



Teaching
Regulation
Agency

Mrs Joanne Phillips: Professional conduct panel outcome

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

June 2021

Contents

Introduction	3
Applications	3
Allegations	4
Summary of evidence	5
Witnesses	6
Decision and reasons	6
Findings of fact	8
Panel's recommendation to the Secretary of State	14
Decision and reasons on behalf of the Secretary of State	17

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

Teacher:	Mrs Joanne Phillips
Teacher ref number:	2072413
Teacher date of birth:	29/12/1980
TRA reference:	18025
Date of determination:	16 June 2021
Former employer:	The Tong Leadership Academy, West Yorkshire

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 16 June 2021, to consider the case of Mrs Joanne Phillips.

The panel members were Mrs Melissa West (teacher panellist – in the chair), Mrs Shabana Robertson (lay panellist) and Mr Duncan Tilley (lay panellist).

The legal adviser to the panel was Mr Tom Walker of Blake Morgan LLP Solicitors.

The presenting officer for the TRA was Mr Jacob Ricketts of Capsticks LLP Solicitors.

Mrs Phillips was neither present nor represented.

The hearing took place in public and was recorded.

Applications

The presenting officer made two applications as follows:

1. For the hearing to proceed in the absence of Mrs Phillips;
2. For the allegations to be amended as follows:
 - a. Insert the word 'more' after 'or' in allegation 1 (i)
 - b. Amend allegation 4 to read on or before 29 June 2018

Proceeding in absence and amending the charges

The panel notes that the Notice of Proceedings dated 16 April 2021 was served on Mrs Phillips at her last known address, and served electronically on this date at an email address known to be used by Mrs Phillips.

The panel is thus satisfied that notice of this hearing has been served at least 8 weeks prior to the hearing in accordance with the Teacher Misconduct: Disciplinary procedures for the teaching profession (2018) (Rule 4.11, 4.27-30).

The panel notes that Mrs Phillips has not engaged in the proceedings to date and has not responded to any communications from the TRA. There is no indication that adjourning this hearing would serve any useful purpose and the panel is satisfied that Mrs Phillips has voluntarily absented herself. The panel has had regard to the public interest in these proceedings taking place reasonably promptly and is satisfied that there is no useful purpose in adjourning. Two witnesses are in attendance, and the panel notes that these allegations relate to matters said to have occurred in 2017-18. The panel has decided it is in the interest of justice to proceed in the absence of Mrs Phillips.

The panel then went on to consider the application to amend the charges. The panel has carefully considered whether there is any prejudice to Mrs Phillips as regards the proposed amendment.

The first proposed amendment simply remedies a typographical error, and the missing word (or 'more') has been previously referred to in documents sent to Mrs Phillips. The panel is of the view that it is appropriate and in the interests of justice to allow the amendment.

The second proposed amendment relates to allegation 4 and to replace 'on or around 29 June 2018' with 'before 29 June 2018'. The basis for the application is that the social media posts in question, and referred to in the bundle, were said to be in March as opposed to June 2018. The panel is of the view that this amendment does not fundamentally alter the nature of the charge (which is the sharing of social media posts) but simply reflects the timings as set out in the evidence, and there is no prejudice discernible to Mrs Phillips. The panel is of the view that it is appropriate and in the interests of justice to allow the amendment to allegation 4 to read 'before 29 June 2018'.

Allegations

The allegations as amended in full are as follows:

You are guilty of unacceptable professional conduct and/or conduct that may bring the teaching profession into disrepute in that, whilst an Advanced Teaching Assistant at Tong High School:

1. Between 16 June 2017 and 29 June 2018, you had an inappropriate relationship with Child A who was a pupil at the School, at the time, in that;

- a) Child A was vulnerable;
- b) you shared your personal telephone number with Child A;
- c) on one or more occasion you met with and/or drove Child A alone in your car;
- d) you added Child A as a 'friend' on Facebook;
- e) you sent to and/or received text messages from Child A;
- f) you attempted to make contact with Child A on Snapchat and/or Facebook;
- g) you prepared a personal letter to Child A containing statements set out in Schedule A;
- h) you sent a personal letter to Child A's home address;
- i) you sent one or more messages (text messages) as set out in Schedule B with the intention that Child A read the messages;
- j) you had a physical sexual relationship with Child A.

