



Teaching
Regulation
Agency

Ms Rebecca Smith (nee Motley): Professional conduct panel outcome

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

December 2023

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

Teacher:	Ms Rebecca Smith (nee Motley)
Teacher ref number:	0443342
Teacher date of birth:	04 June 1982
TRA reference:	17413
Date of determination:	7 December 2023
Former employer:	Lyndon School, Solihull

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened remotely on 4 to 7 December 2023, to consider the case of Ms Rebecca Smith (nee Motley).

The panel members were Mr Paul Hawkins (lay panellist – in the chair), Mrs Natalie Moore (teacher panellist) and Mr Nick Watkiss (teacher panellist).

The legal adviser to the panel was Mr Delme Griffiths of Blake Morgan LLP solicitors.

The presenting officer for the TRA was Ms Kathryn Hughes of QEB Hollis Whiteman, instructed by Kingsley Napley solicitors.

Ms Smith was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of hearing dated 4 September 2023, which were amended at the outset of the hearing to correct a typographical error in allegation 7.

It was alleged that Ms Smith was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

1. Between September 2016 and June 2017, she did not follow Witness D instructions in respect of not responding to contact from Former Student 1 and/or raising any contact from Former Student 1 with the Witness D.
2. In advance of 26 May 2017, while arranging a school trip to [REDACTED] she did not:
 - a) inform the head teacher of:
 - i. The names of all individuals who were to attend the trip and/or
 - ii. The correct number of individuals who were to attend the trip;
 - b) Seek the Head Teacher's permission for Former Student 1 to attend the trip.
3. In advance of 26 May 2017, she failed to take appropriate steps to safeguard Former Student 1 's wellbeing by not undertaking a risk assessment in respect of [REDACTED] attendance on the [REDACTED] trip and/or logging next of kin contact details and/or any medical information.
4. Between 26 May 2017 and 03 June 2017, she failed to observe an appropriate professional boundary with Former Student 1 by:
 - a) Sharing a room and/or bed with Former Student 1 and/or;
 - b) Whilst travelling by coach, sleeping with her head on Former Student 1's lap and/or holding hands with Former Student 1 and/or;
 - c) Putting sun cream on Former Student 1's back and shoulders and/or;
 - d) Inviting Former Student 1 to put sun cream on her back and/or arms and/or;
 - e) Purchasing alcohol for Former Student 1 on more than one occasion.
5. Between 30 May 2017 and 03 June 2017, did not follow her Head Teacher's instructions that Former Student 1 should move coach and not travel with her.

6. She allowed Former Student 1 to alight before the coach arrived at the school on 03 June 2017, so that [REDACTED] would not be seen by the Head Teacher.
7. Her conduct as outlined in allegation 2a and/or 2b above was dishonest.
8. Her conduct as outlined in allegations 1 and/or 5 and/or 6 demonstrated a lack of integrity.
9. She requested Former Student 1's personal phone number in or around May 2016, when Former Student 1 was still a pupil.
10. Between around May 2016 and March 2018, she contacted Former Student 1 on her personal mobile phone and/or on social media.
11. After Former Student 1 left the School in 2016, she:
 - a) Gave Former Student 1 gifts, including but not limited to a phone and/or clothing; and/or
 - b) Took Former Student 1 out for dinner; and/or
 - c) Allowed Former Student 1 to visit her flat; and/or
 - d) Provided Former Student 1 with keys to her flat in around August 2016; and/or
 - e) Told Student 1 that she "loved [REDACTED]" or words to that effect; and/or
 - f) Took and/or paid for a trip to [REDACTED] with Former Student 1 in or around February 2017; and/or
 - g) Took and/or paid for a trip to the [REDACTED] with Former Student 1 in or around November 2017.
12. Between December 2016 and January 2018, she engaged in a sexual relationship with Former Student 1.
13. Her conduct as outlined in allegations 4a-d and/or 9 and/or 10 and/or 11a-g and/or 12 above was sexually motivated.
14. At the time of the alleged conduct with Former Student 1 between May 2016 and January 2018, she was aware of Former Student 1's [REDACTED].

In her response to the notice of hearing, Ms Smith indicated that she did not admit any of the allegations.

Preliminary application

Application to proceed in the absence of Ms Smith

The panel considered an application from the presenting officer to proceed in the absence of Ms Smith.

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it.

