



Teaching
Regulation
Agency

Miss Rebecca Sims: Professional conduct panel outcome

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

November 2022

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

Teacher:	Miss Rebecca Sims
TRA reference:	20027
Date of determination:	1 November 2022
Former employer:	Lakeside Primary School, Cheltenham, Gloucestershire

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 21 September 2022 until 23 September 2022 by virtual means to consider the case of Miss Rebecca Sims. The panel adjourned on 23 September 2022 and reconvened on 1 November 2022.

The panel members were Mrs Shabana Robertson (lay panellist – in the chair), Mr Aidan Jenkins (teacher panellist) and Ms Joanna Hurren (teacher panellist).

The legal adviser to the panel was Miss Francesca Poole of Eversheds Sutherland (International) LLP.

The presenting officer for the TRA from 21 September 2022 until 23 September 2022 was Miss Louisa Atkins of Capsticks LLP. The presenting officer on 1 November 2022 was Mr David Collins.

Miss Rebecca Sims was present and was represented by Ms Zahra Ahmed of 3 Bedford Row.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of hearing dated 25 July 2022.

It was alleged that Miss Rebecca Sims was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed at Lakeside Primary School ('the School'), she:

1. On or around 1 May 2019, failed to notify Pupil A's parents promptly after he had been urinated on by another pupil;
2. On or around 1 May 2019, she indicated to Pupil A's mother and/or the headteacher of the School that the incident at allegation 1 had occurred in the afternoon, when she knew that the incident had occurred at approximately 10:10;
3. On or around 2 May 2019, she asked Witness B to support your account that the incident at allegation 1 had occurred in the afternoon, when she knew that the incident had occurred at approximately 10:10;
4. Your conduct as may be found proved;
 - a. at allegation 2 above was dishonest, in that she knowingly provided untruthful information about the incident to a parent and/or the headteacher;
 - b. at allegation 3 above was dishonest, in that she asked Witness B to support an account which she knew was untruthful.
5. Failed to comply with your safeguarding duties in respect of one of more pupils in that:
 - a. On or around 22 November 2019, she failed to ensure that Pupil C was appropriately supervised, in that he was found unaccompanied in the School hall;
 - b. Did not record one or more safeguarding concerns relating to Pupil C on the School's system, CPOMS, in a timely manner between 15 November 2019 and 22 November 2019;
 - c. On or around 2 February 2021, she failed to ensure that Pupil D was appropriately supervised, in that he was able to leave the classroom and was found unaccompanied in the School playground/field;

Miss Sims admitted allegations 1, 2, 3, 4, 5(a) and (c) as set out in the notice of hearing. Miss Sims denied allegation 5(b). Miss Sims denied that she is guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

Application to produce late documents

The panel considered an application from Miss Sims to admit an updated witness statement, occupational health and medical evidence along with a number of testimonials ('the Supplemental Bundle'). The documents subject to the application had not been served in accordance with the requirements of 5.37 of the Procedures. The presenting officer had no objections to the admission of the Supplemental Bundle.

The panel considered the application and decided that the Supplemental Bundle was relevant to the case. Accordingly the documents were added to the bundle.

Application to amend allegations

The panel considered an application from the presenting officer to amend the allegations by amending allegation 5 from 'Failed to comply with your safeguarding duties in respect of one of more pupils in that' to 'Failed to comply with your safeguarding duties in respect of one or more pupils in that'. The teacher's representative consented to the amendment. The panel considered that the amendment proposed was a typographical error and did not change the nature, scope or seriousness of the allegations. The panel decided that there was no prospect of the teacher's case being presented differently had the amendment been made at an earlier stage, and therefore no unfairness or prejudice was caused to the teacher. The panel therefore decided to amend the allegation as proposed.

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 8

Section 2: Notice of hearing and response – pages 9 to 31

Section 3: Teaching Regulation Agency witness statements – pages 32 to 57

Section 4: Teaching Regulation Agency documents – pages 58 to 503

Section 5: Teacher documents – pages 504 to 510

In addition, the panel agreed to accept the Supplemental Bundle consisting of 67 pages of additional documents containing a witness statement of Miss Sims, occupational health reports and testimonials.