2. In or around December 2017, you inappropriately accessed the School's SIMs system to obtain Child A's home address.

3. Your conduct at 1 and/or 2 was sexually motivated in that the conduct was in pursuit of a sexual relationship and/or sexual gratification.

4. Before 29 June 2018, you allowed one or more pupils and/or former pupils to access your social media posts;

5. By your conduct set out in all or any of the foregoing paragraphs, you failed to observe:

- a) a proper boundary appropriate to a teacher's professional position
- b) a professional regard for the child protection and/or safeguarding policies of the School

Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 5 to 7

Section 2: Notice of proceedings and response – pages 8 to 86

Section 3: Teaching Regulation Agency witness statements – pages 87 to 387

Section 4: Teaching Regulation Agency documents – pages 388 to 427

Section 5: Teacher documents – none received

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing.

Witnesses

The panel heard oral evidence from

- Witness A [Redacted].
- Witness B [Redacted].

These witnesses were called to give evidence by the TRA.

Decision and reasons

The panel announced its decision and reasons as follows.

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

This case relates to allegations that Mrs Phillips was engaged in an inappropriate and sexual relationship with a child who was, at one stage, her pupil.

The panel heard and accepted the following evidence relevant to the background of this case. Mrs Phillips was employed as a Teaching Assistant at Tong Leadership Academy ("the School"), starting work there on 4 January 2010. By 1 September 2011, Mrs Phillips was working for the School as a Higher Level Teacher Assistant (HLTA), and by 1 September 2012 she was Lead HLTA. Mrs Phillips had responsibility for a range of different students, including those with special needs requiring Internal Alternative Provision. Mrs Phillips worked with students in small groups and also on a one-to-one basis. Given Mrs Phillips' professional responsibilities, which included planning and delivery of the curriculum, the panel was satisfied that Mrs Phillips was performing a teaching role.

This case relates to Child A, who joined the School in 2013-14 before leaving briefly for other placements; returning once more in 2016-17. The evidence confirms that Child A had a range of [Redacted] and was subject to [Redacted]. Mrs Phillips, who had received 'Keeping Children Safe in Education' training in 2015 and 2016, was aware of the specific background of this pupil and provided him with one-to-one support. Child A was

scheduled to be a pupil at the School until 31 August 2017, albeit his last exam was 30 June 2017.

On 22 March 2018, a child protection concern was raised with the School to the effect that Mrs Phillips was engaged in a sexual relationship with a former student, namely Child A.

Mrs Phillips was interviewed by Witness A [Redacted], and accepted that text messages had been exchanged between her and Child A, and furthermore that she had written a letter to him (around Christmas 2017) because he had stopped contacting her. Mrs Phillips admitted obtaining the address from the School's SIMs electronic register system.

Witness A [Redacted] inspected the phone of Mrs Phillips, and stated that she saw that she was connected to Child A who was listed as a 'friend' on Facebook Messenger. In the course of discussions, Mrs Phillips also admitted meeting Child A in a car in October 2017, but denied that there had been any sexual element to this relationship.

The individual who raised the child protection concern outlined above was interviewed by the School later the same day, 22 March 2018. The individual presented the School with photographs of a letter written by Mrs Phillips to Child A (but not sent) which he had found in Mrs Phillips' possession on 28 January 2018. This individual also provided a series of text messages which he had exchanged with Mrs Phillips on 20 March 2018 using a different phone, and whilst pretending to be Child A.

The School then interviewed staff who gave written statements indicating an awareness that in the early part of 2018, Mrs Phillips was [Redacted], and was potentially engaged in an affair with another individual. Other members of staff also reported that Mrs Phillips was connected to students of the School on social media platforms. Witness A [Redacted] states that she identified an Instagram post by Mrs Phillips which had been 'liked' by 4 current or former pupils, who had access to the post.

Mrs Phillips denied that there had been any sexual relationship at all. Mrs Phillips also denied the existence of an inappropriate relationship with Child A whilst he had been a pupil at the School. Mrs Phillips was also the subject of a police investigation but no action was taken. Mrs Phillips resigned from the School on 29 June 2018.

Whilst Mrs Phillips has not participated in these proceedings, or made any representations, she did give an account to both the School and the police. Both accounts included a range of admissions in respect of the allegations. The admissions made by Mrs Phillips, including admissions made directly to Witness A [Redacted] (who did give oral evidence) are consistent with the evidence in the case, and the panel has relied upon such admissions.