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

Ms Smith was clearly aware of the proceedings. She had engaged with the TRA, expressly confirming that she would not be attending the hearing.

The panel went on to consider whether to proceed in Ms Smith'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 caution and with close regard to the overall fairness of the proceedings.

The panel gave careful consideration to the fact that Ms Smith would not be in attendance and would not be represented at this hearing, should it proceed, and the extent of the disadvantage to her as a consequence.

On balance, the panel decided that the hearing should continue in the absence of Ms Smith for the following reasons in particular:

- The panel was satisfied that Ms Smith's absence was voluntary, and she had waived her right to attend. She had been clear, throughout these proceedings, that she had no intention of appearing.
- There was no medical evidence indicating that Ms Smith was unable to attend. In response to her confirming that she was pregnant, the TRA raised the possibility of a postponement. However, in response, Ms Smith unequivocally indicated that she did not wish to postpone matters.
- There was no indication that Ms Smith might attend at a future date. As such, the panel concluded that no purpose would be served by an adjournment, which had not been requested by Ms Smith.
- Ms Smith had confirmed that she was not represented.

- There is a public interest in hearings taking place within a reasonable time. That was a particularly relevant factor in this case given the underlying allegations were historic.
- Witnesses were scheduled to give evidence and would be inconvenienced by an adjournment, as would the other participants in this hearing.

Having decided that it was 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 Smith would not be present or represented.

Summary of evidence

Documents

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

Section 1: Chronology, anonymised pupil list and list of key people – pages 8 to 11

Section 2: Notice of hearing – pages 12 to 25

Section 3: Teaching Regulation Agency witness statements – pages 26 to 77

Section 4: Teaching Regulation Agency documents – pages 78 to 632

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

Witnesses

The panel heard oral evidence from the following witnesses called by the presenting officer:

- Former Student 1;
- Witness A, [REDACTED];
- Witness B, [REDACTED];
- Witness C, [REDACTED];
- Witness D, [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.

Introduction

Ms Smith commenced employment at Lyndon School ("the School") in 2007. She was engaged as a subject team leader in foreign languages.

Throughout her time at the School Ms Smith was known as a Rebecca Motley and is referred to by that name in all of the documentation before the panel. She has since become Ms Smith and is referred to by her current name in the panel's decision.

From 1 January 2016, Ms Smith became an assistant principal at the School.

From September 2016 onwards, concerns arose in relation to Ms Smith's relationship with a former pupil. The individual in question is referred to as Former Student 1 for the purposes of these proceedings.

Former Student 1 left the School in [REDACTED], when [REDACTED] concluded year 11.

The relevant chronology of events is as follows:

- On 23 September 2016, concerns were reported to the School regarding Ms Smith's relationship with Former Student 1.
- In May 2017, Ms Smith led a school trip to [REDACTED], accompanied by Former Student 1.
- On 5 June 2017, at the conclusion of the [REDACTED]trip, the School made a referral to the Local Authority Designated Officer (LADO).
- On 6 June 2017, Ms Smith was suspended by the School pending an investigation.
- On 25 July 2017, Ms Smith was interviewed by the police. At the conclusion of the police investigation, no further action was taken.
- On 7 December 2017, the School concluded its investigation.
- On 16 January 2018, a disciplinary hearing was held.
- Following further disclosures in March 2019, the police re-opened its investigation but, once again, concluded that there should be no further action.

- On 20 July 2018, Ms Smith was referred to the TRA by the School.

Evidence considered by the panel

The panel carefully considered all of the evidence presented. It accepted the legal advice provided.

The panel heard oral evidence from the following witnesses called by the presenting officer:

- Former Student 1.
- Witness A, [REDACTED].
- Witness B, [REDACTED].
- Witness C, [REDACTED].
- Witness D, [REDACTED].

The TRA was also presented with accounts from other individuals who were involved in the underlying events, which was admitted as hearsay evidence.

The panel was satisfied this gave rise to no unfairness in the specific circumstances of this case.

Nonetheless, the hearsay evidence presented was considered with appropriate caution. If and where it was relied upon, this is addressed in the panel reasons, below.

Ms Smith did not attend the hearing.

In her absence, the allegations were treated as denied.

The panel confirmed it had not relied upon any findings made or opinions expressed during the earlier stages of this case. It made its own, independent determination of the allegations based on the evidence presented to it.

