



Teaching  
Regulation  
Agency

# **Mrs Sheila M Welsby: Professional conduct panel outcome**

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

**February 2023**

## Contents

|  |    |
|--|----|
| Introduction   | 3  |
| Allegations  | 4  |
| Preliminary applications                                 | 4  |
| Summary of evidence                                      | 6  |
| Documents  | 6  |
| Witnesses  | 6  |
| Findings of fact   | 7  |
| Panel's recommendation to the Secretary of State         | 17 |
| Decision and reasons on behalf of the Secretary of State | 22 |

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

|                               |  |
|-------------------------------|--|
| <b>Teacher:</b>               | Mrs Sheila Welsby                            |
| <b>Teacher ref number:</b>    | 6439745                                      |
| <b>Teacher date of birth:</b> | 2 August 1946                                |
| <b>TRA reference:</b>         | 18511  |
| <b>Date of determination:</b> | 24 February 2023                             |
| <b>Former employer:</b>       | St Anne's College Grammar School, Lancashire |

### **Introduction**

A professional conduct panel ("the panel") of the Teaching Regulation Agency ("the TRA") convened on 20 February 2023 to 23 February 2023 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mrs Sheila Welsby and Individual E. The panel also convened by virtual means on 24 February 2023.

The panel members were Mr Paul Hawkins (lay panellist – in the chair), Mrs Joanna Hurren (teacher panellist) and Mr Duncan Tilley (lay panellist).

The legal adviser to the panel was Mrs Luisa Gibbons of Eversheds Sutherland (International) LLP solicitors who joined the hearing virtually.

The presenting officer for the TRA was Mr Michael O'Donohoe of Browne Jacobson LLP solicitors.

Mrs Welsby was present and was represented by Mr Bruce Henry, Counsel.

The hearing took place in public, save for matters pertaining to health which were heard in private. The hearing was recorded.

## Allegations

The panel considered the allegations against Mrs Welsby set out in the notice of proceedings dated 9 December 2022.

It was alleged that Mrs Welsby was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as Principal at St Anne's College Grammar School she:

1. Acted inappropriately and/or failed to ensure appropriate action was taken with respect to a disclosure made on or around 24 July 2018 relating to the conduct of Individual X towards Pupil A, in that she:
  - a. Did not inform the Local Authority and/or police promptly, despite having sufficient information to conclude that the disclosure amounted to an allegation that Individual X had behaved in a way that may have harmed a child and/or possibly committed a criminal offence against a child;
  - b. Informed Individual X about the disclosure/allegation before consulting with Witness B;
  - c. Suggested and/or agreed to delay the reporting of the disclosure/allegation;
  - d. Suggested and/or agreed not to report the disclosure/allegation if Pupil A's parents did not wish to do so;
  - e. Did not inform the police of the admissions which had been made to her by Individual X on or around 24 July 2018, until 4 September 2018;
  - f. Accepted the resignation of Individual X on or around 29 September 2018 without undertaking an internal investigation regarding their misconduct.
2. One or more of her actions and/or omissions as set out at 1 above had the potential to compromise investigations by the police and/or Local Authority in relation to the conduct of Individual X.

Mrs Welsby admitted the facts of the allegations. At the commencement of the hearing, Mrs Welsby denied that her actions amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. During the course of giving evidence, Mrs Welsby admitted that her actions amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

## Preliminary applications

### Applicable Procedures

The panel understands that Mrs Welsby was referred to the TRA on 3 July 2019. The Teacher misconduct disciplinary procedures for the teaching profession updated April 2018 therefore apply in this case ("the Procedures").

### Admission of Late Documents

The panel considered an application by the presenting officer to admit guidance “Working Together to Safeguard Children of July 2018”.

The panel also considered an application by Mrs Welsby to admit her witness statement.

The panel also considered an application by Individual E to admit a witness statement of Witness C who is the [REDACTED].

None of these documents had been submitted to the panel and the other parties to the proceedings in accordance with the timescales set out in paragraph 4.20 of the Procedures. Paragraph 4.25 of the Procedures states that if either party wishes to rely at the hearing upon any document not served in accordance with paragraph 4.20, then that document may only be admitted at the discretion of the panel. With regard to the exercise of that discretion, paragraph 4.18 of the Procedures states that the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

The panel decided to admit the document ‘Working Together to Safeguard Children’, it being a document that had been published at the time of the matters referred to in the allegations. It was therefore fair for the document to be admitted, since teachers ought to be aware of the guidance that governed their practice. It was relevant since it provides guidance regarding working with local authorities in relation to the of safeguarding of children.

The panel decided to admit the witness statement of Mrs Welsby. This contains Mrs Welsby’s response to the allegations and the evidence that she would give as her evidence in chief, and is therefore relevant. The panel considered that it was fair for the statement to be admitted as it will be helpful to have a written record of Mrs Welsby’s evidence.