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:

1. Witness A, [redacted];
2. Witness B, [redacted];
3. Witness C, [redacted];
4. Witness D, [redacted];.

These witnesses were called by the presenting officer.

The panel also heard oral evidence from Miss Sims, who was called by her representative.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Miss Sims had been employed at the School as a primary school teacher from 3 May 2016 until 19 March 2021. Miss Sims started working at Lakeside Primary School (“the School”) as a maternity cover teacher but was offered a full time position shortly thereafter. Miss Sims was subject to disciplinary proceedings and dismissed from her position at the School.

Findings of fact

The findings of fact are as follows:

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

Whilst employed at Lakeside Primary School (‘the School’), you:

- 2. On or around 1 May 2019, you indicated to Pupil A’s mother and/or the headteacher of the School that the incident at allegation 1 had occurred in the afternoon, when you knew that the incident had occurred at approximately 10:10;**

This allegation was admitted and was supported by evidence presented to the panel. The allegation was therefore found proved.

The panel heard evidence that Witness A emailed Miss Sims at 7:27pm on 1 May 2019 with a list of questions about the incident. Miss Sims responded to this email at 7:58pm stating that the incident happened in the afternoon. The Panel noted that both Miss Sims

and the Witness B gave evidence that the incident had occurred in the morning at approximately 10:10am. Miss Sims admitted that she had lied. The panel therefore found, on balance, that this allegation was proved.

3. On or around 2 May 2019, you asked Witness B to support your account that the incident at allegation 1 had occurred in the afternoon, when you knew that the incident had occurred at approximately 10:10;

This allegation was admitted and was supported by evidence presented to the panel. The allegation was therefore found proved.

The panel heard evidence from both Miss Sims and Witness B, [redacted];. Although Miss Sims and Witness B had different recollections of the exact wording of the conversation that took place between them, the panel noted that both witnesses accepted that a conversation had occurred whereby Miss Sims requested that Witness B support her account that the incident had occurred in the afternoon. The panel therefore found that on balance, this allegation was proved.

4. Your conduct as may be found proved;

- a. at allegation 2 above was dishonest, in that you knowingly provided untruthful information about the incident to a parent and/or the headteacher;**
- b. at allegation 3 above was dishonest, in that you asked Witness B to support an account which you knew was untruthful.**

These allegations were admitted and were supported by evidence presented to the panel. The allegation was therefore found proved.

Having heard the evidence of Miss Sims and Witness B, the panel found that on 1 May 2019 at approximately 10:10am, Pupil A notified Miss Sims that he had been urinated on by Pupil B. Miss Sims cleaned Pupil A up and changed his clothes, made sure both students were content and sent them out to play. Miss Sims failed to notify the parents of Pupil A during the course of the school day, informing Witness B that she would speak to Pupil A's parent at the end of the day. Miss Sims was unable to speak to Pupil A's mother when she picked Pupil A up from the classroom, however Pupil A's mother later returned to the classroom to speak to Miss Sims about the event.

The panel heard from Witness B that Pupil A's mother was clearly aware of the incident upon leaving the school grounds. The panel heard from Witness B that Pupil A's mother was upset. The panel heard from Witness A that later that afternoon at around 5:30pm, Pupil A's father and grandmother spoke to Witness A raising their concerns about the incident. The panel noted that Witness A sent an email to Miss Sims later that evening asking for further information. Miss Sims, feeling stressed and worried about the situation replied stating that the incident had occurred in the afternoon and that she hadn't had the chance to inform Pupil A's parent before the end of the day. [redacted];. Miss Sims

admits this response was a lie and regrets the events that followed. On the morning of the 2 May 2019, Miss Sims requested that Witness B also lie about the timing of the incident if asked. Witness B refused to do so.

