School.
- The notes on her phone, whilst referencing the word 'Boo' in many of the messages, did not all relate to Pupil A but also to other people, [Redacted] and an individual she began communicating with in or around March 2017.
- In relation to those messages which directly referenced Pupil A, Ms Griffiths accepted they were "*intense*" and she was "*horrified reading them*", but she maintained they were never actually sent to him. Ms Griffiths stated she would often write drafts of messages prior to sending them, which was an aspect of [Redacted] she was receiving at the time. Ms Griffiths also stated that certain notes may have been related to a draft novel she had begun working on.

- Insofar as the messages referring to Pupil A included terms such as '*your girl*', these were meant as someone wanting to offer support and she referred to herself in similar terms in conversations with others, including her own children.
- In relation to the volume of calls, Ms Griffiths asserted that a review of her phone undertaken by her father suggested that around 80% were of 30 seconds or less, which suggested to her that they were unanswered or directed to voicemail.
- Ms Griffiths claimed a similar pattern was discovered in relation to other people she called.
- Whilst Ms Griffiths accepted she met Pupil A away from school, this was never alone, on a one-to-one basis.
- The only in person contact between them occurred at the [Redacted] she was involved with, when other people were present, apart from on one occasion when Pupil A came to her house accompanied by Young Person Z, when her children were also present.
- In relation to that incident, Ms Griffiths stated this was not pre-planned, Pupil A did not attend alone but was with Young Person Z and it occurred at some point after [Redacted] in July 2017.
- She gave Pupil A money on approximately 3 or 4 occasions in July 2017, in the region of £5, which was provided indirectly via Young Person Z.

On the basis of Ms Griffiths' admissions, which were consistent with the other evidence before the panel, it found particulars 1(b), 1(c), 1(d) and 1(f) proved.

The panel went on to consider the stem of allegation 1, namely whether, by her actions, Ms Griffiths engaged in and/or developed an inappropriate relationship with Pupil A in the period specified, which she admitted.

The panel agreed. Ms Griffiths had a duty to maintain appropriate professional boundaries with all her pupils. By her conduct in relation to these allegations, Ms Griffiths allowed those professional boundaries to be blurred in relation to Pupil A. By her own admission, Ms Griffiths exhibited very poor judgment. It followed that she did engage in an inappropriate relationship with Pupil A which she allowed to develop in each of the respects found proved in relation to particulars 1(b), (c), (d) and (f), whether or not she was motivated to offer support to Pupil A.

2. Your conduct as may be found proven at Allegation 1 took place and/or continued notwithstanding:

- a. **having received advice from the school's HR department via e-mail on or around 8th February 2017 to the effect that:**
 - i. **you should avoid one to one meetings with Pupil A;**

ii. Pupil A was a vulnerable pupil;

iii. Pupil A might misinterpret attention from you.

The panel heard from Individual D that Pupil A was considered a [Redacted], initially due to [Redacted]. She stated:

"Pupil A had difficulty regulating his emotions, [Redacted]. For these reasons the school provided a lot of support for Pupil A including [Redacted]"

Individual D sent an email to Ms Griffiths on 8 February 2017, which referred to the fact that Pupil A was "[Redacted]" at that time and may "*mis-interpret individual attention*". Ms Griffiths was, as a consequence, formally directed not to have any one-one-meetings with Pupil A. A copy of this email was included in evidence.

In her evidence to the panel, Individual D confirmed that this email and a related discussion she had with Ms Griffiths were prompted by concerns that Pupil A was becoming increasingly dependent on Ms Griffiths. stated that Ms Griffiths had previously been warned about such a concern in relation to another pupil by the School.

Ms Griffiths accepted that she received this email and therefore admitted the facts of allegations 2(a)(i) to (iii), albeit she asserted that she did not believe Pupil A was formally recorded as a [Redacted] on the School's SIMS system.

The panel therefore found allegation 2(a) proved whereby Ms Griffiths did act as now found proved pursuant to allegation 1 having received this advice.

b. that you were subject to a school investigation which included your conduct towards Pupil A in or around March – July 2017;

The panel was informed that the School's original investigation was prompted by a complaint from a parent regarding pupil progress and behaviour together with concerns as to Ms Griffiths' conduct within the classroom.

A LADO referral was made and Ms Griffiths was notified there would be a formal disciplinary investigation. Whilst she was not formally suspended, Ms Griffiths did remain absent until the conclusion of the investigation, which included a period of sickness absence.