The panel decided to admit the witness statement of Witness C. It was accepted that a witness statement for these proceedings could have been sought and finalised at an earlier stage in these proceedings. However, there is a police statement of this witness within the bundle, and the evidence is therefore not entirely new. The panel understands Witness C will provide some additional details and provide evidence of his relationship with Individual E. It was therefore considered that it would be fair for the statement to be admitted. Such evidence was relevant to the issue of whether instructions given by police with regards to the retention of potential evidence were carried out promptly and/or properly by Individual E.

## Summary of evidence

### Documents

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

Section 1: Notice of proceedings – pages 1 to 9

Section 3: Teaching Regulation Agency witness statements – pages 10 to 215

Section 4: Teaching Regulation Agency documents – pages 216 to 239

Section 5: Teacher documents – pages 240 to 346

In addition, the panel agreed to accept the following:

Working together to safeguard children dated July 2018;

Witness statement of Sheila Welsby dated 30 January 2023; and

Witness statement of Witness C dated 17 February 2023.

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 Witness A of [REDACTED] called by the Presenting Officer.

The panel heard evidence from Mrs Welsby and Individual E. The panel also heard evidence from Witness C at the school who is the [REDACTED]. Witness C was called by the representative of Individual E.

## Decision and reasons

The panel announced its decision and reasons as follows:

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

Mrs Welsby is a proprietor and principal of St Anne's College Grammar School ("the School"). Concerns were raised by the police regarding Mrs Welsby's handling of safeguarding issues arising from allegations received from a pupil's [REDACTED] regarding interactions between a teacher at the school ("Individual X") and the pupil ("Pupil A"). Individual X was later convicted of sexual offences with a child.

## Findings of fact

The findings of fact are as follows:

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

### Whilst employed as Principal at St Anne's College Grammar School she:

- 1. Acted inappropriately and/or failed to ensure appropriate action was taken with respect to a disclosure made on or around 24 July 2018 relating to the conduct of Individual X towards Pupil A, in that she**
  - a. Did not inform the Local Authority and/or police promptly, despite having sufficient information to conclude that the disclosure amounted to an allegation that Individual X had behaved in a way that may have harmed a child and/or possibly committed a criminal offence against a child;**

The panel considered guidance contained in 'Keeping Children Safe in Education' and 'Working Together to Safeguard Children' ("KCSIE") applicable at the time of the conduct referred to in the allegations.

Part four of 'KCSIE' provides guidance about managing cases of allegations against a teacher, where it is alleged that teacher has

- *“behaved in a way that has harmed a child, or may have harmed a child;*
- *possibly committed a criminal offence against or related to a child;*
- *or behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children”.*

The guidance goes on to state at paragraph 151: *“In the first instance, the headteacher or principal...(the ‘case manager’) should immediately discuss the allegation with the designated officer(s). The purpose of an initial discussion is for the designated officer(s) and the case manager to consider the nature, content and context of the allegation and agree a course of action... There may be situations when the case manager will want to involve the police immediately, for example if the person is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. Where there is no such evidence, the case manager should discuss the allegations with the designated officer(s) in order to determine whether police involvement is necessary.”* Paragraph 31 of the guidance makes clear that allegations should be reported to the designated officer at the local authority (the “LADO”).

'Working Together to Safeguard Children' of July 2018, paragraph 7 states *“Any allegation against people who work with children should be reported immediately to a*

*senior manager within the organisation or agency. The designated officer, or team of officers should also be informed within one working day of all allegations that come to an employer's attention or that are made directly to the police."*

Mrs Welsby admitted the allegation. She accepted that both she and Individual E were principals of the school. Upon being informed of the allegation at approximately noon on 24 July 2018, Mrs Welsby admits that she did not address her mind to the guidance contained within KCSIE, nor to the School's internal policies, as she was in shock. She admitted joining a meeting between Individual E and Individual X approximately two hours after learning of the allegations. She accepted that she did not deal well with the situation, and that everything seemed to be moving quickly. She accepted that she knew the matter had to be reported to Witness B.

The transcript shows that during the meeting with Individual X, Individual E asked Mrs Welsby, "*Can we procrastinate?*" Mrs Welsby suggested that she would send an email to Witness B rather than telephoning him, asking Witness B to contact her because she needed advice. She then stated that she could tell Pupil A's family that she had contacted Witness B and that she was "*waiting for them to get back to [her]*". Mrs Welsby went on to state "*If they are insistent that it goes ahead, then it has to go ahead, if though, what they say, if we feel there is any manoeuvre or any way not to take it further, we ourselves don't want to take it further.*"

Mrs Welsby stated that during the meeting with Individual X, she had feigned sympathy with the intention of gaining his confidence and obtaining the truth from him, by encouraging him to talk. She stated that she had felt sickened by what she had heard, and that her reply to Individual E's question as to whether they could "*procrastinate*" had been so that she could have some time to think and focus on the implications of Individual X's admissions. She stated that she had understood Individual E to have indicated he needed time to process what they had been told when he had asked if they could procrastinate. [REDACTED]. She stated that she had wanted to discuss the situation with Individual E. She stated that she had reacted wrongly by trying to build in a delay, and the fact that she was in shock and panicked is not an excuse, but she hoped that it went some way to explain her actions.