The panel heard from Miss Sims and Witness A that Miss Sims therefore admitted she had lied and reported the incident accurately on CPOMS. In finding this allegation proved, the panel also noted an inconsistency in Miss Sims' evidence. Miss Sims gave evidence that on calm reflection on the morning of the incident, she inputted an entry into CPOMS, the school's safeguarding system with the correct timing of the incident. The panel found this to be inconsistent with Miss Sims' evidence that she felt panicked and anxious and that her motivations in requesting that Witness B corroborated Miss Sims' lie were related to [redacted];.

The panel considered that the ordinary honest person would consider Miss Sims' conduct to have been dishonest both when she knowingly provided untruthful information about the incident to a parent and witness A; and in asking Witness B to support an account which she knew was untruthful.

The panel therefore found these allegations proved.

5. Failed to comply with your safeguarding duties in respect of one of more pupils in that:

b. Did not record one or more safeguarding concerns relating to Pupil C on the School's system, CPOMS, in a timely manner between 15 November 2019 and 22 November 2019;

Allegation 5(b) was denied. However, having considered the evidence, the panel found on balance that this allegation was proved.

The panel heard evidence from Miss Sims, Witness A and Witness C; they found that on 22 November, Pupil C was found in the school hall by Witness A and Witness C and he was returned to Miss Sims' classroom. Upon learning about this incident, Miss Sims made three entries on the school's safeguarding recordkeeping system, CPOMS. These entries include the circumstances arising on 22 November 2019, alongside three events that had occurred on earlier dates, specifically two events on 15 November 2019 and one event on 21 November 2019. The panel accepted that the school CPOMS policy requires all safeguarding incidents to be reported on CPOMS as soon as possible, ideally on the same day.

The panel heard evidence from Miss Sims that on 15 November 2019, Miss Sims was informed of an incident that occurred at lunchtime involving Pupil C ('Incident 1'). Miss Sims was not present for Incident 1, however learnt about it after the event. The panel heard from Miss Sims that she does not recall at what time or on what date she learnt about this incident.

The panel heard evidence from Miss Sims that another incident involving Pupil C ('Incident 2') occurred later in the day on 15 November 2019, that Miss Sims was present for.

A third incident occurred involving Pupil C on 21 November 2019 ('Incident 3'). The panel heard evidence from Miss Sims that she was not present for the beginning of Incident 3, although she was present towards the end of this incident. The panel noted from Miss Sims' evidence that she did not feel it was her responsibility to report Incidents 1, 2 and 3.

A fourth incident occurred involving Pupil C on 22 November 2019 which Miss Sims was involved with. The panel noted from Miss Sims' evidence that following Incident 4, Miss Sims noticed that she had not been tagged in any CPOMS reports for the other incidents involving Pupil C (Incidents 1, 2 and 3). As a result, Miss Sims reported those incidents on CPOMS at the same time as reporting Incident 4 on 22 November 2019.

The panel heard evidence from Miss Sims that it was not unusual to add information onto CPOMS at the end of a day or after a few days. This was confirmed by Witness D in her evidence. The panel also had regard to the school Safeguarding and Child Protection Policy, which stated that 'staff should not assume someone is taking action and sharing information that might safeguard a child'. This was supported by the evidence Witness A and Witness B who gave evidence that that information should be added to CPOMS as soon as possible after the event. The panel preferred the evidence of Witness A and Witness B and found that information should be added to CPOMS as soon as possible, ideally on the same day and that it should not be assumed that the other members of staff involved in Incidents 1, 2 and 3 had inputted CPOMS entries.

The panel reviewed the CPOMS entries, which showed that Miss Sims failed to report Incidents 1 and 2 for five working days.

The panel also heard evidence from Miss Sims that this was the only occasion that she reported multiple historic safeguarding concerns in this manner. Miss Sims gave evidence that on all other occasions, she reported all concerns on the day or the day after an incident occurring. The panel considered that this demonstrated that Miss Sims knew that the school policy was to report safeguarding concerns in this manner.

The panel assessed the weight and reliability of the evidence, and on the balance of probabilities, the panel found that that allegation 5(b) was proved.

c. On or around 2 February 2021, you failed to ensure that Pupil D was appropriately supervised, in that he was able to leave the classroom and was found unaccompanied in the School playground/field;

Allegation 5(c) was admitted and was supported by evidence presented to the panel. The panel found this allegation proved.

