



Teaching  
Regulation  
Agency

# **Ms Sally Stafford: 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 on behalf of the Secretary of State**

<b>Teacher:</b>	Ms Sally Stafford
<b>Teacher ref number:</b>	9860405
<b>Teacher date of birth:</b>	02 May 1976
<b>TRA reference:</b>	19136
<b>Date of determination:</b>	4 November 2022
<b>Former employer:</b>	Dalestorth Primary School ("the School")

### **Introduction**

A professional conduct panel ("the panel") of the Teaching Regulation Agency ("the TRA") convened virtually on 22 to 23 November 2021, and 3 to 4 November 2022 via Microsoft Teams, to consider the case of Ms Sally Stafford.

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

The legal adviser to the panel was Mr James Danks in November 2021 and Mr Ben Schofield in November 2022, both of Blake Morgan LLP.

The presenting officer for the TRA was Mr Ben Bentley and Ms Sey Shabani in November 2021 and Ms Heather Andersen in November 2022, all of Browne Jacobson LLP.

Ms Stafford was not present. She was represented by Mr Andrew Faux, of The Reflective Practice, for an initial application only and thereafter not represented at the hearing.

The hearing took place in public and was recorded.

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 8 September 2021:

It was alleged that Ms Sally Stafford was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or having been convicted of a relevant offence, in that whilst she was employed at the School:

1. On one or more occasions in or around May 2019 she consumed alcohol at school and/or prior to attending school to the extent that she was inebriated at school and/or during school hours.
2. She failed to attend an organised residential school trip wholly or partly because she had consumed alcohol.
3. On 24<sup>th</sup> May 2019, she drove home contrary to a management instruction not to do so resulting from concerns that she had consumed excess alcohol.
4. During the 2018/2019 academic year, she gave false and/or misleading information as to her whereabouts:
  - a) stating on or around November 2018 that she had not attended a Writing Moderation course due to it being cancelled when in fact it had not;
  - b) stating on or around 24 May that she had visited another school, when in fact she had been at home consuming alcohol.
5. Her behaviour as may be found proven at:
  - a) 1 above demonstrated a lack of insight into previous advice she had been given by the School in or around April 2019;
  - b) 4a and/or b was dishonest and/or lacked integrity.
6. She had been convicted of drink driving offences including:
  - a) on 9 May 2019, she was arrested for the offence of drink driving and was convicted on 12 March 2020;
  - b) on 30 August 2019, she was arrested for the offence of drink driving and was convicted on 11 November 2019 in which she received a 6-month driving ban, a £969 fine and ordered to pay £300 costs;
  - c) on 11 December 2019, she was arrested for the offence of drink driving and driving whilst disqualified and was convicted on 13 December 2019 in which she

received an 8-week sentence, suspended for 12 months, and a probation order, which included an alcohol treatment order.

7. She failed to report arrests and/or convictions at allegation 6a and/or b whilst she was still employed by the School.

8. She failed to mention and/or concealed allegations 6a, b and/or cat her disciplinary hearing on 6 November 2019 and 13 November 2019.

9. Failed to mention and/or conceal the whole of allegation 6 at her appeal hearing on 7 February 2020 and 10 February 2020.

By a signed statement of agreed facts dated 12 February 2022, Ms Stafford accepted that, on one occasion in May 2019, she had consumed alcohol before attending School but denied being inebriated. Ms Stafford denied the facts of allegation 2.

Ms Stafford accepted the facts of allegation 3 and 4b (and that in doing the latter, her conduct was dishonest and lacked integrity). She denied allegation 4a (and therefore 5b in respect of that particular).

Ms Stafford admitted allegations 6 to 9.

In respect of the admitted allegations, Ms Stafford accepted that these amounted to unacceptable professional conduct and where applicable, convictions of relevant offences.

## **Preliminary applications**

### **Application to discontinue**

The panel first heard an application from Mr Faux, who stated that it was not proportionate for the hearing to continue and that it should be discontinued or, alternatively, stayed indefinitely. The basis of this application was contained within the written submissions dated 23 October 2021.