It was readily apparent from the evidence before the panel that Pupil A formed part of the issues considered by the School, particularly the suggestion that Ms Griffiths had exhibited favouritism towards him within her class.

As part of the investigation, statements, albeit unsigned and undated, were taken from pupils in Ms Griffiths' class and a teaching assistant. Ms Griffiths was interviewed on 24 March 2017.

The investigation concluded on 26 June 2017 and a disciplinary hearing took place on 20 July 2017. At the conclusion of that hearing, it was decided that Ms Griffiths should be issued with a written warning for 6 months.

Individual E gave evidence that:

"During this hearing Ms Griffiths accepted that she had not met professional expectations, these being centred around professional boundaries with pupils and that she needed to ensure that these were tighter in her classroom. Ms Griffiths also accepted that some of her conversations with pupils were inappropriate for a maths lesson and she realised that a lesson needed to be learnt. Going forward I suggested that the best way to support her would be for Ms Griffiths to adhere to the Attitude to Learning Policy and the Safe Working Practice Guidance."

There was no dispute in relation to this chronology of events. Ms Griffiths fully accepted that she was a subject to this investigation and that it included elements of her conduct with reference to Pupil A.

The panel therefore found allegation 2(b) proved.

- c. that you were asked during a school investigation interview on 27th March 2017:**
 - i. whether you had ever contacted a pupil using your personal mobile phone and stated that you had not;**
 - ii. whether you had any pupils' telephone numbers and stated that you did not.**

The panel was informed that, during the course of the School's investigation, Ms Griffiths was specifically asked, during her interview on 27 March 2017, whether she had:

- ever contacted a pupil using her own mobile phone; and
- whether she had any pupil's telephone numbers.

It was recorded that she answered in the negative in response to both elements.

This was not disputed by Ms Griffiths. However, she stated her answers were truthful.

As a straightforward question of fact, these allegations were accordingly admitted. Whether or not Ms Griffiths was being truthful will be considered in relation to allegation 5.

Allegations 2(c)(i) and 2(c)(ii) were therefore found proved.

- d. that during a school disciplinary hearing on 19th July 2017 you:**
- i. instructed and/or permitted your representative to state that you had avoided 1:1 meetings with Pupil A between 8th February 2017 and 19th July 2017;**

[Redacted]

- iii. stated that you were taking steps to avoid any further issues arising in respect of your professional conduct despite having exchanged approximately 62 calls with Pupil A three days earlier on 16th July 2017 and/or proceeding to exchange approximately 100 calls with Pupil A five days later on 24th July 2017;**

The panel was presented with a transcript of Ms Griffiths' disciplinary hearing. It was recorded within the transcript and not disputed that the following matters were asserted by Ms Griffiths or on her behalf, namely that she:

- had avoided one-to-one meetings with Pupil A between 8 February 2017 and 19 July 2017; and
- was taking steps to avoid any further issues arising in respect of her professional conduct.

In relation to the latter issue, the wording of this allegation referred to the wider context to the hearing, whereby the police documentation identified approximately 62 calls with Pupil A on 16 July 2017 and the fact that Ms Griffiths had proceeded to exchange approximately 100 calls with Pupil A on 24 July 2017.

Once again, Ms Griffiths asserted that the information provided, whether directly or on her behalf, was the truth.

Ms Griffiths maintained in her evidence to the panel that she did not have any meetings of a one-to-one nature with Pupil A within the dates specified, meaning an actual meeting in person, without anyone else present, as opposed to other contact that may have occurred, including via Facetime.

Further, Ms Griffiths' position was that she was trying to take steps to avoid any further issues in terms of her professional conduct.

However, Ms Griffiths accepted that, during the hearing on 19 July 2017, she had what she described as an "*Oh my God, what have I done moment*". She stated:

"I realise now that I should have told the head teacher at this point that I had been exchanging phone calls with Pupil A but I was afraid. I was very worried about losing my job and the impact that would have on my children, [Redacted]"

Ms Griffiths added that upon leaving the hearing, she decided to end all contact with Pupil A and the increase in calls afterwards was part of her efforts to break off contact.

Once more, as a straightforward question of fact, these allegations were accordingly admitted. Whether or not Ms Griffiths was being truthful will, again, be considered in relation to allegation 5.

Allegations 2d(i) to 2(d)(iii) were therefore found proved.

- e. having receiving a formal written warning from the school on 20th July 2017 resulting from their investigation which included your conduct towards Pupil A.**

As noted above in relation to the panel's findings in allegation 1(b), there was no dispute as to the fact that Ms Griffiths received a formal written warning at the conclusion of her disciplinary hearing on 20 July 2017.