Witness B provided a summary of events that records Mrs Welsby having emailed Witness B at 14:48 on 24 July 2018 stating "*Not sure whether you are available during school holidays, but I would like to ask for advice. Could you let me know please when it is best to telephone?*"

In his evidence, Witness B confirmed to the panel that its service works during school holidays, and is available to be contacted save for on weekends and bank holidays. Although 'Working Together to Safeguard Children' had only recently been updated, Witness B also confirmed that the process for notifying allegations had remained unchanged and that there were no significant changes since the role of Witness B was



created in 2006. Mrs Welsby's safeguarding training was up to date, and due to be refreshed in November 2018.

Mrs Welsby accepted that she should have telephoned Witness B in addition to sending an email, and that she should have made every effort to speak with him with the utmost urgency. She also accepted that her email should have impressed upon Witness B that she needed urgent safeguarding advice.

Witness B gave evidence that he is often contacted by teachers seeking advice in relation to safeguarding practice and procedures in circumstances where there is no allegation. However, the expectation is that if a school was aware of an allegation, it would not be seeking advice, it would be making the required notification. Clearly communicating that there was an allegation was necessary in order to convey the urgency and consultation that would be required as to next actions.

Mrs Welsby stated that she had not heard from Witness B within 24 hours, so she telephoned him and explained the circumstances surrounding the allegations and her concerns. She stated that she could not recall if Witness B was already aware of the allegations at that time. Witness B accepted that Mrs Welsby may have called him, rather than vice versa, but there were no records available to confirm this. Following the meeting, Witness B sent a notification form to complete with details of the member of staff concerned. He stated that Mrs Welsby had returned the form on 25 July 2018 at 18:30.

By the time of the call between Mrs Welsby and Witness B, Witness B had already received a report from Lancashire Police, which had been logged on the local authority's system at 11:35 on 25 July 2018. Pupil A's [REDACTED] had called the police to notify them at 17:45 on 24 July 2018 according to the police log.

In the circumstances, the panel considered that the allegation made against Individual X met the threshold that required Mrs Welsby to immediately notify the matter to Witness B. Mrs Welsby, as designated safeguarding lead ("DSL") and principal, ought to have known this, and had received safeguarding training. In failing to convey the fact of the allegation and the urgency with which she required to speak with Witness B, Mrs Welsby failed to inform the local authority promptly. This deprived Witness B of the ability to consult with Mrs Welsby in an urgent fashion and was thereby inappropriate.

The panel found this allegation proven.

**b. Informed Individual X about the disclosure/allegation before consulting with Witness B;**

Paragraph 147 of 'KCSIE' makes clear that employers have a duty of care to their employees and should afford effective support to anyone facing an allegation. It is stated, *"It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in a school or college is dealt with very quickly, in a fair and consistent*

*way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.”*

Paragraph 153 of ‘KCSIE’ states that *“the case manager should inform the accused person about the allegation as soon as possible after consulting the designated officer(s). It is extremely important that the case manager provides them with as much information as possible at that time. However, where a strategy discussion is needed or police or children’s social care services need to be involved, the case manager should not do that until those agencies have been consulted, and have agreed what information can be disclosed to the accused. Employers must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the school or college or whether alternative arrangements can be put in place until the allegation or concern is resolved.”*

It is therefore clear from the guidance that Witness B should have been consulted before Individual X was contacted in order that the extent of the information to be provided to Individual X could have been agreed.

Mrs Welsby admitted that the nature of the allegations made by Pupil A’s parents were relayed to her. She was also aware that Individual E had contacted Individual X and requested a meeting. Mrs Welsby recalled joining a meeting between Individual E and Individual X approximately two hours after learning of the allegations. She admitted having informed Individual X of the allegation before consulting with Witness B. She has accepted that her actions were inappropriate and that her intention had been to obtain confirmation and corroboration of the allegations made by Pupil A’s [REDACTED].

At the outset of the transcript of the meeting with Individual X, Individual E stated *“you have been sending texts and emails and things to her [Pupil A]. I’ve got to ask you the awkward question, in that, has any sexual activity taken place?”* Mrs Welsby asked various questions exploring the allegations and played an active part in the meeting from the time that the meeting began to be recorded. There is no indication that Mrs Welsby sought to prevent Individual E informing Individual X of the allegations, despite having had the opportunity to do so since having been made aware of the complaint approximately two hours prior to the meeting.

Mrs Welsby stated that she did not know if the information provided to Individual X in the meeting made him aware that the allegations had been made, and that he may have been made aware beforehand, potentially by Pupil A. Nevertheless, the panel considered Mrs Welsby could not have known whether or not that was the case, when the nature of the allegations were explained to Individual X during the meeting.