The panel heard evidence from Witness A [Redacted] and Witness B [Redacted], and found both to be credible witnesses. However, the panel considered their evidence to

have limitations as they were generally unable to give direct evidence of the matters giving rise to these proceedings, beyond any admissions made by Mrs Phillips. However, Witness A [Redacted] was able to identify a number of different policies which were in place at the time which Mrs Phillips was said to have breached.

Findings of fact

The panel started its considerations by assessing each factual particular of allegation 1 before going on to assess whether the particulars satisfied the overarching charge of Mrs Phillips engaging in an inappropriate relationship.

The panel found the following allegations against you proved.

You are guilty of unacceptable professional conduct and/or conduct that may bring the teaching profession into disrepute in that, whilst an Advanced Teaching Assistant at Tong High School:

1. Between 16 June 2017 and 29 June 2018, you had an inappropriate relationship with Child A who was a pupil at the School, at the time, in that

a) Child A was vulnerable;

The panel heard and accepted evidence that Child A had [Redacted]. The panel is satisfied that Child A can be described as vulnerable and thus finds particular 1 a) proven.

Indeed, Mrs Phillips' role as a Lead HLTA was to provide individual support to Child A and she would have been aware of his vulnerabilities. Whilst this issue is not relevant to the question of whether there was an inappropriate relationship as such, it is a relevant feature of this case, and relevant to the degree to which any relationship in existence was inappropriate.

b) you shared your personal telephone number with Child A;

The panel noted that Mrs Phillips, in the course of the School's investigation, admitted exchanging her personal telephone number with Child A on 16 June 2017, and thus whilst he was still a pupil at the School. The panel finds particular b) proven.

c) on one or more occasion you met with and/or drove Child A alone in your car;

Mrs Phillips admitted in the course of both the School and police investigations that she had met Child A in a car in or around November 2017 to 'catch up'. The panel finds particular c) proven on the basis that the meeting in a car took place at least once.

e) you sent to and/or received text messages from Child A;

Mrs Phillips admitted in both the police and school investigations that she had exchanged text messages with Child A. The panel is satisfied that this particular is proven on the

basis of text messages being exchanged with Child A as opposed to with a person she believed to be Child A (which is the subject of allegation 1 i)).

f) you attempted to make contact with Child A on Snapchat and/or Facebook;

Mrs Phillips admitted in the course of the School's investigation that the letter previously mentioned was written by her and that she had originally intended the recipient to be Child A. In this letter, Mrs Phillips states that she had attempted to make contact with Child A on Snapchat and Facebook. The panel is satisfied that this particular is proven on the basis of this admission.

g) you prepared a personal letter to Child A containing statements set out in Schedule A;

The letter in question prepared by Mrs Phillips contained each of the statements set out in Schedule A. The entry at Schedule A, entry 3, is not identical to the words used in the letter referred to, but the words used in the letter are to the same effect. The panel is satisfied that this particular is proven on this basis.

h) you sent a personal letter to Child A's home address;

Mrs Phillips also admitted in the School's investigation, that having obtained Child A's address from the School's system (allegation 2), she sent a personal letter to his home address in order to make and/or resume contact. Whilst no letter was before the panel, the panel is satisfied that this particular is proven on this basis.

i) you sent one or more messages (text messages) as set out in Schedule B with the intention that Child A read the messages;

Mrs Phillips admitted in the course of the police investigation sending the text messages identified in Schedule B, and admitted that she believed that she was exchanging these messages with Child A when this was not the case. The text messages in question contained each of the statements set out in Schedule B. Schedule B also contains references to heart and kissing emojis and the kiss sign 'x', both of which are within the text messages. The panel is satisfied that this particular is proven on this basis.

j) you had a physical sexual relationship with Child A.

The text messages referred to in Schedule B contain references in the past tense to previous physical sexual contact, thus to something which had occurred. Given Mrs Phillips' admission that she believed she was exchanging these messages directly with Child A, the panel concluded that there is no sensible or tenable alternative explanation.

Whilst the panel is mindful that Mrs Phillips does not have to prove anything, the only logical inference from these messages is that at least on one occasion physical and sexual contact of some sort had taken place between Child A and Mrs Phillips and thus a physical sexual relationship had existed. The panel is unable to determine the extent or nature of such a relationship beyond this finding, and thus allegation 1 j) is proven on this basis.