The panel therefore found allegation 2(e) proved.

- 3. You stated to the police during interview on 15th August 2017 that you had only kept in touch with Pupil A via text after he had left the school when in fact you had:**

- i. exchanged telephone calls with Pupil A;**
- ii. been communicating with Pupil A by telephone and/or electronic messages prior to him leaving the school on or around 28th June 2017;**

The panel was not presented with a formal transcript of Ms Griffiths' police interview on 15 August 2017, if indeed it was recorded.

Rather, it was provided with summary police notes that had been disclosed to the School. These were limited in scope, not least in that whilst purported answers from Ms Griffiths were documented, whatever questions she had been asked by the interviewer were not included.

The summary notes recorded that Ms Griffiths stated, during the interview:

"... that they [Pupil A and Ms Griffiths] have kept in touch via text message but only after he finished school for good."

As noted already, it was clear, as a matter of fact, Ms Griffiths had been communicating with Pupil A by telephone and messages prior to him formally leaving the School.

Ms Griffiths denied this allegation on the basis that:

- She did not say that she 'only' kept in touch with Pupil A via text.
- In response to a direct question as to whether she contacted him via text, she answered in the affirmative.
- She had no recollection about being specifically asked about telephone conversations and nor was this recorded in the summary notes.

It became apparent during the hearing that Ms Griffiths' initial response to this allegation was predicated on her belief that it was being suggested she had positively asserted communication was by text message only.

However, it was made clear by the TRA that the focus of the allegation was upon the recorded suggestion that text messages were not exchanged until after Pupil A had left school. In addition, the TRA sought to rely upon the fact that Ms Griffiths did not volunteer the existence of the telephone calls that were made, whether or not she was specifically asked about calls.

In that respect, Ms Griffiths accepted she did state that text messages only started after Pupil A left school. Ms Griffiths stated that if she did not mention telephone calls, that was because she was not directly asked. Ms Griffiths' evidence was that she understood that Pupil A had been excluded from school prior to the May half term and was only allowed back for the purposes of his examinations.

The panel therefore found allegation 3 proved and will consider the nature of Ms Griffiths' responses pursuant to allegation 5.

[Redacted]

[Redacted]

The panel did not have the benefit of hearing first-hand, oral evidence from Pupil A. It was not apparent that Pupil A had been directly contacted by the TRA in these proceedings. The only accounts available from Pupil A were in the form of limited, summary notes of what he was alleged to have told others, namely his mother and the

police. In short, it was apparent that he denied there was a [Redacted] between him and Ms Griffiths.

[Redacted]

As noted above in relation to the panel's findings in allegation 1, whilst Ms Griffiths admitted certain behaviours, she sought to put them in context.

For example, whilst she accepted that certain notes found on her phone related to Pupil A, she asserted that the messages were never sent and had to be considered in context. Her evidence was that she was motivated by a desire to be "*maternal*" towards Pupil A, as she was towards all her pupils, and asserted that the language within these notes was consistent with how she spoke to her own children and others.

The panel also took account of the fact that Ms Griffiths was a person of prior good character. Positive evidence was provided in that regard, which was unchallenged.

[Redacted]

The panel's findings in relation to allegation 1 were such that Ms Griffiths had exchanged a significant volume of calls and messages with Pupil A, met with him away from School, allowed him to visit her at home on one occasion, accompanied by Young Person Z, and gave him money indirectly.

In relation to the meetings that occurred, whether at Ms Griffiths' home and with reference to the [Redacted], there was no direct evidence, other than from Ms Griffiths, as regards the precise context in which this contact occurred. The panel heard no first-hand evidence from anyone other than Ms Griffiths as regards when they met outside of the school setting, who was present, in what circumstances and on how many occasions.

In relation to the provision of money, this could potentially be of concern in terms of professional boundaries, given the nature of their relationship and whether or not Ms Griffiths considered Pupil A had left School, particularly given her knowledge of his [Redacted]. However, once again, there was no direct evidence to counter Ms Griffiths' explanation regarding the context in which this money was given.

[Redacted]

Nonetheless, the panel considered it was necessary to consider Ms Griffiths' actions in totality and with reference to the wider context in which they occurred.

First, the panel took particular account of the communications that occurred between Ms Griffiths and Pupil A.