The transcript of the meeting shows that at the end of the meeting Individual X was suspended from his duties at the school. Mrs Welsby explained that this action was taken to ensure that Individual X did not attend the school and/or have any contact with pupils or access to his email or computer.

The police action log notes that Witness B had made the police aware that Individual X had been suspended. The note by the sergeant states *“I have expressed my disappointment in how the matter was dealt with in that the school should have contacted LADO/police before taking any action against the member of staff.”* Witness A gave evidence, and explained the possible consequences of Individual X being informed of the allegations. He stated that it deprived the police of Individual X’s immediate reaction upon being made aware of the allegations and the police’s ability to secure evidence. He stated that unless data is secured very early after allegations have been made, the possibility of tampering with evidence increases considerably.

Witness B stated that cases involving allegations such as those against Individual X are difficult in terms of managing safeguarding risks with the need to secure evidence in order for the matter to be investigated. Consultation with Witness B before approaching Individual X would have enabled a discussion to take place. Witness B stated that there were options available that might have managed the safeguarding risks, other than the immediate suspension of Individual X. Mrs Welsby had said that although this matter had come to light during the school holidays, there were children resident on site, and suspension was required in order to prevent Individual X having contact with those children. Witness B had no recollection of being informed that children were present at the school during the holidays, but this was a factor that could have featured in their discussion regarding next steps.

The panel found that Mrs Welsby had informed Individual X of the allegations before consulting with Witness B, in that she played an active part in the meeting in which the allegations were discussed with Individual X. This was inappropriate, since it deprived Witness B of the opportunity to consult with her about appropriate next steps to afford safeguarding protection to both Pupil A, and potentially other pupils, and risked the possibility of Individual X tampering with evidence.

The panel found this allegation proven.

**c. Suggested and/or agreed to delay the reporting of the disclosure/allegation;**

The transcript of the meeting with Individual X shows that Individual E asked Mrs Welsby *“Can we procrastinate?”* Mrs Welsby responded, *“I’ll have to contact Witness B, because the Victims want to know what Witness B has said to me What we can do, what I can do is send an email rather than a telephone call, just asking Witness B to contact me because I need some advice, which I do, so that I can tell the Victims at half past four and tell them that I have contacted Witness B, and that I am waiting for them to get back to me.”*

Mrs Welsby admitted the allegation. She stated that she had felt sickened by what she had heard, and that her reply to her Individual E’s question as to whether they could procrastinate had been so that she could have some time to think and focus on the

implications of Individual X's admissions. She stated that she had understood Individual E to have indicated he needed time to process what they had been told when he had asked if they could "*procrastinate*". [REDACTED]. She stated that she had wanted to discuss the situation with Individual E. She stated that she had reacted wrongly by trying to build in a delay, and the fact that she was in shock and panicked is not an excuse, but she hoped that it went some way to explain her actions.

After the meeting, Mrs Welsby's actions accorded with those she had proposed. She emailed Witness B seeking advice, rather than informing him of the allegations.

The panel found that Mrs Welsby had suggested using this tactic to delay the reporting of the allegation and this was inappropriate given her duties referred to in 'KCSIE'.

The panel found this allegation proven.

**d. Suggested and/or agreed not to report the disclosure/allegation if Pupil A's parents did not wish to do so;**

The transcript of the meeting held with Individual X records that Mrs Welsby stated "*...I can tell the Victims at half past four and tell them that I have contacted [Witness B], and that I am waiting for them to get back to me. If they are insistent that it goes ahead, then it has to go ahead, if though what they say, if we feel that there is any manoeuvre or any way not to take it further, we ourselves don't want to take it further.*"

Mrs Welsby admitted this allegation. She stated that during the meeting with Individual X, she had feigned sympathy with the intention of gaining his confidence and obtaining the truth from him, by encouraging him to talk. Mrs Welsby stated that it had not been her intention not to report the matter to Witness B, and that by the time of her meeting with Pupil A's parents, she had already made contact with Witness B. As referred to above, that email sought advice only and did not make Witness B aware of the urgency of the matter, nor that allegations had been made.

The transcript of the recording indicates Mrs Welsby had suggested not to report the disclosure/allegation if Pupil A's parents did not wish to do so. The panel found this inappropriate. It is Mrs Welsby who had the safeguarding obligation to report, and this duty exists regardless of whether a parent does or does not want the matter to be considered further.

The panel found this allegation proven.

**e. Did not inform the police of the admissions which had been made to her by Individual X on or around 24 July 2018, until 4 September 2018;**

During the meeting with Individual X, various admissions were made. He confirmed when the communications with Pupil A had started; that he had originally used his school email account; that the relationship had started with him giving extra help to Pupil A; that he

hoped that one day he and Pupil A could be together; and that he loved her. Mrs Welsby was present whilst all of these admissions were made.