Having found all of the above particulars of the allegation proved, with the exception of 1 d), the panel went on to assess whether it could be said that an inappropriate relationship took place. For the sake of completeness, the panel considered the particulars found proven both individually and cumulatively.

The panel accepts the evidence it received that Child A was a pupil at the School until 31 August 2017. However, whilst the distinction between whether Child A was formally a pupil at any given time may be important in some contexts, the panel does not regard the distinction as particularly significant in this case.

Child A was vulnerable, and Mrs Phillips was in a position of responsibility and direct authority over him whilst he was her pupil. In the course of her formal duties, Mrs Phillips was also briefed regarding [Redacted] with Child A and thus had knowledge of his background and vulnerabilities.

The relationship between Child A and Mrs Phillips commenced whilst she had teaching responsibility for him. However, even after Child A formally ceased being a pupil, such a relationship, connected so closely in time to the discharge of ones' teaching responsibilities for a vulnerable person would be a clear breach of safeguarding and child protection principles. Quite obviously, such a relationship could not have been regarded as in Child A's best interests. As such, the panel finds that any personal and non-professional relationship between Child A and Mrs Phillips would have been inappropriate, whether before 31 August 2017 (as a pupil) or afterwards (not as a pupil) and until 29 June 2018.

The panel considers that each of the particulars of the allegations: b), c), e), f), g), h), i), and j) having been found proven, are evidence of the existence of an inappropriate relationship, both individually and cumulatively.

The panel finds that this inappropriate relationship started whilst Child A was a pupil, and continued after he had left (for example particulars g), h), and i)). By virtue of the findings above, the panel is unable to determine with any precision when each of the particulars occurred, but is satisfied that they occurred within the time period of the allegation and thus between on or around 16 June 2017 and 29 June 2018. The actions of Mrs Phillips would have been inappropriate even absent the existence of some physical sexual contact between them, but the panel found allegation 1) j) proven and regarded this as a clear example of an inappropriate relationship.

As regards the finding that Child A was vulnerable (1 a), this simply compounds the impropriety of the relationship between Mrs Phillips and Child A.

With the exception of particular d) the panel finds Allegation 1 proven in its entirety.

2. In or around December 2017, you inappropriately accessed the School's SIMS system to obtain Child A's home address;

In the course of the School's investigation, Mrs Phillips admitted that she had accessed Child A's address from the School system to enable her to send him a personal letter, but implied she was unaware of the significance of accessing the data for personal use. Such access was a clear breach of data protection policy and principle because there was no lawful or professional purpose for the access. It was not pursuant to her

professional responsibilities, and was thus inappropriate. The panel finds this allegation proved.

3. Your conduct at 1 and/or 2 was sexually motivated in that the conduct was in pursuit of a sexual relationship and/or sexual gratification;

The panel has had regard to the relevant matters found proven at allegations 1 and 2 above. The panel is entirely persuaded on the basis of the evidence before it that the conduct proven above (with the exception of allegation 1 a) was sexually motivated in that it was in pursuit of a sexual relationship. The caveat to this is that there is no evidence that the sharing of the personal telephone number (particular b)) or the exchange of all the text messages (particular e)) were clearly sexually motivated. In both cases, the actions were inappropriate and this inappropriate relationship did develop into a sexual relationship that Mrs Phillips was clearly motivated to maintain. Indeed, the letter and text messages before the panel contained romantic and sexualised content, confirming the sexual nature of the relationship.

The panel is unable to determine on the evidence before it whether the actions were directly in pursuit of sexual gratification per se, but is satisfied that the actions were sexually motivated in pursuit of a sexual relationship with Child A.

4. Before 29 June 2018, you allowed one or more pupils and/or former pupils to access your social media posts;

The panel had before it a print out of an Instagram post from Mrs Phillips, which had two then current pupils and two former pupils associated with it. In evidence, Witness A [Redacted] stated candidly that she could now not be clear as to whether these four individuals were following or being followed by Mrs Phillips. It is worth noting that there was nothing obviously inappropriate about this post.

The clear evidence of Witness A [Redacted] was that this post was public and had been seen by at least two then current pupils. The panel takes the view that Mrs Phillips, by virtue of the fact that she posted publicly on social media, effectively allowed open access to her social media posts to anyone, including pupils, and furthermore she should have been aware of this. The panel finds this allegation proven on this basis.