[REDACTED]

[REDACTED]

Mr Faux's fundamental position was that it was unfair for the state to pursue proceedings against Ms Stafford. He stated that it had already done what it needed to fulfil the public interest and to continue the case would be '...drive the tractor over Ms Stafford and then to reverse back over her'.

[REDACTED]

The panel was aided by Mr Faux's written submissions, specifically paragraph 6, which set out the approach to be taken when considering whether the state had acted lawfully (taken from *Bank Mellat v HM Treasury* [2013] UKSC 39) and, of pertinence to this case, how that approach was applied to Ms Stafford's case.

The panel was grateful to Mr Faux for bringing the change in TRA's policy to its attention, which it had not previously been aware of, in either carnation. However, the panel did not consider a TRA hearing to be the appropriate forum for consideration to be given to whether the change in policy, in and of itself, was lawful.

[REDACTED]

[REDACTED]

The remaining arguments put forward by Mr Faux carried significantly less persuasive weight. No authority was provided to support his submissions in paragraph 7b. The panel did not accept that, as there had been previously published decisions on misconduct similar to that alleged against Ms Stafford, the TRA's public interest limbs, in respect of declaring and upholding proper standards of conduct, and maintaining public confidence in the profession, had been met.

No proper reason had been put forward by Mr Faux for such a position that would mean, in effect, the TRA should not pursue any case when the protection of children was not a factor. Without there being published decision on declaring and upholding proper standards and maintaining public confidence in the profession, whilst both of these public interests would diminish in strength, their importance would not do so.

In the panel's view, it is only because there were ongoing reminders, from published decisions, that the public's confidence in the profession could, and did, remain and, on the whole, proper standards in the profession were maintained.

[REDACTED]

The panel assumed, it not having been expanded upon orally, that the stated "...interference with [Ms Stafford's] rights..." was a reference to her Article 8 rights. In the panel's view, other than an assertion made in written application, it had not received any argument to substantiate this point.

Taking all of the above points, the panel determined to not allow the application and that the hearing should proceed.

### **Application to proceed in the absence of Ms Stafford**

The panel considered an application from Ms Shabani to proceed in the absence of Ms Stafford.

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it, as derived from the guidance set down in the case of *R v Jones* [2003] 1 AC 1 (as considered and applied in subsequent cases, particularly *GMC v Adeogba*; *GMC v Visvardis* [2016] EWCA Civ 162).

The panel was satisfied that the Notice of Proceedings ("the Notice") had been sent in accordance with Rules 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession ("the Procedures") and that the requirements for service had been satisfied.

Ms Stafford was clearly aware of the hearing and had responded to the Notice, confirming that she will not be attending because [REDACTED], most of which she had admitted. Mr Faux, during his application to discontinue, also confirmed that Ms Stafford would not be attending the hearing and that she was content for the hearing to proceed in her absence.

The panel went on to consider whether to proceed in Ms Stafford's absence or to adjourn, in accordance with Rule 4.29 of the Procedures.

The panel had regard to the fact that its discretion to continue in the absence of a teacher should be exercised with great caution and with close regard to the overall fairness of the proceedings. The panel gave careful consideration to the fact that Ms Stafford was not in attendance and would not be represented at this hearing, should it proceed, and the extent of the disadvantage to her as a consequence.

Given the express confirmation from Ms Stafford that she was not going to attend and consented to the hearing proceeding in her absence, the panel concluded that the hearing should proceed. The panel was satisfied that Ms Stafford's absence was voluntary and she had waived her right to attend. There was no indication that Ms Stafford might attend at a future date. No purpose would be served by an adjournment.

The panel also took account of the fact that there is a public interest in hearings taking place within a reasonable time and that there are witnesses present to give evidence to the panel who would be significantly inconvenienced were the hearing to be adjourned.

Having decided that it is appropriate to proceed, the panel would strive to ensure that the proceedings were as fair as possible in the circumstances, bearing in mind that Ms Stafford would neither be present nor represented.