The volume, in terms of messages and calls, as evidenced within the papers, was highly concerning. Indeed, the panel considered there was a clear and obvious intensity to the contact in this period. Even if Ms Griffiths was correct as regards many, if not most, of the calls being unanswered, the least worst-case scenario from her perspective was contact most days and, more often than not, multiple conversations by telephone. Individual C, for example, referred to multiple conversations that occurred whilst Ms Griffiths was with him on holiday, including at the dinner table with him and her own children present.

Secondly, the fact that Pupil A was allowed to attend Ms Griffiths' home, at a time when they were in almost constant and incessant communications, was a relevant factor.

Thirdly, the panel noted that Ms Griffiths had deleted the messages she exchanged with Pupil A shortly before her police interview. This meant the panel, as with the police, was prevented from having sight of the actual messages. The timing of this was unfortunate.

Fourthly, the panel considered what Ms Griffiths did not do at the relevant time, when she was in near daily communication with Pupil A. Whilst she may have been telling the truth when asked about her contact with Pupil A in March 2017, she had ample opportunity before and during the meeting in July 2017 to reveal the nature and extent of their "*intense*" communication to the School.

She neglected to do so.

In the panel's view, this was suggestive of a desire to keep her contact with Pupil A a secret from the School.

The panel considered that her actions were therefore indicative of the fact that Ms Griffiths knew her behaviour was wrong and inappropriate. It followed that the panel considered that Ms Griffiths was acting deliberately in omitting to disclose this information to the School.

That conclusion was rendered all the more probable by the fact that Ms Griffiths did what she did against a backdrop of having been specifically and unequivocally told about the need to maintain professional boundaries with Pupil A. There was no room for confusion on her part as to what the School's expectations were and it was explicitly brought to her attention there was considered to be a risk of dependency on Pupil A's part.

In the panel's view, the fact that Ms Griffiths acted in the way and to the extent she did, with no visibility on the part of the School, did suggest a specific and obvious focus on Pupil A at a time when she was not in school and therefore had no professional need to involve herself in Pupil A's learning or pastoral needs. Rather, she asserted she felt

compelled to help Pupil A, in the same way she claimed she would help anyone seeking similar assistance.

Fifthly, the panel noted that Pupil A was saved in Ms Griffiths' phone as "Boo". This was clearly recorded in the police documentation and was consistent with the fact that Pupil A was referred to by that term within notes on Ms Griffiths' phone. It followed that Ms Griffiths had, at some point, deliberately chosen to name Pupil A by that term, in her phone, rather than by his actual name. That, together with Pupil A being referred to in those terms, evidenced a closeness and familiarity that went far beyond a usual teacher/pupil relationship.

Finally and perhaps most saliently, the panel very carefully considered the notes stored on Ms Griffiths' phone.

The three notes that Ms Griffiths accepted related to Pupil A included the following comments:

- *"If you're really serious about quitting babe I think we should come up with a plan, over summer when everything has settled down and I can help you more. I promise that I will be with you every step of the way, I will hold your hand when your body shakes, I will stay up with you through the sleepless nights, I will be there when it all gets a bit much to distract you and keep you grounded";*
- *"Now that you have someone who loves you for the person that you are, the real you, you can move mountains. I will be there for all the dark times and we will dance in the rain through all the beautiful times. I know what you have inside you, and I will never let you give in to your darkness, you're far too beautiful for that. You're not selfish, you're guarded, there's a huge difference, and I know that because of the way you are with me, that's the real Student A, that's the person you're supposed to be, the Student A that can read me like a book and know exactly what to say and do to make me better, the Student A that doesn't get frustrated with me when I'm being insecure, the Student A that loves all the weird annoying little things I do, the Student A that drops everything to make sure I'm ok, and that Student A is the most beautiful person I know. I got you Boo, always, I'll always be here to remind you of who you really are xx";*
- *"I cannot put in to words how proud I am of you Student A, I know you better than anyone in the whole world and I know for a fact that what you are doing today and for the rest of the week is one of the hardest things you'll ever have to do. You had a choice between the easy option of staying in your comfort zone with me...";*
- *"The bravest thing anyone can do is to look something that terrifies them straight in the eyes and do it anyway, and that's what you're going to do, you're going to hold that perfect head of yours up high, and yes you will find it hard, and yes you*

will have moments where you question what you've done, but this will prove to you what I have been telling you all along baby...there is nothing you can't do, no obstacle you can't overcome, no challenge you cannot master. I promise you that no matter what happens you will look back on this in days, months, years to come and you will remember it as the time you realised that you were capable of anything. And me?? Well I'm the lucky girl who gets to be by your side while you grow into the powerhouse that I know you are";

- *"I will always feel privileged to be a part of your journey baby, and what a journey it's shaping up to be. I've actually cried tears of pure joy tonight because I'm so proud of you, what an amazing man you are Student A, I told you you were made of stardust, I hope that you can see it now. I love you you beautiful, strong, brilliant man, you're perfect xx";*
- *"Student A, I promise you that there will not be a second that goes by that I don't love you.*

I promise that no matter how difficult times get, I will always have your back.