5. By your conduct set out in all or any of the foregoing paragraphs, you failed to observe:

a) a proper boundary appropriate to a teacher's professional position

b) a professional regard for the child protection and/or safeguarding policies of the School

By virtue of the inappropriate and sexual relationship that Mrs Phillips had with Child A (allegations 1, 2 and 3) she has failed to observe a proper boundary appropriate to a teacher's professional position, and failed to observe a professional regard for the child protection and/or safeguarding policies of the School. Whilst the panel can identify numerous sections of the relevant policies which have been breached, the failures in this respect represent profound breaches of well-established professional teaching and child protection policies.

By virtue of allegation 4, Mrs Phillips has failed to observe a proper boundary appropriate to a teacher's professional position and failed to observe a professional regard for the child protection and/or safeguarding policies of the School, in particular breaching the social media policy which stated as follows:

9.14 Staff must not have any direct contact (or be 'friends') with pupils on any social media platform unless they are a member of their immediate family.

For the reasons set out above, the panel finds allegation 5 proven.

Findings of fact

The panel found the following particulars of the allegations against you not proved, for these reasons.

Allegation 1 d) you added Child A as a 'friend' on Facebook;

The evidence for this allegation came from Witness A [Redacted] who inspected Mrs Phillips' mobile telephone and noted a connection to Child A on the Messenger app. Whilst the panel accepts Witness A's [Redacted] evidence, this does not necessarily assist with the resolution of this allegation. It is not clear whether Mrs Phillips had added Child A as a friend on Facebook, or requested /accepted him as a friend; or whether he was simply a contact on Facebook Messenger. The panel could not determine whether this would necessarily require him to be a connected Facebook 'friend', and thus this allegation is not proven.

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

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

In doing so, the panel had regard to the document Teacher Misconduct: The prohibition of teachers, which is referred to as "the Advice".

The panel was satisfied that the conduct of Mrs Phillips in relation to the facts found proved involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mrs Phillips 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, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mrs Phillips amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mrs Phillips' conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The panel found that the offence of sexual activity was relevant in this case.

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 noted that a number of the allegations took place outside the education setting. Whilst Mrs Phillips commenced an inappropriate relationship with a pupil, and then continued this relationship outside her teaching time and off school premises, this conduct clearly affected the way Mrs Phillips fulfilled her teaching role and may have led to other pupils being exposed to, or influenced by, the behaviour in a harmful way. The panel notes that this is certainly the case here. The panel was presented with evidence, which it accepted, that pupils at the School saw Mrs Phillips and Child A together outside school. By virtue of allegation 4, as Mrs Phillips also blurred professional boundaries with other pupils by failing to keep her social media posts private. Accordingly, the panel was satisfied that Mrs Phillips was guilty of unacceptable professional conduct.

The panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception. In this case, Mrs Phillips acted in breach of fundamental safeguarding and child protection principles by commencing an inappropriate relationship with a vulnerable child, and then continuing this relationship after this child had left the School.

The panel therefore found that Mrs Phillips' actions constituted conduct that may bring the profession into disrepute.

The panel considered the allegations in this case (except for allegation 4) to each represent elements of an inappropriate and sexual relationship, or actions taken to pursue this inappropriate and sexual relationship. Whilst the panel was not invited to consider the elements in isolation, it notes that even when considered in isolation, the particulars of allegations 1, 2, 3 and 5 would each separately constitute unacceptable professional conduct and conduct which would bring the profession into disrepute.

Having found the facts of particulars 1, 2, 3, 4 and 5 proved (with the exception of allegation 1 d)), the panel further found that Mrs Phillips' 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 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 Mrs Phillips, which involved findings that she engaged in an inappropriate and sexual relationship with a pupil, there was a strong public interest consideration, especially as regards the need to ensure the protection of pupils.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mrs Phillips were not treated with the utmost seriousness when regulating the conduct of the profession.

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

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

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mrs Phillips.

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;
- a deep-seated attitude that leads to harmful behaviour;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;

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 took note of the fact that there were no previous findings against Mrs Phillips, and thus treated her as a person of good character. There was evidence that she had a successful teaching record.

