



Teaching
Regulation
Agency

Ms Dolores Celine Cecile Papin: Professional conduct panel meeting outcome

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

May 2019

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

Teacher: Ms Dolores Celine Cecile Papin

Teacher ref number: 0264448

Teacher date of birth: 12 January 1977

TRA reference: 17438

Date of determination: 16 May 2019

Former employer: Sibford School, Banbury

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 16 May 2019 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT.

The panel members were Mrs Kathy Thomson (former teacher panellist – in the chair), Mr Maurice McBride (lay panellist) and Mr Paul Hawkins (teacher panellist).

The legal adviser to the panel was Ms Surekha Gollapudi of Eversheds Sutherland (International) LLP solicitors.

In advance of the meeting, the TRA agreed to a request from Ms Papin that the allegations be considered without a hearing, after taking into consideration the public interest and the interests of justice. Ms Papin provided a signed statement of agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer, Ms Papin or her representative.

The meeting took place in private, save for the announcement of the panel's decision, which was announced in public and recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Meeting dated 23 April 2019.

It was alleged that Ms Papin 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 between 2017 and 2018, including by:
 - a. giving Pupil A gifts:
 - i. including a gift which she gave Pupil A for Pupil A's birthday in 2017
 - ii. on one or more occasion
 - b. being alone with Pupil A
 - c. engaging in inappropriate communication with Pupil A:
 - i. including by writing to Pupil A at Pupil A's home address in or around 11 July 2017
 - ii. including by giving Pupil A a letter she had written in or around November 2017
 - iii. on one or more occasion
2. She continued to engage in conduct as described at 1.a. and / or 1.b. and / or 1.c. above despite receiving a written warning in respect of her conduct towards Pupil A on or around 8 December 2017.

The teacher admits the facts of the allegations, and that they amount to unacceptable professional conduct and / or conduct that may bring the profession into disrepute.

C. Summary of evidence

Documents

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

Section 1: Chronology – page 2

Section 2: Notice of Referral, Responses and Notice of Meeting – pages 3 to 10

Section 3: Statement of Agreed Facts and Presenting Officer Representations – pages 11 to 17

Section 4: Teaching Regulation Agency documents – pages 18 to 100

Section 5: Teacher documents – pages 101 to 112

The panel members confirmed that they had read all of the documents in advance of the meeting.

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Ms Papin on 4 March 2019.

D. Decision and reasons

The panel announced its decision and reasons as follows:

The panel has carefully considered the case and has reached a decision.

In advance of the meeting, the TRA agreed to a request from Ms Papin that the allegations be considered without a hearing. The panel has the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction is necessary or appropriate in this case.

Ms Papin was employed at Sibford School as a Modern Foreign Language teacher from 1 September 2006. In 2017 and 2018, it is alleged that Ms Papin developed an inappropriate relationship with Pupil A. It is further alleged that Ms Papin continued the relationship with Pupil A despite receiving a management instruction to cease inappropriate contact.

Findings of fact

Our findings of fact are as follows:

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

- 1. You engaged in and/or developed an inappropriate relationship with Pupil A between 2017 and 2018, including by:**
 - a. giving her gifts**
 - i. including a gift which you gave her for her birthday in 2017**
 - ii. on more than one occasion**

The teacher admitted the facts of this allegation in the statement of agreed facts dated 4 March 2019.

The panel also had regard to the evidence collated by the school during its investigation.

In her statement of 4 October 2018, Ms Papin confirmed that, *“I did give a birthday card, a book and a stress ball to the student in April 2017 for her birthday...”*.

Ms Papin further confirmed that she gave Pupil A a cushion in November 2017 and a joke book in March 2018.

The panel therefore found this allegation proven.

b. being alone with her

The teacher admitted the facts of this allegation in the statement of agreed facts dated 4 March 2019. The panel also had regard to the evidence collated by the school during its investigation.

In the agreed statement of facts, Ms Papin admitted that she walked around the school alone with Pupil A in May 2018.

The panel therefore found this allegation proven.

c. engaging in inappropriate communication with her

i. including by writing to her at her home address in or around 11 July 2017

ii. including by giving her a letter you had written in or around November 2017

iii. on more than one occasion

The teacher admitted the facts of this allegation in the statement of agreed facts dated 4 March 2019. The panel also had regard to the evidence collated by the school during its investigation.

The panel was provided with copies of correspondence sent by Ms Papin, both to Pupil A's home address, and also, hand delivered to Pupil A at the school.

The panel particularly noted that the tone and content of the correspondence was inappropriate, and included phrases such as, *“I care too much about you to let you down and then I get carried away trying to help you...”* and, *“I have been trying to give you some space this week as I feel I tend to invade it too much.”*

The panel therefore found this allegation proven.