### **Application to admit late documents**

Ms Andersen made an application to admit three late documents at the beginning of the re-commenced hearing on 3 November 2022. Each of those documents was a copy of the court's memorandum of conviction for the convictions detailed at allegations 6a to 6c.

The panel was mindful that this was an application made without notice and in the absence of Ms Stafford. However, as Ms Stafford had previously admitted these allegations, the panel was satisfied that there would be no unfairness to Ms Stafford by admitting them and that they were relevant to the conviction allegations. Accordingly, the panel granted the application and admitted the late evidence.

### **Application to rely on hearsay statements**

The panel considered an application by Ms Andersen to rely on the written statements of Individual A [REDACTED], Individual B [REDACTED] and Individual C [REDACTED]. These were witnesses requested to give live evidence at this hearing, but they had not attended.

Ms Andersen invited the panel to admit these statements and rely on them as hearsay evidence. Ms Andersen submitted that it would be fair to admit these statements, as they were not the sole evidence of Ms Stafford being inebriated at school. Additionally, Ms Andersen provided material regarding the attempts made to secure their attendance, namely by email and phone calls.

The panel was mindful this was not the first occasion in this case where there had been a failure by the witnesses to attend. The hearing was listed to re-commence on 3 February 2022 but was adjourned due to the absence of witnesses the panel considered were necessary to hear in person.

The panel accepted the legal advice provided, namely the factors set out from the authorities of *NMC v Ogbonna* [2010] EWCA Civ 1216, *R (Bonhoeffer) v GMC* [2011] EWHC 1585 (Admin) and *Thornycroft v NMC* [2014] EWHC 1565 (Admin).

The panel considered that the allegations against Ms Stafford were of a serious nature and that any potential findings could have a significant effect on her career. Whilst there were a number of admitted allegations, others were not admitted and these witnesses were key and sole witnesses to some of those disputed allegations. The panel was concerned that their evidence was the witnesses' subjective analysis of what they saw which was only fair to fully explore in live questioning, rather than simply relying on their witness statements.

Additionally, the panel noted the TRA had taken extensive steps to secure the witnesses' attendance, short of applying for a witness summons. Whilst there had been a suggestion that Individual A [REDACTED] and there were no cogent reasons provided by the other witnesses as to why they were not attending.

Accordingly, the panel considered that it would be unfair to rely on these hearsay statements and declined to admit them.



## Summary of evidence

### Documents

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

Section 1: Section 1: Notice of Hearing and Response – pages 6 to 19

Section 2: Statement of Agreed Facts – pages 20 to 26

Section 3: TRA Documents – pages 27 to 271

Section 4: TRA Witness Statements – pages 273 to 323

Section 5: Teacher documents – pages 324 to 288

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing. In addition, the panel accepted the following documents:

Three memorandums of convictions – pages 289 to 299

### Witnesses

The panel heard oral evidence from the following witness called by the TRA:

- Witness A – [REDACTED]

## Decision and reasons

The panel announced its decision and reasons as follows:

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

Ms Stafford was employed as a Headteacher at Dalestorth Primary School from 1 September 2014.

On 5 April 2019, Ms Stafford reported herself to the Chair of Governors, Witness A stating that she had been consuming alcohol in her office the evening before, prior to attending the School's Easter Disco. She explained she had joined in the disco after consuming two glasses of wine and admitted to driving home from the School thereafter. [REDACTED]. Following other concerns being raised by staff members at the school about Ms Stafford's inappropriate use of alcohol, the Chair instituted support measures for her. Further concerns about Ms Stafford's use of alcohol continued over the next couple of months. Because of these further concerns, a disciplinary process was

initiated. Ms Stafford was dismissed from her post in November 2019. Following a successful appeal against that decision, Ms Stafford was re-instated in February 2020.

Witness A resigned the Chair because of this decision, however she remained a governor. She also raised her concerns with the LADO. In discussions with the LADO, Witness A was told that Ms Stafford had a recent conviction for drink driving. Witness A was not aware of this conviction and on looking on the internet found there were further convictions, which Ms Stafford had not declared to the School.