The panel went on to consider the nature of the conduct found proved. There was no evidence that Mrs Phillips was acting under duress, or that her actions in relation to the relationship with Child A were not deliberate. On the contrary, the letter and text messages (allegations 1 g) and i)) confirm that Mrs Phillips' actions were premeditated, and she intended to continue a sexual relationship with Child A.

Both the letter and text messages betray the fact that Mrs Phillips was focused entirely on her own emotional needs and wishes. Very little regard, if any, was expressed regarding the impact of her communications upon Child A. The communications were vivid in language and tone, and highly emotionalised to the point where they would be very likely to have an emotional impact upon the recipient. As regards the letter, whilst

this was not sent to Child A, it demonstrates Mrs Phillips' state of mind and intentions. As regards the text messages, Mrs Phillips believed that she was sending them to Child A, even though this was not the case. The panel takes the view that Mrs Phillips has demonstrated a high degree of recklessness as regards the potential impact that her actions in pursuing an inappropriate and sexual relationship could have had on Child A, and indeed others.

Whilst there is no clear evidence of demonstrable harm sustained by Child A at the time, the panel takes the view that the simple act of blurring the professional boundaries with a vulnerable child was highly likely to result in harm being sustained, and the risk of that harm being long-lasting.

The panel notes that the actions were not isolated, and the conduct took place over a significant period of several months.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mrs Phillips of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mrs Phillips. The profound breaches of professional boundaries and standards and the reckless attitude to the risk of harm being caused to a vulnerable pupil were significant factors 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 prohibition 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. These behaviours include serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his or her professional position to influence or exploit a person.

The panel found that Mrs Phillips was responsible for such behaviours, and these militate against a recommendation for a review period being set. Mrs Phillips did not attend this hearing, or make any representations. The panel has no evidence before it that Mrs Phillips has demonstrated any insight into, or remorse for, her conduct. There is no evidence to reassure the panel that there is no, or limited, risk of such conduct being repeated.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provisions for a review period.

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 some 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 allegation 1d) not proven, I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mrs Joanne Phillips should be the subject of a prohibition order, with no provision for a review period

In particular, the panel has found that Mrs Phillips 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, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel finds that the conduct of Mrs Phillips fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include engaging in an inappropriate and sexual relationship with a vulnerable child.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mrs Phillips, 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, "Whilst there is no clear evidence of demonstrable harm sustained by Child A at the time, the panel takes the view that the simple act of blurring the professional boundaries with a vulnerable child was highly likely to result in harm being sustained, and the risk of that harm being long-lasting". A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel has no evidence before it that Mrs Phillips has demonstrated any insight into, or remorse for, her conduct". In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour and this puts future pupils at risk. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "In the light of the panel's findings against Mrs Phillips, which involved findings that she engaged in an inappropriate and sexual relationship with a pupil, there was a strong public interest consideration, especially as regards the need to ensure the protection of pupils".

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an "ordinary intelligent and well-informed citizen."

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mrs Joanne Phillips herself and the panel comment "The panel took note of the fact that there were no previous findings against Mrs Phillips, and thus treated her as a person of good character. There was evidence that she had a successful teaching record". A prohibition order would prevent Mrs Phillips from teaching. A prohibition order would also clearly deprive the public of her contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel's comments "There was no evidence that Mrs Phillips was acting under duress, or that her actions in relation to the relationship with Child A were not deliberate. On the contrary, the letter and text messages (allegations 1 g) and i)) confirm that Mrs Phillips' actions were premeditated, and she intended to continue a sexual relationship with Child A".

In addition I have also given considerable weight to the fact that Mrs Phillips was focused on her own needs and there was very little evidence presented that considered the impact of her actions on Child A, who she was aware was a vulnerable child.

I have given less weight in my consideration of sanction therefore, to the contribution that Mrs Phillips 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 that no provision should be made for a review period.

I have considered the panel's comments "The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his or her professional position to influence or exploit a person" and "The panel found that Mrs Phillips was responsible for such behaviours, and these militate against a recommendation for a review period being set."

I have considered whether not allowing for a 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 pursuing a sexual relationship with a vulnerable child and the lack of either insight or remorse.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

This means that Mrs Joanne Phillips is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proved against her, I have decided that Mrs Phillips shall not be entitled to apply for restoration of her eligibility to teach.

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

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

A handwritten signature in black ink, appearing to read 'S Buxcey', with a stylized, cursive script.

Decision maker: Sarah Buxcey

Date: 22 June 2021

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