Findings of fact

The findings of fact are as follows:

- 1. Between September 2016 and June 2017, you did not follow Witness D`s instructions in respect of not responding to contact from Former Student 1 and/or raising any contact from Former Student 1 with the Witness D.**

The panel heard from Witness D that, on 23 September 2016, he received a notification from a Designated Safeguarding Lead (DSL) at [REDACTED]College (“the College”)

regarding a possible relationship between Ms Smith and Former Student 1. Specifically, he was informed that the Former Student 1 had disclosed that [REDACTED]" *lived or intended to live with*" Ms Smith.

In response, at the end of the school day, Witness D stated that he met with Ms Smith in the canteen area and informed her of the notification. He stated in evidence:

"I was very open and direct with Ms Motley during this conversation. I expressly asked her whether she was residing with Former Student 1 or whether there was any intention of that happening."

Witness D stated that Ms Smith denied the accusation and suggested she was, "*bemused*" by the comments.

Witness D's evidence was that he concluded the meeting by advising Ms Smith:

- i. Not to respond to any contact made by Former Student 1, and
- ii. If any contact were to be made by Former Student 1, this should be referred to him.

The panel accepted Witness D's evidence regarding these instructions, which were recorded in an email he sent that same day to Individual E, included in evidence.

Witness D also confirmed that a few weeks later, on 18 October 2019, Individual E took Ms Smith to the College to meet the [REDACTED] in order to re-state the importance that no contact should be made with Former Student 1.

It is apparent from subsequent events, addressed further below, that Ms Smith did not adhere to these instructions. Not least, Former Student 1 accompanied Ms Smith on a school trip to [REDACTED], which Witness D was not informed about. It was clear that Ms Smith was in contact with Former Student 1 from May 2016 onwards and the panel was presented with messages between Ms Smith and Former Student 1 following Ms Smith's meeting with Witness D. As one of many examples, the messages clearly show Ms Smith arranging to meet Former Student 1 at a pub on 11 October 2016, which Witness D was not informed about.

The panel therefore found allegation 1 proved.

2. In advance of 26 May 2017, while arranging a school trip to [REDACTED] you did not:

a) inform Witness D of:

- i. The names of all individuals who were to attend the trip and/or**

ii. The correct number of individuals who were to attend the trip;

b) Seek the Witness D`s permission for Former Student 1 to attend the trip.

The panel heard that the trip to [REDACTED] was arranged for pupils at the School and occurred in May/June 2017.

Witness D confirmed that Ms Smith was the trip leader. Witness B was the [REDACTED]. Ms Smith and Witness B worked together to ensure all the necessary paperwork and checks were completed in advance of the trip, to include bookings for travel, accommodation, insurance, details of the attendees including passport details, risk assessments and other health and safety checks.

Once Ms Smith and Witness B had completed necessary paperwork, Witness D stated he reviewed and approved the trip and information was held on the School's 'Evolve' portal. This included a manifest detailing the names of attendees, their passport numbers and their allocated coach.

Witness D confirmed that the manifest made no reference to Former Student 1. This was supported by the documentation concerning the trip included in evidence, which made no reference to Former Student 1. He stated:

"I had no knowledge that Student 1 would also be present on the trip. [Ms Smith] did not include Student 1 in the paperwork nor did she notify me verbally. [Ms Smith] was aware of the process and that Student 1 could only attend as a volunteer once I authorised [REDACTED]. The reason why I knew that [Ms Smith] was aware of the procedure is because we had a similar issue with [REDACTED]."

After the party had arrived in [REDACTED], Witness D was notified by a member of staff on the trip that Former Student 1 was amongst the group. At that time, Former Student 1 was under 18.

Witness D stated that he proceeded to make enquiries and then contacted Ms Smith, who confirmed to him that Former Student 1 was present. He stated:

"When I asked [Ms Smith] why she had not informed me or Witness B, in writing or verbally of her decision to take Student 1 on the trip, [Ms Smith] was silent, she did not answer my question."

Witness D's evidence, regarding his lack of knowledge of Former Student 1's presence, was consistent with the evidence provided to the panel by Witness A and Witness B.

Witness A stated:

“I can confirm that at no point ... did [Ms Smith] mention Former Student 1's name or that fact that Former Student 1 would also be attending the trip. As a coach leader, I had a full list of the passengers allocated to my coach. Former Student 1 was not included on my list.”