The panel heard evidence from Witness D that on 2 February 2021, during the Coronavirus Pandemic, Pupil D (a pupil in Miss Sims' class) was found on the school field located near a woodland area on the premises. Witness D gave evidence that Pupil D was returned to Miss Sims' class, and it became apparent Miss Sims had not noticed Pupil D had been missing.

The panel heard evidence from Miss Sims that on 2 February 2021, Miss Sims had returned to work following a period of working from home over the second lockdown. The panel heard evidence from Witness A and Miss Sims that at this time, the three reception classes had been merged. Miss Sims' class comprised of the children of key workers and vulnerable children. As a result, Miss Sims was teaching pupils who were not known to her. The panel found that there was a higher proportion of children within Miss Sims' class who had in place behavioural risk assessments.

The panel saw evidence that Miss Sims had been alerted to Pupil D's behaviour within an email sent to her before the 2 February 2021. The panel heard evidence from Miss Sims that she had not properly taken this into account as she had only skimmed this email. The panel found that on balance, Miss Sims ought to have paid more attention to this email as she had a responsibility to be aware of any safeguarding concerns in respect of the students in her class.

The panel noted however that Pupil D's risk assessment was not shared with Miss Sims until after the incident on the morning of 2 February 2021 and that this was only in a provisional format. Although Miss Sims accepted that she ought to have been more aware of the risk and taken more care in ensuring Pupil D was in her classroom, the panel noted that Miss Sims felt she ought to have been notified in person, having never taught Pupil D before. The panel also noted that the SENCO department had not checked in with Miss Sims to alert her to the risk of Pupil D absconding from her classroom. The panel noted Witness D's evidence that the school was in the process of organising itself during the lockdown period and that systems and processes did not appear to be properly in place to ensure that information was shared verbally with teachers about pupils they had not usually taught.

The panel also heard evidence from Miss Sims that contrary to the school's policy, the classroom walkie talkie was not in use. It was school policy for school staff to utilise walkie talkies to communicate throughout the school grounds. The panel noted that Miss Sims had a responsibility to abide by school policy to ensure the appropriate safeguarding of students.

The panel assessed the weight and reliability of the evidence, and on the balance of probabilities, the panel found that allegation 5(c) was proved, noting that Miss Sims had a safeguarding duty to know the whereabouts of all of her students.

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

Whilst employed at Lakeside Primary School ('the School'), you:

- 1. On or around 1 May 2019, failed to notify Pupil A's parents promptly after he had been urinated on by another pupil;**

This allegation was admitted. However, the panel found that this allegation was not supported by the evidence presented to the panel. The panel therefore found that this allegation was not found proved.

On 1 May 2019 at around 10:10am, Pupil B urinated on Pupil A. Both pupils were in Miss Sims' class. Miss Sims cleaned up Pupil A, but failed to notify Pupil A's parents until the end of the day.

The panel noted that following the incident whereby Pupil A was urinated on by Pupil B, Miss Sims took measures to ensure Pupil A was cleaned, changed and content. The panel noted that, on balance, as Pupil A was not distressed, the incident was not sufficiently serious to require notification before the end of the school day.

The panel also heard evidence from Witness B, [redacted];, that she had witnessed Miss Sims telephone the parents of a pupil who had experienced a toileting accident on a separate and prior occasion. The panel noted therefore that Miss Sims' failure to notify the parents following the incident on 1 May 2019 was a one off and that there was no pattern of behaviour demonstrated by Miss Sims.

The panel heard evidence from Miss Sims that it was Miss Sims' intention to speak to Pupil A's parents at the end of the day, which the panel considered reasonable. The panel noted that Miss Sims was not able to catch Pupil A's mother when Pupil A was collected from school at 3:10pm. The panel also heard evidence that it was Miss Sims' intention to telephone Pupil A's parents shortly after collection to inform them of the incident, however before Miss Sims had a chance to do so, Pupil A's mother returned to the classroom to speak to Miss Sims about the incident at 3:30pm.

The panel therefore found that, on balance, this allegation was not proved.