I promise that even if you are wrong I will fight your corner.

I promise that there will never be another night where you question your place in this world, because your place is right beside me.

I promise that I will be fiercely loyal to you, and only you, faithful to a fault and could never stray from your side.

I promise that while I hold breath in my body, I will push you to be the best version of yourself you can be.

I promise that I will hold your broken pieces together when you're not quite strong enough, to give you the time to heal before returning to the powerhouse I know you are.

I promise I will always feel privileged to be a part of your journey.

I promise that every time I look in to your eyes I will be home, no matter where in the world we are.

I promise that I will remind you every single day how beautiful, kind, strong and brave you are.

But most importantly, I promise that I am yours, yours alone, and that I love you with every atom of my being.

Yours is a love that I never thought I'd be allowed to receive, and I thank you every day for the honour of being your girl.

I love you Student A, my Boo, my Lion, my world. I got you baby, I've always got you IP xx"

It follows that these notes included words and phrases, directed at Pupil A whether or not a message in these exact terms was ever sent, evidencing thoughts on the part of Ms Griffiths that clearly have, to some extent, emotional and loving overtones.

Ms Griffiths accepted that they were too "intense", which was why, on her account, they were not sent, which gave an indication of her state of mind at the time the notes were prepared.

Over and above these messages that were acknowledged, by Ms Griffiths, as relating to Pupil A, the panel considered, in context and on the balance of probabilities, it more likely than not that at least one of the other notes were also about or relating to Pupil A to at least some extent.

[Redacted]

It concluded that, particularly in the absence of direct evidence from Pupil A and any of the actual messages exchanged, Ms Griffiths' assertions, including that she was doing no more than trying to be supportive to Pupil A, were plausible.

[Redacted]

The panel also accepted Ms Griffiths' suggestion that the language used in these notes was consistent with how she spoke with others, including her children. It did not, therefore, consider the language was necessarily indicative of a specific focus upon Pupil A that was [Redacted], notwithstanding her acknowledgment as to the intensity of her language and the absence of any similar notes directed at anyone else.

[Redacted] This was in addition to the lack of evidence regarding any contact between them in person, other than on those occasions that Ms Griffiths referred to in her evidence.

[Redacted]

5. You conduct as may be found proven at Allegations 2(c), 2(d), 2(e) and (3) was dishonest and/or lacked integrity.

Having found allegations 2(c), 2(d), 2(e) and 3 proved, the panel went on to consider whether Ms Griffiths' actions were dishonest and/or lacked integrity.

In determining whether her conduct was dishonest, the panel considered Ms Griffiths' state of knowledge or belief as to the facts, before determining whether her conduct was dishonest by the standards of ordinary decent people.

As regards lack of integrity, the panel recognised that integrity denotes adherence to the standards of the profession and therefore considered whether, by her actions, Ms Griffiths failed to adhere to those standards.

Ms Griffiths denied this allegation other than in relation to allegation 2(d)(iii).

As regards the fact that Ms Griffiths did not disclose, at her hearing on 19 July 2017, she was having ongoing communication with Pupil A, Ms Griffiths accepted that her conduct lacked integrity. She did not accept that her actions, in relation to this allegation or at all, were dishonest.

The panel accepted Ms Griffiths' admission in that it agreed her actions, in relation to allegation 2(d)(iii) demonstrated a lack of integrity.

However, the panel went further and concluded that her actions, in relation to this allegation, were also dishonest.

It was clear and obvious that, during this hearing on 19 July 2017, Ms Griffiths was being held to account for her general conduct in relation to professional boundaries, in broad terms. She positively asserted that she was taking steps to avoid further issues of that nature.

It was also clear that, at the point at which that assertion was made, Ms Griffiths was engaging in extensive communication with Pupil A, including approximately 62 calls just a few days beforehand.

In the panel's view, either Ms Griffiths turned a blind eye to her obligations, knowing her actions raised concerns and ignoring them, or her actions were deliberate. On either basis, her actions were dishonest. However, the panel concluded it was more likely than not that Ms Griffiths' actions were deliberate, that she positively chose not to reveal this information despite knowing how pertinent it was. Indeed, Ms Griffiths came close to admitting this in her witness statement, which records that she had an "*Oh my God, what have I done moment*", that she afraid and very worried about losing her job.