Witness A contacted the school about the convictions. The School suspended Ms Stafford who resigned her position at the School. The School then made a referral to the TRA at the end of February 2020.

## **Findings of fact**

The findings of fact are as follows:

**It was alleged that Ms Sally Stafford was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or having been convicted of a relevant offence, in that whilst she was employed at the School:**

**1. On one or more occasions in or around May 2019 she consumed alcohol at school and/or prior to attending school to the extent that she was inebriated at school and/or during school hours.**

Witness A described an incident where she attended the School on the afternoon of 24 May 2019, following a concern raised to her that Ms Stafford was at the School and was under the influence of alcohol. Witness A described Ms Stafford as smelling strongly of alcohol and trying to cover her mouth when speaking and having pinpoint pupils.

Witness A further explained that when challenged about her consumption of alcohol, Ms Stafford stated she had consumed a glass of wine that morning, but nothing more.

Prior to leaving the School on that day, Ms Stafford went to speak to staff in the School's staff room. Witness A described Ms Stafford as bumping into the walls and being unsteady on her feet as she walked.

Witness A was clear in her evidence that she formed the view that Ms Stafford was inebriated at the time. She said she was in a position to draw that conclusion because she was a registered nurse and had spent six years working in an accident and emergency department treating a large number of intoxicated patients.

In the agreed statement of facts and her witness statement, Ms Stafford accepted that she had consumed alcohol that day, but denied being inebriated.

The panel considered that the account of Witness A was consistent with a person being inebriated through alcohol. The panel also took into account that Witness A is a medical professional with experience in dealing with people in an inebriated state.

The panel considered that on 24 May 2019, it was more likely than not that Ms Stafford had consumed alcohol prior to her attendance at the School that afternoon and was inebriated. The panel therefore found this allegation proved in regard to that one occasion.

Following its decision not to admit the hearsay statements of other School staff and governors, there was no other evidence before the panel regarding any other occasions and its findings are confined to the one occasion on 24 May 2019.

## **2. She failed to attend an organised residential school trip wholly or partly because she had consumed alcohol.**

Following its decision not to admit the hearsay statements of other School staff and governors, there was no evidence before the panel regarding failing to attend a school trip because of alcohol consumption.

Whilst the panel was mindful that it was not for Ms Stafford to disprove any allegation, it noted that her evidence was that she accepted not attending the trip, but that it was due to her being ill and not through alcohol consumption.

In the absence of any admissible evidence on behalf of the TRA, the panel found the burden and standard of proof were not discharged and therefore found this allegation not proved.

## **3. On 24<sup>th</sup> May 2019, she drove home contrary to a management instruction not to do so resulting from concerns that she had consumed excess alcohol.**

In the statement of agreed facts and Ms Stafford's witness statement, she admitted this allegation. She accepted that concerns were raised to her about her alcohol consumption that day but continued to drive her car.

Witness A's evidence was consistent with Ms Stafford's admission. She gave evidence that she warned Ms Stafford that she should not drive and that Ms Stafford ordered a taxi. Having later been informed that Ms Stafford's car was no longer in the staff car park, Witness A was told that another member of staff had reviewed the School's CCTV and saw that Ms Stafford had got into her car and driven it away.

The panel was satisfied that Ms Stafford's admission is clear and consistent with the surrounding evidence and therefore it is more likely than not that this incident took place. Accordingly, the panel found this allegation proved.

**4. During the 2018/2019 academic year, she gave false and/or misleading information as to her whereabouts:**

**a) stating on or around November 2018 that she had not attended a Writing Moderation course due to it being cancelled when in fact it had not;**

Following its decision not to admit the hearsay statements of other School staff and governors, there was no evidence before the panel regarding the writing moderation course and Ms Stafford's account of her whereabouts.

Whilst the panel was mindful that it was not for Ms Stafford to disprove any allegation, it noted that her evidence was that she accepted not attending the course but denied providing a false account about her whereabouts.

In the absence of any admissible evidence on behalf of the TRA, the panel found the burden and standard of proof were not discharged and therefore found this allegation not proved.