Mrs Welsby admitted having not informed the police of the admissions and stated that she had not had any contact with the police until September 2018. She stated that, had she known the importance of informing the police of the admissions, she would have done so without delay. She stated that she had told Pupil A's parents of the admissions.

Witness A gave evidence that he had received information in passing as part of liaison with [REDACTED] which indicated that Individual X had made admissions about his conduct to Individual E and Mrs Welsby. He stated that [REDACTED] had been informed of this by Pupil A's family. He stated that, on 4 September 2018, he spoke with Individual E and asked what Individual X had stated at the meeting. Individual E told him that Individual X had said that he was in love with Pupil A and was in a relationship that he hoped to continue. Individual E offered him a copy of the recording of the meeting. It is therefore clear that Mrs Welsby had not informed the police of the admissions and that they only came to the attention of the police on 4 September 2018.

Paragraph 23 of 'Working Together to Safeguard Children' states that "*effective sharing of information between practitioners and local organisations and agencies is essential for early identification of need, assessment and service provision to keep children safe.*". Paragraph 24 states that "*Practitioners should be proactive in sharing information as early as possible to help identify and respond to risks or concerns about the safety and welfare of children...Practitioners should be alert to sharing important information about any adults with whom that child has contact, which may impact the child's safety or welfare.*" To ensure effective safeguarding arrangements, paragraph 26 states "*all practitioners should not assume that someone else will pass on information that they think may be critical to keeping a child safe. If a practitioner has concerns about a child's welfare and considers that they may be a child in need or that the child has suffered or is likely to suffer significant harm, then they should share the information with local authority children's social care and/or the police.*"

In failing to inform the police of the admissions, Mrs Welsby disregarded her obligation to be proactive in the sharing of information and thereby failed to ensure appropriate action was taken. It was plain from the nature of the admissions that there was an ongoing risk to Pupil A's welfare and that Mrs Welsby failed to have due regard to this.

This allegation is found proven.

**f. Accepted the resignation of Individual X on or around 29 September 2018 without undertaking an internal investigation regarding their misconduct.**

Mrs Welsby has admitted this allegation. She stated that she understood that an employer was not bound to accept a resignation, but once they do an act not compatible

with continued employment, for example, stop paying wages, there will be an acceptance of the resignation. She stated that had Individual X's resignation not been accepted, the school would have had to continue to pay his wages.

The panel has seen Individual X's resignation dated 29 September 2018 addressed to Individual E stating that he tendered his resignation with immediate effect.

Around this time, Mrs Welsby referred Individual X to the TRA. She stated on the form that Individual X had resigned on 29 September 2018. There was no indication on the form that the resignation had been rejected, and it is therefore implicit that the resignation had been accepted.

On 10 January 2019, a LADO review strategy meeting took place. The notes of that meeting stated that the police asked if the school had formally accepted the resignation. It is recorded that Mrs Welsby advised that the school had accepted the resignation and had informed the DFE as to why he had resigned.

The panel therefore considered that there was sufficient evidence that Individual X's resignation had been accepted by Mrs Welsby as a principal of the school.

In Witness B's response to Mrs Welsby of 26 July 2019 he recommended that she identify the person to be the lead contact on the investigation/ disciplinary. During the strategy meeting of 10 January 2019, the notes record that the police advised that it could work with the school in terms of an internal investigation and disciplinary process, and Mrs Welsby was advised to seek HR advice in terms of moving forwards with the disciplinary process. In oral evidence, Mrs Welsby confirmed that no investigation had been carried out at the time of Individual X's resignation, nor had any disciplinary process commenced. On 12 March 2019, Mrs Welsby wrote to the TRA stating that "*although initially, the school could not conduct its own internal misconduct investigation until the police criminal investigation was completed, we have now been advised that because of the length of time involved this is now possible, providing that we liaise with the police and this does not affect their investigation*".

The panel considered that there was sufficient evidence that at the time Individual X's resignation was accepted there had been no internal investigation regarding his conduct. The panel considered that it was inappropriate to have accepted the resignation without consideration of the implications for the internal investigation. It is clear that the decision to accept the resignation was taken on the basis that the school's obligations to pay Individual X would stop, rather than taking safeguarding considerations into account.

The panel found this allegation proven.

- 2. One or more of her actions and/or omissions as set out at 1 above had the potential to compromise investigations by the police and/or Local Authority in relation to the conduct of Individual X.**

Mrs Welsby admitted this allegation. She accepted that her actions could have led to Individual X putting pressure on Pupil A not to assist with any police and/or local authority investigation, that it could have led to Individual X avoiding arrest, as well as giving him the opportunity of destroying evidence that he had in his possession.

Mrs Welsby also accepted that, in the event of the police case collapsing against Individual X for any reason, it was important for a disciplinary finding of gross misconduct to be noted in his file as this would have provided a further layer of safety for children if he had attempted to obtain employment elsewhere.