It follows that it was more likely than not that at the point at which Ms Griffiths was being asked about these matters, she was aware she was in possession of material information that she consciously decided not to reveal out of fear for the consequences. That was dishonest by the standards of ordinary decent people.

The panel therefore found that Ms Griffiths' conduct in relation to allegation 2(d)(iii) was both dishonest and lacking integrity.

In relation to allegations 2(d)(i) and (ii), Ms Griffiths accepted that it was asserted, by her and her representative, that she had avoided one-to-one meetings with Pupil A at her disciplinary hearing. However, she claimed this was true because she had not, in fact, met with Pupil A, in person, on a one-to-one basis.

Ms Griffiths further asserted, in oral evidence, that whilst she had Facetime calls with Pupil A in this time period, at no time did she see Pupil A's face. Rather, she used it as a visualiser, for example to show example papers.

The panel considered this was highly unlikely and improbable, not least in practical terms. It was more likely than not that Ms Griffiths would have seen Pupil A's face at some point during Facetime calls.

In any event, even on her own case, Ms Griffiths accepted that she was, in effect, tutoring Pupil A, on a one-to-one basis, even if this was not in person. Further, even if Ms Griffiths' assertion had been correct in relation to whether or not she actually saw Pupil A and vice versa, it demonstrated, in the panel's view, that she recognised that what she was doing was wrong.

The panel considered that, in relation to these allegations, Ms Griffiths was seeking to rely upon semantics. Whether in person or not, Ms Griffiths was having one-to-one engagement with Pupil A at this time.

In a similar vein to the panel's findings in relation to allegation 2(d)(iii), it followed she was in possession of material information that she chose not to reveal. The assertion she made, and that she allowed her representative to make on her behalf, was clearly not the whole truth.

At the point at which Ms Griffiths was being asked about this specific issue of one-to-one meetings, she was aware she was in possession of material information that she consciously decided not to reveal.

On that basis, the panel concluded that Ms Griffiths' actions were dishonest by the standards of ordinary decent people and lacked integrity in relation to allegations 2(d)(i) and (ii).

However, in relation to allegations 2(c)(i) to (ii), the panel was not persuaded that Ms Griffiths' conduct was either dishonest or lacking in integrity.

Whilst Ms Griffiths may have been sent the minutes to review subsequently, at the point at which she responded to these specific queries, there was no evidence that Ms Griffiths was in phone contact or that she had Pupil A's telephone number at that precise point in time. To conclude otherwise would be pure speculation.

Allegation 5 was therefore found not proved in relation to allegations 2(c)(i) to (ii).

The panel next considered its findings in relation to allegation 2(e).

Having carefully considered the evidence before it, it was not apparent to the panel on what precise basis it was said Ms Griffiths' conduct was dishonest in relation to her receipt of a formal written warning.

The panel was, therefore, not persuaded that the TRA had proved, to the requisite standard, that Ms Griffiths' conduct was dishonest or lacking integrity in relation to allegation 2(e).

Allegation 5 was therefore found not proved in relation to allegation 2(e).

Finally, the panel considered its findings in relation to allegation 3.

In relation to this allegation, there was a lack of clarity in relation to precisely what Ms Griffiths was asked and what she precisely said by way of answer during the course of this police interview. The panel was not presented with a transcript of the interview and did not hear oral evidence from a police officer who was present. What was available was, in short, unsatisfactory. It was, therefore, simply not possible to determine, either way, whether the information Ms Griffiths provided was accurate or misleading.

In those circumstances, the panel was not persuaded that the TRA had proved, to the requisite standard, that Ms Griffiths' conduct was dishonest or lacking integrity in relation to allegation 3(i) or 3(ii).

Allegation 5 was therefore found not proved in relation to allegation 3.

In summary, the panel therefore found allegation 5 proved in relation to allegations 2(d)(i) to (iii).

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 Ms Griffiths, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Ms Griffiths 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
 - ... 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 also considered whether Ms Griffiths' conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

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 the offence of 'fraud or serious dishonesty' was potentially relevant. The panel will need to make an assessment, in due course, as to the gravity of Ms Griffiths' behaviour in the specific circumstances of this case, recognising that there are different forms of dishonesty. For present purposes, the panel was satisfied that her dishonest conduct could not be regarded as trivial or inconsequential.