**b) stating on or around 24 May that she had visited another school, when in fact she had been at home consuming alcohol.**

In the statement of agreed facts and Ms Stafford's witness statement, she admitted this allegation.

Ms Stafford's admission regarding this allegation was clear and consistent with the evidence of Witness A. This included her admission to not visiting another school and admitting consuming alcohol prior to attending Dalestorth school that day. Therefore the panel considered it was more likely than not that Ms Stafford deliberately stated that she had attended another school when she had not done so. Accordingly, the panel found this allegation proved.

**5. Her behaviour as may be found proven at:**

**a) 1 above demonstrated a lack of insight into previous advice she had been given by the School in or around April 2019;**

In the statement of agreed facts and Ms Stafford's witness statement, she admitted this allegation.

Ms Stafford's admission was consistent with the surrounding evidence regarding the advice she received from April 2019, following the Easter Disco incident.

Accordingly, the panel was satisfied that this allegation was proved on the balance of probabilities.

**b) 4a and/or b was dishonest and/or lacked integrity.**

Having found allegation 4a not proved, the panel only considered this allegation in regard to the proved facts at allegation 4b.

In the statement of agreed facts and Ms Stafford's witness statement, she admitted this allegation in regard to both dishonesty and a lack of integrity. The panel considered that Ms Stafford's admission was clear and consistent with the surrounding evidence and therefore it was more likely than not that she was dishonest and her actions lacked integrity. The panel therefore found this allegation proved.

**6. She had been convicted of drink driving offences including:**

**a) on 9 May 2019, she was arrested for the offence of drink driving and was convicted on 12 March 2020;**

**b) on 30 August 2019, she was arrested for the offence of drink driving and was convicted on 11 November 2019 in which she received a 6-month driving ban, a £969 fine and ordered to pay £300 costs;**

**c) on 11 December 2019, she was arrested for the offence of drink driving and driving whilst disqualified and was convicted on 13 December 2019 in which she received an 8-week sentence, suspended for 12 months, and a probation order, which included an alcohol treatment order.**

In the statement of agreed facts and Ms Stafford's witness statement, she admitted these convictions.

Ms Stafford's admission was consistent with the surrounding evidence, namely copies of the court's memorandum for each conviction.

Accordingly, the panel was satisfied that it is more likely than not that Ms Stafford was convicted on these three occasions and found this allegation proved.

**7. She failed to report arrests and/or convictions at allegation 6a and/or b whilst she was still employed by the School.**

In the statement of agreed facts and Ms Stafford's witness statement, she admitted this allegation.

Ms Stafford's admission was consistent with the surrounding evidence, namely Witness A's account in evidence regarding her finding out about the convictions from the LADO.

Accordingly, the panel was satisfied that this allegation was proved on the balance of probabilities.

**8. She failed to mention and/or concealed allegations 6a, b and/or c at her disciplinary hearing on 6 November 2019 and 13 November 2019.**

The panel noted that allegation 6c relates to a conviction which postdates the November 2019 disciplinary hearings, so Ms Stafford could not have failed to disclose that conviction. The panel have therefore only considered this allegation in regard to allegations 6a and 6b.

In the statement of agreed facts and Ms Stafford's witness statement, she admitted this allegation.

In the absence of any contrary evidence, the panel was satisfied that this allegation was proved on the balance of probabilities.

#### **9. Failed to mention and/or conceal the whole of allegation 6 at her appeal hearing on 7 February 2020 and 10 February 2020.**

In the statement of agreed facts and Ms Stafford's witness statement, she admitted this allegation.

In the absence of any contrary evidence, the panel was satisfied that this allegation was proved on the balance of probabilities.

### **Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or conviction of a relevant offence**

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 and/or relevant convictions.

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

The panel was satisfied that the conduct of Ms Stafford, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Ms Stafford 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
  - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach

- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Ms Stafford amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. Ms Stafford's actions were not a one off lapse of judgment but involved repeated incidents. Ms Stafford was in a senior position at the school and on account of her actions was not able to discharge her duties safely.