The panel considered these were all potential outcomes of Mrs Welsby's actions and found this allegation proven.

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

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

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

The panel was satisfied that the conduct of Mrs Welsby in relation to the facts found proved, involved breaches of the 'Teachers' Standards'. The panel considered that, by reference to Part 2, Mrs Welsby was in breach of the following standards:

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

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions

Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...

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

The panel was satisfied that the conduct of Mrs Welsby, in relation to the facts found proved, involved breaches of 'KCSIE' as referred to above.

The panel was also satisfied that the conduct of Mrs Welsby in relation to the facts found proved, involved breaches of 'Working Together to Safeguard Children' as referred to above.

The panel was satisfied that the conduct of Mrs Welsby fell significantly short of the standard of behaviour expected of a teacher.

The panel also considered whether Mrs Welsby's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. The panel found that none of these offences were relevant. The panel noted that the advice is not intended to be exhaustive and there may be other behaviours that panels consider to be "conduct that may bring the profession into disrepute". In this case, failing promptly to report serious allegations against a teacher at the school; notifying the alleged perpetrator of the allegations; suggesting that reporting might be delayed or that the actions might not be reported at all; and failing to share important information with the police all signified that Mrs Welsby failed in her duties to safeguard and promote the welfare of children. She failed to ensure that her approach was child centred, and failed to act in the best interests of the child concerned.

Accordingly, the panel was satisfied that Mrs Welsby was guilty of unacceptable professional conduct.

The panel went on to consider the issue of whether Mrs Welsby was guilty of conduct that may bring the profession in to disrepute. 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.

In considering the issue of disrepute, the panel also considered whether Mrs Welsby's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. As referred to above, the panel found that none of these offences was relevant.

The panel noted that the advice is not intended to be exhaustive and there may be other behaviours that panels consider to be "conduct that may bring the profession into disrepute". As principal and designated safeguarding lead, Mrs Welsby had the relevant training to be aware of her responsibilities and duties with regard to safeguarding. Children are entrusted to the care of a professional in Mrs Welsby's position and failing to adhere to her responsibilities and duties has an impact on the way the profession is viewed by others.

The panel considered that Mrs Welsby's conduct could potentially damage the public's perception of a teacher.



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

Having found the facts of particulars 1 and 2 proved, the panel further found that Mrs Welsby's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

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

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mrs Welsby and whether a prohibition order is necessary and proportionate. 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 the following to be relevant in this case, namely, the safeguarding and wellbeing of pupils; the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings that Mrs Welsby breached her safeguarding obligations. The panel were told that the school at which Mrs Welsby is principal and co-proprietor is one that provides education for pupils with high functioning characteristics. A high percentage of pupils attending the school are known to the child and adolescent mental health services (CAMHS) and have special educational needs including dyspraxia, anxiety, autism and dysmorphia. In those circumstances, the panel would have expected Mrs Welsby to have a heightened awareness of safeguarding requirements.

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

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

Whilst there is evidence of Mrs Welsby's long service and unblemished career in the teaching profession, in the circumstances of this case, the panel considered that the adverse public interest considerations outweighed any interest in retaining Mrs Welsby in the profession, since her behaviour fundamentally breached the standard of conduct expected of a teacher, and posed a serious safeguarding risk.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times.

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;

- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;

- failure to act on evidence that indicated a child's welfare may have been at risk, eg, failed to notify the designated safeguarding lead and/or make a referral to children's social care, the police or other relevant agencies when abuse, neglect and/or harmful cultural practices were identified;

- 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);

- a deep-seated attitude that leads to harmful behaviour; and

- collusion or concealment including: ... failure to challenge inappropriate actions, defending inappropriate actions or concealing inappropriate actions; encouraging others to break rules....

With regard to the issue of whether Mrs Welsby exhibited a deep seated attitude, the panel noted that Mrs Welsby has stated that although she remains principal of the school, she is not involved in safeguarding in any way. Despite the existence of this case, the panel was concerned that Mrs Welsby has not recognised that she continues to have significant safeguarding obligations.

With regard to the issue of collusion or concealment, the panel had particularly in mind Mrs Welsby's behaviours in failing to challenge Individual E as to whether a meeting with Individual X was appropriate at that time, suggesting to delay the reporting of the allegation and suggesting not to report the allegation if Pupil A's parents did not wish to do so. During the meeting with Individual X, her actions affirmed Individual E's suggestion that they "*procrastinate*".

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider the mitigation offered by the teacher and whether there were mitigating circumstances.

Although the allegations against Individual X may have shocked Mrs Welsby, she had a period of approximately two hours before the meeting with Individual X to consider her next actions. She had safeguarding training and was the DSL. She had sufficient time to check the provisions of 'KCSIE' and 'Working together to Safeguard Children' to understand what her obligations were, if this was a novel situation for her. Instead Mrs Welsby chose to attend the meeting with Individual X in which he was informed of the allegations and made various suggestions around delaying and potentially not reporting the allegation. Once the meeting had concluded in which Individual X had made various admissions, Mrs Welsby had the further opportunity to consider what she should do with that information. Instead of acting in accordance with her obligations to share such information with the police or LADO, she failed to do so for a number of weeks. The panel therefore considered Mrs Welsby's actions to have been deliberate.