Having found all of the above proven, the panel found that Ms Papin did engage in and/or develop an inappropriate relationship with Pupil A between 2017 and 2018.

2. You continued to engage in conduct as described at 1.a. and / or 1.b. and / or 1.c. above despite receiving a written warning in respect of your conduct towards Pupil A on or around 8 December 2017

The teacher admitted the facts of this allegation in the statement of agreed facts dated 4 March 2019. The panel also had regard to the evidence collated by the school during its investigation.

The panel noted that Ms Papin was given a management instruction on 8 December 2017, which stated:

- *“You will avoid all communication with Pupil A via email or any other form of electronic medium*
- *You will avoid situations where there is only you and Pupil A present*
- *You will avoid being in the same area as Pupil A without good reason”*

The panel noted that Ms Papin admitted that she did walk around the school alone with Pupil A on several occasions in May 2018.

The panel therefore found this allegation proven.

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

Having found the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

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

The panel is satisfied that the conduct of Ms Papin, in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Ms Papin is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel is satisfied that the conduct of Ms Papin fell significantly short of the standards expected of the profession.

The panel has also considered whether Ms Papin's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and has found that none of these offences are relevant.

The panel has taken into account how 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 has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

The findings of misconduct are serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

Having found the facts of particulars 1 and 2 proved, the panel finds that Ms Papin's conduct amounts 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 is 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 has to consider whether it is an appropriate and proportionate measure, and whether it is 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 has considered the particular public interest considerations set out in the Advice and having done so has found a number of them to be relevant in this case, namely the protection of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In the light of the panel's findings against Ms Papin, which involved Ms Papin's developing an inappropriate relationship with a pupil which continued for a significant period of time, there is a strong public interest consideration in declaring proper standards of conduct in the profession. The panel found Ms Papin's conduct was outside that which could reasonably be tolerated.

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

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

In carrying out the balancing exercise the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Ms Papin. 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 proven. In the list of such behaviours, those that is relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils

Even though there were behaviours that would point to a prohibition order's being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order's being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case.

The panel noted that the teacher's actions were deliberate, and persisted, despite a management instruction which was put in place to prevent further inappropriate contact with Pupil A. The panel did note that Ms Papin may have had some practical difficulties in complying with the management instruction in a small school. However, it also considered that Ms Papin went on to meet Pupil A, deliberately.

The teacher did have a previously good history, although the panel noted it had not been provided with any references to support this.

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 is sufficient.

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

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Ms Papin. The panel particularly noted that Ms Papin continued her conduct despite being instructed to stop. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate to recommend that a review period of the order should be considered. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances in any given case that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. The panel found that none of these behaviours was present.

The panel noted that Ms Papin showed some late, limited insight into her actions from around March 2019. Prior to this, Ms Papin's view had been that Pupil A and the school were, to some extent, to blame for the development of the inappropriate relationship.

As Ms Papin demonstrated some limited insight, and she had a previously good history, the panel felt the findings indicated a situation in which a review period would be appropriate. As such, the panel decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provision for a review period after 2 years.

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

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

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

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

The panel is also satisfied that “the conduct of Ms Papin fell significantly short of the standards expected of the profession.”

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 Papin, 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 that the behaviour found included, “developing an inappropriate relationship with a pupil which continued for a significant period of time.” 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, which the panel sets out as follows, “Ms Papin showed some late, limited insight into her actions from around March 2019. Prior to this, Ms Papin's view had been that Pupil A and the school were, to some extent, to blame for the development of the inappropriate relationship.”

In my judgement, the lack of full and complete insight means that there is some risk of the repetition of this behaviour and this puts at risk the future well-being 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 that it, “has taken into account how 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 has taken account of the uniquely influential role that teachers can hold in pupils’ lives and that pupils must be able to view teachers as role models in the way they behave.”

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 Papin herself. The panel comment that Ms Papin “did have a previously good history, although the panel noted it had not been provided with any references to support this.”

A prohibition order would prevent Ms Papin from teaching and 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 concerning the lack of full insight. In addition the panel has highlighted, “that Ms Papin continued her conduct despite being instructed to stop.”

I have also placed considerable weight on the finding of the panel that Ms Papin, “went on to meet Pupil A, deliberately.”

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Papin 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 that is not backed up by full insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended a 2 year review period. This is the minimum review period permitted.

The panel has also said that a review period, “would be proportionate in all the circumstances.”

I have considered whether a 2 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, I believe that it is for the reasons given.

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 Dolores Papin 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 17 May 2021, 2 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 Dolores Papin remains prohibited from teaching indefinitely.

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

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



Decision maker: Alan Meyrick

Date: 17 May 2019

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