The panel also considered Ms Stafford's repeated and escalating driving offences demonstrated a wilful disregard for the law that was compounded by her decision to conceal this information from the School.

The panel also considered whether Ms Stafford's conduct displayed behaviours associated with any of the offences listed on pages 12 to 14 of the Advice. The panel found that the offence of "serious driving offences, particularly those involving alcohol or drugs" was relevant. 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.

Accordingly, the panel was satisfied that Ms Stafford 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 panel considered that Ms Stafford's disregard for the law was at complete odds with the requirement that the community must be able to look up to teachers.

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

In regard to the convictions, the panel noted that Ms Stafford's convictions were not directly relevant to teaching, working with children or working in an education setting. These were offences that took place outside of the school environment and did not otherwise involve any person in the school community.

The panel considered they were contrary to the Teachers' Standards, as set out above.

The panel noted that the behaviour involved in committing the offences could have had an impact on the safety and/or security of members of the public. The panel noted the



convictions included: being involved in a near head-on collision with a bus and narrowly missing a pedestrian, and on another occasion going on to drive whilst banned.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Ms Stafford's behaviour in committing the offence could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community, particularly as they involved repeated offending and a disregard for a previously court imposed disqualification.

The panel noted that Ms Stafford's behaviour led to a sentence of imprisonment, (albeit that it was suspended), which was indicative of the seriousness of the offences committed.

This was a case concerning an offence involving "serious driving offences, particularly those involving alcohol or drugs", which the Advice states is likely to be considered a relevant offence.

The panel took into account evidence of mitigating circumstances, including the evidence that was adduced attesting to Ms Stafford's exemplary record as a teacher. The panel also took into consideration Ms Stafford's account of the difficulties she described that she was suffering at the relevant time [REDACTED].

Although the panel found that the evidence of Ms Stafford's teaching proficiency was of note, the panel also found that the seriousness of the offending behaviour that led to the convictions was relevant to Ms Stafford's ongoing suitability to teach. The panel considered that a finding that these convictions were for relevant offences was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

## **Panel's recommendation to the Secretary of State**

Given the panel's findings in respect of unacceptable professional conduct, conduct that may bring the profession into disrepute and convictions of a relevant offence, 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 protection of other members of the public
- the maintenance of public confidence in the profession
- declaring and upholding proper standards of conduct

In the light of the panel's findings against Ms Stafford, which involved repeated serious criminal offending, dishonesty and acting with a lack of integrity, there was a strong public interest consideration in respect of the protection of pupils and others, given Ms Stafford was found to have been at school inebriated. Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Stafford 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 Ms Stafford 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 Ms Stafford.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Ms Stafford. 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
- dishonesty or a lack of integrity, including the deliberate concealment of their actions, especially where these behaviours have been repeated
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures

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 considered that Ms Stafford's actions were deliberate and that she was not acting under duress.

The panel also noted Ms Stafford's previous good character and her substantial contribution to the School. The panel gave consideration to a number of character

references contained in the bundle. The majority of those references appeared to have been provided for the purpose of Ms Stafford's employment appeal. Other references mentioned not knowing the full facts of what had happened. Accordingly the panel gave limited weight to those references, although the panel considered them helpful in setting out Ms Stafford's general standing in the profession.

The panel also noted the contributions Ms Stafford had made to the School, since joining in 2006. This included taking the Year 6 SATs result from the lowest 5% of the country to the highest 5%, her quick rise from teacher to head teacher and her part in bring the School's OFSTED rating up to 'outstanding'.

The panel considered that the evidence showed that Ms Stafford's misconduct was borne out of an accumulation of difficulties that became a [REDACTED]. All of these events took place in 2018/19, immediately prior to the allegations which were found proved.

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 Ms Stafford of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Ms Stafford. Whilst the panel noted Ms Stafford's contributions to the School, her behaviour had been too serious not to mark it with a prohibition order, particularly taking account of the public interest in upholding standards and maintaining the public confidence in the profession.