- 5. Failed to comply with your safeguarding duties in respect of one of more pupils in that:**

- a. On or around 22 November 2019, you failed to ensure that Pupil C was appropriately supervised, in that he was found unaccompanied in the School hall;**

This allegation was admitted by Miss Sims. However, having heard the evidence, the panel considered that, on balance, this allegation was not proved.

In respect of allegation 5(a), the panel heard evidence from Miss Sims that Pupil C was a pupil in her class. Miss Sims was aware of Pupil C's risk assessment which stated that Pupil C required handholding during transition periods. The panel heard evidence that on

22 November 2019, Miss Sims was leading 74 reception pupils from the hall where they had been rehearsing for the nativity, through a propped open set of doors into the cloakroom in order for the pupils to put on their coats before breaktime. The panel accepted the evidence of Miss Sims who told the panel that in line with usual school practice, she was leading the line of students, and another two teachers were also supervising, one in the middle of the line and one at the end of the line. It was Miss Sims' expectation that the teacher at the end of the line would close the doors to prevent access, although it was accepted that one of these doors was faulty and Miss Sims had knowledge of such and had reported this. The panel heard evidence from Miss Sims that she had reported the faulty door, and this was confirmed in the evidence the panel heard from Witness A.

The panel accepted the evidence of Miss Sims that, although Pupil C's risk assessment required Pupil C to hold the hand of a teacher during transition, Miss Sims was not holding Pupil C's hand on this occasion as Miss Sims was holding the hand of another pupil who had pushed a peer in the queue. The panel accepted the evidence of Miss Sims that despite this, Pupil C walked alongside Miss Sims and she had eyes on him until they made it to the cloakroom, following which Miss Sims handed over to another member of staff. The panel noted the evidence of Miss Sims that the other two teachers returned to their classrooms following the transition. The panel noted that no other member of staff noticed Pupil C had gone missing and that the member of staff at the end of the line failed to secure the door enabling Pupil C to make his way back into the hall.

Miss Sims was not supervising playtime on this occasion and so handed over to another member of staff. Miss Sims admits she failed to mention to the member of staff that Pupil C was a flight risk as she knew Pupil C enjoyed playtime and so was likely to have gone out to play. The panel noted that Miss Sims regrets failing to mention that Pupil C was a flight risk and takes responsibility for this incident, although Miss Sims noted that the other member of staff was the supervising adult on duty at the time. However, the panel noted that the member of staff on duty also had a responsibility to be aware of Pupil C's risk assessment as a result of him being a flight risk.

The panel further noted that Pupil C remained in Miss Sims' class for the rest of the academic school year without incident.

The panel considered that Pupil C was appropriately supervised in the context of the transition, specifically given that Miss Sims was leading 74 students. The panel did not feel that Miss Sims' had failed to comply with her safeguarding duties. The panel therefore considered that on balance, this allegation was not proved.

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”.

In relation to the events that followed the incident on 1 May 2019 as set out in allegation 2, 3 and 4, the panel found that Miss Sims lied about the time of the incident. The panel considered that over the course of 1 May 2019 and 2 May 2019, Miss Sims lied to a number of people and took action to ensure her lie was believed by trying to convince Witness B to corroborate Miss Sims’ account that the incident occurred in the afternoon as opposed to at 10:10am.

The panel noted that Miss Sims accepted she had acted dishonestly. The panel noted that Miss Sims received an email from Witness A at 7:27pm on the evening of 1 May 2019 enquiring about the nature of the incident following a concern having been raised by Pupil A’s parents. The panel noted that the timing of this email led Miss Sims to feel panicked and consequently, Miss Sims replied and lied about the time of the incident. [redacted];. However, the panel noted that in trying to convince Witness B to lie to corroborate Miss Sims’ story, Miss Sims deliberately attempted to cover up her lie. [redacted];. The panel noted that had Witness B corroborated Miss Sims’ lie, this may have also had an impact on Witness B’s career. As a result, the panel found Miss Sims’ conduct to be seriously dishonest.

The panel was satisfied that the conduct of Miss Sims, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Miss Sims 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.