Over and above these matters, Ms Griffiths held a position of trust and responsibility as an educator and as an employee. It was incumbent upon her to be open and honest and to act with integrity at all times. She was also a role model to her pupils and had a duty to maintain appropriate professional boundaries at all times.

In the light of the panel's findings, Ms Griffiths had clearly breached her obligations in this regard.

In relation to allegation 1, considered together with 2(a), 2(b) and 2(e) insofar as these formed part of the wider context to Ms Griffiths' actions, the panel noted that Ms Griffiths had received safeguarding training and, most saliently, specific advice in relation to Pupil A. Ms Griffiths was aware that he was a [Redacted].

The panel took into account that the evidence suggested that Ms Griffiths was motivated by a desire to help Pupil A. However, it was nevertheless satisfied that her conduct, in relation to these allegations, considered individually and together, amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

Ms Griffiths' actions amounted to a prolonged failure to maintain appropriate professional boundaries and included distinct and multi-faceted failings. The panel was not considering an isolated incident but failings over a period of some 4 months, evidencing extremely poor judgment on her part.

In particular, Ms Griffiths engaged in private communication with Pupil A to an extent that was highly concerning as was the lack of transparency. Ms Griffiths acted far beyond her

professional remit and whilst she may have been attempting to assist Pupil A with his studies, her conduct ran the risk of being contrary to his best interests. At the very least, her actions ran the risk of Pupil A becoming dependent upon her, which she had been specifically warned about by the School.

Further, the element of secrecy, coupled with the fact that Ms Griffiths was on notice as to the School's expectations, were such that the panel considered she knew that what she was doing was wrong, yet carried on regardless.

Accordingly, the panel was satisfied that Ms Griffiths was guilty of unacceptable professional conduct in relation to its findings in relation to allegation 1, considered together with allegations 2(a), 2(b) and 2(e).

The panel arrived at the same conclusion in relation to its findings in relation to allegations 2(d)(i) to (iii) and 5, which were also considered together.

In each of the respects found proved, Ms Griffiths acted dishonestly and lacked integrity and her actions did amount to unacceptable professional conduct.

However, the panel was not satisfied that Ms Griffiths' conduct in relation to allegations 2(c) or 3, whether considered individually or together with the other allegations, amounted to unacceptable professional conduct. It arrived at that conclusion for the same reasons outlined in its findings in allegation 5, whereby Ms Griffiths' conduct in relation to these allegations was not dishonest or lacking integrity.

Accordingly, the panel was satisfied that Ms Griffiths was guilty of unacceptable professional conduct on the specific basis set out above.

In relation to whether Ms Griffiths' actions may bring the profession into disrepute, 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.

Whilst she may have been attempting to help Pupil A, she did so unilaterally, did not follow proper channels and acted outside her remit. The public, rightly, do not expect teachers to engage in private communication with pupils, particularly to this extent, or to behave dishonestly and without integrity.

In context, the findings of misconduct with reference to allegations 1 (considered together with allegations 2(a), 2(b) and 2(e)), 2(d) and 5 are serious, if not the other proven allegations, and the conduct displayed in relation to those allegations 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 Ms Griffiths' actions constituted conduct that may bring the profession into disrepute.

In summary, in relation to the facts of allegation 1, considered in conjunction with allegations 2(a), 2(b), 2(e), allegation 2(d) and allegation 5, the panel further found that Ms Griffiths' 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 maintenance of public confidence in the profession, declaring and upholding proper standards of conduct, and the interest of retaining the teacher in the profession.

There was a strong public interest consideration in respect of the protection of pupils, given the serious finding of an inappropriate relationship with a [Redacted] pupil.

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

The panel decided that there was a public interest consideration in retaining Ms Griffiths in the profession, provided that she presents no ongoing risk to pupils.

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 Ms Griffiths.

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 Griffiths. 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;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving [Redacted] pupils);
- dishonesty;

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.

In the light of the panel's findings, it concluded that Ms Griffiths' actions were, in important respects, deliberate. Further, she was not acting under duress from a third party. The panel did though note that there were no previous proven allegations against her, she was early in her teaching career, and she was of good character. The panel accepted evidence from her and others as to her caring nature, and her account that she felt obliged when asked to help Pupil A [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, 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 not adequately capture the public interest considerations present in this case, despite the severity of the consequences for Ms Griffiths of prohibition.

The panel recognised that the proved conduct had taken place five years ago, and that since then, Ms Griffiths' circumstances have changed considerably. Her serious domestic problems have improved, [Redacted] she is now managing her [Redacted]. She has shown remorse and partial insight. The panel considered that her remorse was sincere.