There was no evidence to suggest that Mrs Welsby was acting under extreme duress, eg a physical threat or significant intimidation. Whilst the allegations may have been shocking to her initially, she continued to behave in a way that was incompatible with her obligations for a number of weeks, in failing to inform the police or LADO of the admissions Individual X had made and by accepting Individual X's resignation without any consideration of any potential implications for safeguarding.

Mrs Welsby has a previously good history, having qualified as a teacher in 1967 and having continued in the teaching profession until her retirement, although she continues to describe herself as principal of the school and is a co-proprietor. She has contributed significantly to the education sector through her many years of teaching. No doubt there will be many achievements through a career of this duration, but there is no specific evidence of having demonstrated exceptionally high standards in both her personal and professional conduct.

The panel has seen references from two colleagues and a friend, all of whom stated they were aware of the allegations against Mrs Welsby.

The first referee described Mrs Welsby as the "*heartbeat of the school*". She described Mrs Welsby's professionalism, her work ethic and her honesty. She described having worked directly with Mrs Welsby following "*the highest level of safeguarding disclosure any pupil has chosen to tell me in my career to date*", and explained that Mrs Welsby supported both her and the child through that process. She also described Mrs Welsby's dedication and determination to protect the physical and mental wellbeing of all within her care. She stated that in the particular safeguarding case that she referred to, Mrs Welsby was prompt to report, record and contact the relevant authorities to safeguard the child.

This is somewhat inconsistent with Mrs Welsby's own evidence that although she had been a DSL for many years, she had never had need to contact Witness B, and was not as familiar as she should have been with the service.

The second colleague stated that she had worked with Mrs Welsby for 21 years, having previously attended the school as a pupil. She stated that, as a pupil, she felt cared for and protected, and that her experience of attending the school was a positive one. She described Mrs Welsby as being dedicated, hardworking and that it is a pleasure to work for her.

The third referee stated that he had been introduced by Individual E to Mrs Welsby. Individual E was mentoring him to continue to study to become a [REDACTED], and he described that Mrs Welsby also encouraged him during that time. He described her as an honourable woman, high in personal values, honest, hardworking and compassionate. He described Individual E and Mrs Welsby's commitment to improving the educational standards of the school, and described her as one of the most inspirational and driven educators that he has had the pleasure of knowing.

Mrs Welsby stated that she has reflected on the situation significantly over the last four and a half years and often asks herself what she could have or should have done differently. She describes the case as having impacted on every part of her life. Since the incident she describes having stood down from any role as a safeguarding lead and that the school has signed up to a package for the provision of safeguarding advice and updated its safeguarding policies. During her evidence, Mrs Welsby accepted what she ought to have done differently and had some understanding of the potential implications of her actions. However, at the outset of the hearing, Mrs Welsby denied that her actions amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute. It was only during the course of her evidence that Mrs Welsby accepted this.

The panel was concerned by Mrs Welsby's continued belief that, even though she is principal of a school, she does not consider herself to be involved in safeguarding in any way. Her comment that she was not as familiar as she might have been with the services of Witness B, having never had cause to contact Witness B, was concerning. This was particularly so, given the vulnerabilities of the pupils taught in the school. Furthermore, at no point during her evidence did Mrs Welsby express any empathy for Pupil A, and understanding of the potential consequences that her actions might have had on Pupil A had Mrs Welsby's actions been detrimental or fatal to the police investigation. She merely stated that Pupil A had continued her education at the school. During the meeting with Individual X, Mrs Welsby had asked whether extra help provided by Individual X to Pupil A had been "encouraged by her". She did not seem to appreciate Pupil A's position as a [REDACTED] pupil and a victim of Individual X.

The panel formed the view that Mrs Welsby had regret for the personal consequences for herself, rather than appreciating the impact on others, particularly Pupil A and potentially other pupils.

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

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

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mrs Welsby. Her ongoing lack of appreciation of safeguarding duties and the potential impact on the welfare of the child was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period or a longer period before a review is considered appropriate. Whilst this case does not involve any of the matters listed, the panel noted that neither list is exhaustive.

In this case, the panel was not satisfied that Mrs Welsby had demonstrated empathy with the perspective of Pupil A, nor did she have any genuine regret for the impact of her actions on others. In those circumstances, coupled with Mrs Welsby's continued failure to appreciate the role she plays in safeguarding, the panel decided that the findings indicated a situation in which a review period would not be appropriate. The panel decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provision for a review period. The panel did not consider that there was anything to be gained by a period in which she might obtain additional training or have further reflection. Mrs Welsby's safeguarding training had been up to date and she had many years of experience upon which to draw. Mrs Welsby has already had a period of time to reflect, but this has not provided any assurance regarding the risk of repetition.