The panel was satisfied that the conduct of Miss Sims amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. As a result, the panel concluded that Miss Sims’ conduct amounted to 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 panel therefore found that Miss Sims’ actions constituted conduct that may bring the profession into disrepute.

In respect of allegation 5(b), the panel was satisfied that the conduct of Miss Sims, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Miss Sims was in breach of the following standards by failing to report one or more safeguarding concerns in relating to Pupil C on the school's system CPOMS in a timely manner between 15 November 2019 and 22 November 2019: Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by: having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions and having proper and professional regard for the ethos, policies and practices of the school in which they teach.

The panel was satisfied that the conduct of Miss Sims fell significantly short of the standard of behaviour expected of a teacher. As a result, the panel concluded that Miss Sims' conduct amounted to unacceptable professional conduct.

The panel took into account the way the teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils 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 panel considered that it had been established that other safeguarding staff (specifically the SENCO who was also a DSL) were aware of the incidents reported by Miss Sims. The panel considered therefore that the public would be satisfied that an appropriate safeguard was in place. As a result, the panel did not consider that Miss Sims' conduct could potentially damage the public perception of teachers.

The panel therefore did not find that Miss Sims actions constituted conduct that may bring the profession into disrepute.

In respect of allegation 5(c), the panel was satisfied that the conduct of Miss Sims in failing to ensure that Pupil D was adequately safeguarded involved breaches of the Teachers' Standards, specifically: Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by: having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions and having proper and professional regard for the ethos, policies and practices of the school in which they teach.

The panel was satisfied that the conduct of Miss Sims fell significantly short of the standard of behaviour expected of a teacher. As a result, the panel concluded that Miss Sims conduct amounted to unacceptable professional conduct.

The panel took into account the way the teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils 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 panel considered that in all the circumstances, the public would understand the unique context of the events on 2 February 2021, namely the changing nature and makeup of the students in Miss Sims' class. As a result, the panel did not consider that Miss Sims' conduct could potentially damage the public perception of teachers.

The panel therefore did not find that Miss Sims' actions constituted 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 safeguarding and wellbeing of pupils and declaring and upholding proper standards of conduct within the teaching profession.

The panel was of the view that there was a strong public interest consideration in respect of the protection of pupils in light of the panel's finding against Miss Sims which involved failing to comply with her safeguarding duties in reporting matters to CPOMS in a timely manner and failing to ensure Pupil D was appropriately supervised.

The panel was of the view that a strong public interest consideration in declaring and upholding proper standards of conduct within the teaching profession was also present as the conduct found against Miss Sims could not be ignored.

Notwithstanding these considerations, the panel decided that there was a strong public interest consideration in retaining the teacher in the profession, as she is able to make a valuable contribution to the profession.

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 Miss Sims.

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 Miss Sims. 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;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE)
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests.
- collusion or concealment, including encouraging others to break rules.

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 respect of the panel's findings of dishonesty, the panel noted that this was an isolated incident over a short period of time. The panel found that Miss Sims did have a previously good history and the panel accepted that the incident was out of character. The panel accepted the testimony of Miss Sims and others that the dishonest conduct was wholly out of character, and noted that there had been no similar incidents of dishonesty previously or since this incident.

The panel found that on 1 May 2019, Miss Sims received a late night email from Witness A (a new headteacher) felt stressed and worried. [redacted];. The panel noted that the timing of this email, combined with [redacted]; meant that Miss Sims acted unwisely in responding to this email and led to her acting dishonestly by lying about the incident that occurred on that day. The panel noted that Miss Sims responded to this email within 30 minutes and therefore her period of unwisely thinking was short lived.

The panel found Miss Sims to have demonstrated genuine remorse for the dishonest conduct and the impact this had on her colleagues and the teaching profession, and that Miss Sims had taken steps to ensure a similar incident would not occur again [redacted];. The panel noted that Miss Sims had taken steps to overcome her personal challenges and the panel therefore considered the risk of repetition of her conduct as low.

In respect of the panel's findings that Miss Sims failed to adequately safeguard Pupil C and Pupil D, the panel found that Miss Sims' actions were not deliberate.