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

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours include 'serious dishonesty'.

The panel gave careful consideration to the issue of dishonesty. In particular, the panel concluded that Ms Stafford's dishonesty came as a result of her [REDACTED]. Whilst there were serious and repeated incidents of dishonesty in this case, the panel saw no evidence to suggest a long term and deep-rooted issue with her honesty and integrity. [REDACTED] and accordingly, found this significantly mitigated the finding of dishonesty it had made.

Whilst Ms Stafford was not present at this hearing, she had clearly engaged with the regulatory process and provided much information to the panel. The panel noted that Ms Stafford had taken ownership and personal responsibility for her actions and did not seek to place blame on anyone else. The panel was satisfied that Ms Stafford had shown significant insight and remorse. In her witness statement, Ms Stafford commented "Self-blame, guilt, embarrassment, shame are all present in me." She described how [REDACTED].

Ms Stafford set out in detail her personal journey to recovery which she had taken since losing her headship. She explained how this included [REDACTED].

One of those agencies provided some remarks as to Ms Stafford's engagement with them in 2020:

[REDACTED]

The panel was satisfied that any continued risk to the public could be mitigated by Ms Stafford's continued engagement with [REDACTED]. Should she apply for this order to be set aside in the future, it is likely that any future panel would benefit from evidence as to her progress with those organisations.

The panel decided a review period would be appropriate and that this would be proportionate, in all the circumstances. The panel further recommended provision for a review period after a period of two 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 some of the allegations proven and found that those proven facts amount, in different cases, amount to unacceptable professional conduct, conduct that may bring the profession into disrepute and a relevant conviction. In this

case, as the panel has found some of the allegations not proven I have put all of those matters entirely from my mind.

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

In particular, the panel has found that Ms Stafford 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
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was also, "satisfied that the conduct of Ms Stafford amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession." The panel state, "Ms Stafford's actions were not a one off lapse of judgment but involved repeated incidents. Ms Stafford was in a senior position at the school and on account of her actions was not able to discharge her duties safely."

The panel also, "considered Ms Stafford's repeated and escalating driving offences demonstrated a wilful disregard for the law that was compounded by her decision to conceal this information from the School."

The panel also, "considered whether Ms Stafford's conduct displayed behaviours associated with any of the offences listed on pages 12 to 14 of the Advice. The panel found that the offence of "serious driving offences, particularly those involving alcohol or drugs" was relevant. 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."

Accordingly, the panel was, "satisfied that Ms Stafford was guilty of unacceptable professional conduct."

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 Stafford and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed, "Ms Stafford was in a senior position at the school and on account of her actions was not able to discharge her duties safely." 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 was satisfied that Ms Stafford had shown significant insight and remorse." I have therefore given this element considerable weight in reaching my overall 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 considered that Ms Stafford's behaviour in committing the offence could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community, particularly as they involved repeated offending and a disregard for a previously court imposed disqualification."

I have also taken into account the particular comments of the panel concerning their findings of dishonesty in this case.

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, conduct likely to bring the profession into disrepute and relevant convictions 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 Stafford herself. The panel's comments include, "The panel also noted the contributions Ms Stafford had made to the School, since joining in 2006. This included taking the Year 6 SATs result from the lowest 5% of the country to the highest 5%, her quick rise from teacher to head teacher and her part in bring the School's OFSTED rating up to 'outstanding'."

A prohibition order would prevent Ms Stafford from teaching and would also clearly deprive the public of her contribution to the profession for the period that it is in force.

I have also placed considerable weight on the finding of the panel that, "Whilst the panel noted Ms Stafford's contributions to the School, her behaviour had been too serious not to mark it with a prohibition order, particularly taking account of the public interest in upholding standards and maintaining the public confidence in the profession."

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Stafford 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.

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

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

I have considered the panel's comments and I support them. I consider that 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.

**This means that Ms Sally Stafford 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 November 2024, 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 Sally Stafford remains prohibited from teaching indefinitely.

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

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



**Decision maker: Alan Meyrick**

**Date: 10 November 2022**

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