## Decision and reasons on behalf of the Secretary of State

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

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

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

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

In particular, the panel has found that Mrs Welsby is in breach of the following standards:

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

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions

Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...

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

The panel was satisfied that the conduct of Mrs Welsby in relation to the facts found proven, involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE) and involved breaches of Working Together to Safeguard Children.

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

The findings of misconduct are particularly serious as they include a finding of "failing promptly to report serious allegations against a teacher at the school; notifying the alleged perpetrator of the allegations; suggesting that reporting might be delayed or that the actions might not be reported at all; and failing to share important information with the police all signified that Mrs Welsby failed in her duties to safeguard and promote the welfare of children. She failed to ensure that her approach was child centred, and failed to act in the best interests of the child concerned."

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mrs Welsby, 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, "There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings that Mrs Welsby breached her safeguarding obligations. The panel were told that the school at which Mrs Welsby is principal and co-proprietor is one that provides education for pupils with high functioning characteristics. A high percentage of pupils attending the school are known to the child and adolescent mental health services (CAMHS) and have special educational needs including dyspraxia, anxiety, autism and dysmorphia. In those circumstances, the panel would have expected Mrs Welsby to have a heightened awareness of safeguarding requirements." 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, "Mrs Welsby stated that she has reflected on the situation significantly over the last four and a half years and often asks herself what she could have or should have done differently. She describes the case as having impacted on every part of her life. Since the incident she describes having stood down from any role as a safeguarding lead and that the school has signed up to a package for the provision of safeguarding advice and updated its safeguarding policies. During her evidence, Mrs Welsby accepted what she ought to have done differently and had some understanding of the potential implications of her actions. However, at the outset of the hearing, Mrs Welsby denied that her actions amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute. It was only during the course of her evidence that Mrs Welsby accepted this." In my judgement, the lack of full insight or means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils'. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mrs Welsby were not treated with the utmost seriousness when regulating the

conduct of the profession.” I am particularly mindful of the serious findings in this case and the impact that such a finding has on the reputation of the profession.

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

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

I have also considered the impact of a prohibition order on Mrs Welsby herself the panel comment “Mrs Welsby has a previously good history, having qualified as a teacher in 1967 and having continued in the teaching profession until her retirement, although she continues to describe herself as principal of the school and is a co-proprietor. She has contributed significantly to the education sector through her many years of teaching. No doubt there will be many achievements through a career of this duration, but there is no specific evidence of having demonstrated exceptionally high standards in both her personal and professional conduct.”

A prohibition order would prevent Mrs Welsby 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 the lack of insight or remorse. The panel has said, “The panel was concerned by Mrs Welsby’s continued belief that, even though she is principal of a school, she does not consider herself to be involved in safeguarding in any way. Her comment that she was not as familiar as she might have been with the services of Witness B, having never had cause to contact Witness B, was concerning. This was particularly so, given the vulnerabilities of the pupils taught in the school. Furthermore, at no point during her evidence did Mrs Welsby express any empathy for Pupil A, and understanding of the potential consequences that her actions might have had on Pupil A had Mrs Welsby’s actions been detrimental or fatal to the police investigation. She merely stated that Pupil A had continued her education at the school. During the meeting with Individual X, Mrs Welsby had asked whether extra help provided by Individual X to Pupil A had been “encouraged by her”.

“She did not seem to appreciate Pupil A’s position as a [REDACTED] pupil and a victim of Individual X.”



I have also placed considerable weight on the finding of the panel that “Whilst the allegations may have been shocking to her initially, she continued to behave in a way that was incompatible with her obligations for a number of weeks, in failing to inform the police or LADO of the admissions Individual X had made and by accepting Individual X’s resignation without any consideration of any potential implications for safeguarding.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mrs Welsby has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by full remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

I have gone on to consider the matter of a review period. In this case, the panel has recommended that no provision should be made for a review period.

I have considered the panel’s comments “In this case, the panel was not satisfied that Mrs Welsby had demonstrated empathy with the perspective of Pupil A, nor did she have any genuine regret for the impact of her actions on others. In those circumstances, coupled with Mrs Welsby’s continued failure to appreciate the role she plays in safeguarding, the panel decided that the findings indicated a situation in which a review period would not be appropriate. The panel decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provision for a review period. The panel did not consider that there was anything to be gained by a period in which she might obtain additional training or have further reflection. Mrs Welsby’s safeguarding training had been up to date and she had many years of experience upon which to draw. Mrs Welsby has already had a period of time to reflect, but this has not provided any assurance regarding the risk of repetition.”

In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the findings and the lack of full insight or insight.

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

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

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

Mrs Welsby 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.

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

**Decision maker: Sarah Buxcey**

**Date: 8 March 2023**

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