With respect to the failure to report incidents involving Pupil C on CPOMS, the panel noted from the witnesses' testimony that there was a lack of consistency around the use of CPOMS by staff members and a lack of training. In making this finding, the panel considered the fact that other more senior staff who were involved in the various incidents involving Pupil C (Incidents 1, 2 and 3) had also failed to tag Miss Sims in their entries to CPOMS (had they reported these incidents at all).

With respect to the failure to safeguard Pupil D, the panel took account of the difficult circumstances in place at the time of the incident due to the coronavirus pandemic and the ever changing make up of students under Miss Sims' care, which included other vulnerable children with risk assessments in place. The panel noted that Pupil D was previously not known to Miss Sims. The panel noted that this incident occurred on Miss Sims' first day back at the school in 6 weeks. The panel also noted that Miss Sims could have been provided with better support and information, including the provisional risk assessment for Pupil D which was only provided following the incident and should have been provided sooner.

The panel further noted that Miss Sims' actions were not deliberate and that they had no effect on the safety of the children.

The panel also noted that Miss Sims had deliberately gained alternative employment outside of education since her dismissal from the School, despite there being no prohibition on teaching. The panel noted that this showed respect for the regulatory process and that Miss Sims' reluctance to teach until receiving the outcome of the hearing was in itself a sanction that she placed on herself.

The panel noted that there were multiple witnesses willing to attest to Miss Sims' good character and teaching abilities. The panel had regard to 39 positive letters and testimonials from students, parents and teachers which were collected over the course of her career.

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Given that the nature and severity of the behaviour was at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession.

Decision and reasons on behalf of the Secretary of State

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

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

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

The panel has made a recommendation to the Secretary of State that Miss Rebecca Sims should not be the subject of a prohibition order. The panel has recommended that the findings of unacceptable professional conduct should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Miss Sims 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: having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions and having proper and professional regard for the ethos, policies and practices of the school in which they teach.

The panel was satisfied that the conduct of Miss Sims, involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE).

The panel finds that the conduct of Miss Sims 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, 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 Miss Sims, 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 pupils. The panel has observed, “The panel was of the view that there was a strong public interest consideration in respect of the protection of pupils in light of the panel’s finding against Miss Sims which involved failing to comply with her safeguarding duties in reporting matters to CPOMS in a timely manner and failing to ensure Pupil D was appropriately supervised.” 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 found Miss Sims to have demonstrated genuine remorse for the dishonest conduct and the impact this had on her colleagues and the teaching profession, and that Miss Sims had taken steps to ensure a similar incident would not occur again” and “The panel also commented that “Miss Sims’ actions were not deliberate and that they had no effect on the safety of the children.” I have therefore given this element 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, “The panel was of the view that a strong public interest consideration in declaring and upholding proper standards of conduct within the teaching profession was also present as the conduct found against Miss Sims could not be ignored.

Notwithstanding these considerations, the panel decided that there was a strong public interest consideration in retaining the teacher in the profession, as she is able to make a valuable contribution to 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 Miss Sims and the panel comment “The panel noted that there were multiple witnesses willing to attest to Miss Sims’ good character and teaching abilities. The panel had regard to 39 positive letters and testimonials from students, parents and teachers which were collected over the course of her career.”

A prohibition order would prevent Miss Sims 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 concerning dishonesty. The panel has said, "In respect of the panel's findings of dishonesty, the panel noted that this was an isolated incident over a short period of time. The panel found that Miss Sims did have a previously good history and the panel accepted that the incident was out of character. The panel accepted the testimony of Miss Sims and others that the dishonest conduct was wholly out of character, and noted that there had been no similar incidents of dishonesty previously or since this incident."

I have also placed considerable weight on the finding of the panel that "The panel was of the view that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Given that the nature and severity of the behaviour was at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case."

I have given more weight in my consideration of sanction to the contribution that Miss Sims has made to the profession.

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

A handwritten signature in black ink, appearing to read 'SABuxcey', with a horizontal line underneath.

Decision maker: Sarah Buxcey

Date: 2 November 2022

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