The panel also agreed that her dishonesty was at the lower end of the spectrum. It was not a deliberate fraud, but was a knowing concealment driven by fear of serious personal and professional consequences, [Redacted].

The panel considered that, if it could be confident that there was no risk of repetition, publication of its findings would have been sufficient to meet the public interest.

However, the panel considered that although Ms Griffiths has shown partial insight, she has not fully demonstrated that she no longer presents a risk to pupils. She did not appear to recognise that safeguarding procedures serve to protect staff as well as pupils. Although in her evidence, she said she would act differently now, the panel did not see sufficient evidence that she had expressly made the link between her serious failure to have regard to clear guidance, policies and instructions around boundaries and safeguarding, and the potential for harm to pupils and staff. The panel did not consider that in her evidence, she demonstrated an understanding of the importance of national and local policies for the protection of pupils and staff, or a commitment to comply with them in the future. Ms Griffiths said she would act differently now, but did not say how she would act differently, or show understanding that compliance with the safeguarding regime and advice around it was essential to protect pupils and staff. While her motivations may have been sound, a caring nature is not enough to protect pupils and staff if professional boundaries are not maintained. Although Ms Griffiths may have benefitted from more support from the School at the time of the incidents, she did receive clear warnings about what she needed to do to maintain professional boundaries, which she did not heed.

In these circumstances, the panel could not be confident that she would be able to avoid falling into a similar situation in future, thereby compromising pupil safeguarding and well-being. Given that risk, the panel concluded that publication of its findings alone would not be sufficient to meet the public interest in the protection of pupils, nor to maintain public confidence in the profession. The public is entitled to expect robust assurance that the risk of repetition is negligible. The panel did not consider this assurance was present.

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 Griffiths, with the unresolved risk of repetition 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 2 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 these behaviours were present. Although there was dishonesty, it was at the lower end of the scale.

The panel decided that the findings set out above 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. The panel recommends that after 2 years, if Ms Griffiths is able to demonstrate that her insight has developed and so she no longer presents a risk to pupils, a prohibition order may no longer be required, and therefore, it would be appropriate for there to be an opportunity for her to ask for a review at that point.

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 a number of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven, including allegation 4, I have therefore put those matters entirely from my mind.

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

In particular, the panel has found that Ms Griffiths 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
 - ... 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 Griffiths amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The findings are particularly serious as they include findings of dishonesty and actions that amounted to a prolonged failure to maintain appropriate professional boundaries.

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 Griffiths, 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/safeguard pupils. The panel has observed, "While her motivations may have been sound, a caring nature is not enough to protect pupils and staff if professional boundaries are not maintained."

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "She (Ms Griffiths) has shown remorse and partial insight. The panel considered that her remorse was sincere." The panel also observed, "the panel considered that although Ms Griffiths has shown partial insight, she has not fully demonstrated that she no longer presents a risk to pupils. She did not appear to recognise that safeguarding procedures serve to protect staff as well as pupils."

A prohibition order would therefore prevent such a risk from being present in the future. In my judgement, the lack of full insight means that there is some risk of the repetition of this behaviour and this puts at risk 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, "public confidence in the profession could be seriously weakened if conduct such as that found against Ms Griffiths was 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 Ms Griffiths herself. The panel comment “The panel did though note that there were no previous proven allegations against her, she was early in her teaching career, and she was of good character.”

A prohibition order would prevent Ms Griffiths from teaching, and it would clearly deprive the public of her contribution to the profession for the period that it is in force. I have however, given less weight in my consideration of sanction, to the contribution that Ms Griffiths has made to the profession. In my view, it is necessary to impose a prohibition order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by full 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 also agreed that her dishonesty was at the lower end of the spectrum. It was not a deliberate fraud, but was a knowing concealment driven by fear of serious personal and professional consequences.” The panel has also said that, “if Ms Griffiths is able to demonstrate that her insight has developed and so she no longer presents a risk to pupils, a prohibition order may no longer be required, and therefore, it would be appropriate for there to be an opportunity for her to ask for a review at that point.”

I have considered whether not allowing a review period reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. In this case, two factors mean that allowing a two-year review period is sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the dishonesty being at the lower end of the spectrum and that partial insight was shown.

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

This means that Ms Kate Griffiths 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 23 August 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, Ms Griffiths remains prohibited from teaching indefinitely.

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

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



Decision maker: John Knowles

Date: 17 August 2022

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