Witness B similarly confirmed:

“Based on the information [Ms Smith] input on the Evolve system, I can confirm that to the best of my knowledge the information required was completed correctly and was in line with the guidelines

I had no knowledge of Former Student 1 attending the trip. [Ms Smith] did not disclose her intention to take Former Student 1 on the trip nor did she include Former Student 1's name on any of the documents on Evolve. As a result, Former Student 1's presence was a complete shock to me.”

In the light of this evidence, which was not challenged by Ms Smith, the panel concluded that, in advance of this trip, Ms Smith did not

- Inform Witness D of the names of all individuals who were to attend the trip or, if followed, the correct number of individuals who were to attend; or
- Seek Witness D's permission for Former Student 1 to attend the trip.

Indeed, the panel noted that during the course of Ms Smith's disciplinary investigation on 12 September 2017, she is recorded as stating:

“I didn't discuss or ask permission of anyone for Former Student 1 to join the trip.”

It accordingly found allegations 2(a) and 2(b) proved.

- 3. In advance of 26 May 2017, you failed to take appropriate steps to safeguard Former Student 1 's wellbeing by not undertaking a risk assessment in respect of [REDACTED] attendance on the [REDACTED]trip and/or logging next of kin contact details and/or any medical information.**

On the basis that Former Student 1's presence on the trip was not notified or approved in advance and [REDACTED] was not there in a formal capacity, [REDACTED] was viewed as a *de facto* volunteer by the staff on the trip, even though there was no evidence that [REDACTED] performed such a role and [REDACTED] was under 18.

Witness D addressed the School's procedures for volunteer's attending school trips of this nature, which included:

- Informing the Witness D and the Educational Visits Co-ordinator that a volunteer was required to attend.

- Competing appropriate safeguarding checks by the Educational Visits Co-ordinator.
- Undertaking a risk assessment.
- Assuming there were no issues, the Witness D would give final authorisation for a volunteer to attend.

In relation to Former Student 1, these steps were not followed. Whether Former Student 1 was a volunteer or not, given [REDACTED] was under 18 at the time the panel was satisfied that, pursuant to the School's procedures, a risk assessment was required.

With reference to the risks posed to Former Student 1 as a result of this omission, Witness D stated:

"The safeguarding checks and risk assessment that would usually be conducted, should a volunteer and/or work experience volunteer need to attend a School trip were not carried out. This means that, as the School could not confirm whether [REDACTED] legal guardians were aware of [REDACTED] whereabouts nor was the school able to check [REDACTED] suitability to support as a volunteer from a safeguarding perspective.

In addition, there is also the issue of medical clearance, as for part of the risk assessment we would undertake, we would confirm if Former Student 1 had any medical history and/or allergies. A questionnaire is usually completed setting out that information. Without this information, the School were not in a position to safeguard Former Student 1 and ensure that [REDACTED] did not come to any harm.

The risk assessments are conducted on an individual basis and therefore Former Student 1's individual needs would have been taken into consideration. The School were unaware as to whether or not [REDACTED] required any additional needs on a day to day basis that would have needed to have been put in place on [REDACTED] behalf."

Witness B confirmed that, as Ms Smith was the leader of the trip, she was responsible for the completion of risk assessments. She added:

"The risk assessment included a requirement for the trip leader to ensure that they had emergency contact information uploaded to Evolve for each person on the trip, plus information as regards any health issues which might be required in the case of a medical or other emergency. These details being recorded on Evolve would enable myself and any other 'base contact' to view them, make contact with their next of kin, or share relevant information with emergency services if needed. If we did not have such information, there would be the potential risk (for example)

of a student with a health condition being given incorrect treatment, next of kin not being informed, and permissions for medical treatment being delayed.”

Witness B further confirmed that Ms Smith was aware of these procedures as they were followed in relation to [REDACTED] a member of staff who attended the trip.

Witness B also confirmed that as she was not informed that Former Student 1 would be on the trip, the School’s insurance policy was not adjusted to cover her presence. A copy of the insurance group policy was included in evidence.

Having carefully considered the evidence before it, the panel was satisfied that Ms Smith did not undertake any form of risk assessment in respect of Former Student 1’s attendance, log next of kin contact details or record any medical information.

The panel was also satisfied that, having regard to the nature of the trip and Ms Smith’s role as the lead, she had a duty to do so or, at the very least, to ensure that a risk assessment was undertaken, that next of kin contact details were logged and that any medical information was recorded.

As Ms Smith concealed Former Student 1’s presence on the trip from all involved with it, it would not have been possible for these steps to be completed by anyone other than Ms Smith.

Having regard to the implications and potential implications of this failure, the panel also concluded that Ms Smith failed to take appropriate steps to safeguard Former Student 1’s wellbeing.

The panel therefore found allegation 3 proved.

- 4. Between 26 May 2017 and 03 June 2017, you failed to observe an appropriate professional boundary with Former Student 1 by:**
 - a) Sharing a room and/or bed with Former Student 1 and/or;**
 - b) Whilst travelling by coach, sleeping with your head on Former Student 1’s lap and/or holding hands with Former Student 1 and/or;**
 - c) Putting sun cream on Former Student 1’s back and shoulders and/or;**
 - d) Inviting Former Student 1 to put sun cream on your back and/or arms and/or;**
 - e) Purchasing alcohol for Former Student 1 on more than one occasion.**

The panel was presented with a raft of evidence regarding events during the course of the [REDACTED] trip with specific reference to the behaviour of Ms Smith and Former Student 1. In particular:

- Witness A attended the trip and gave evidence regarding matters she personally observed, including:
 - On Sunday 28 May 2017, at or about 9.15pm, she saw Ms Smith and Former Student 1 standing and talking outside of a room, which Ms Smith referred to as “*our room*”. with two large glasses of red wine and a jug of Sangria on a cupboard next to them.
 - On Wednesday 31 May 2017, she observed Ms Smith put sun cream on Former Student 1's shoulder.
 - That same day, Ms Smith and Former Student 1 did not sit with the rest of the group and had lunch on their own.
 - On Thursday 1 June 2017, during a trip to a theme park, Ms Smith and Former Student 1 went off together on the rides and had lunch at a separate table on their own.
 - That same evening, she observed Ms Smith and Former Student 1 both drinking an alcoholic cocktail.
- Witness C also attended the trip and confirmed the following:
 - On the journey to [REDACTED], when the coach got to Dover she went to the back of the coach and Former Student 1 was sleeping with [REDACTED] head on Ms Smith's lap.
 - During a trip to a beach, she observed Ms Smith and Former Student 1 applying sun cream to each other, which included Ms Smith applying sun cream to Former Student 1's arms and Former Student 1 applying sun screen on Ms Smith's legs.
 - She observed Ms Smith buy drinks at the bar in the hotel, which she believed to be alcoholic drinks, and provide them to Former Student 1.
 - During another trip to a beach, she saw Ms Smith and Former Student 1 going to a bar where they drank a beer and a sangria respectively.
 - On the return trip back to the School, she saw Ms Smith asleep with her head on Former Student 1's lap. She confirmed this was also observed by some of the pupils, who showed her a photograph and video footage that they had taken on their phones of this incident.

- Most saliently, Former Student 1 stated:
 - [REDACTED] shared a room with Ms Smith during the trip and they also shared a bed. The panel noted that this was consistent with the room allocation records, which were included in evidence.
 - During one of the journeys, [REDACTED] could recall being asleep on the coach when there was a pillow next to Ms Smith's leg, but [REDACTED] was unable to recall exactly how [REDACTED] was sleeping.
 - On a few occasions when they were sitting next to each other on the coach, they were holding hands.
 - [REDACTED] could recall [REDACTED] and Ms Smith applying sunscreen to each other's backs on one occasion.
 - They drank alcohol together every evening, purchased by Ms Smith.

Having carefully considered this evidence, which was not challenged by Ms Smith in these proceedings and was accepted by the panel, the panel was satisfied, on the balance of probabilities, that Ms Smith did, during this trip:

- Share a room and bed with Former Student 1.
- Slept with her head on Former Student 1's lap.
- Held hands with Former Student 1.
- Put sun cream on Former Student 1's back and shoulders;
- Invited Former Student 1 to put sun cream on her back and arms.
- Purchased alcohol for Former Student 1 on more than one occasion.

The panel therefore found particulars 4(a) to (e) proved. Whilst certain aspects of this behaviour was not witnessed independently, the panel considered that was to be expected in circumstances where they were, in essence, private interactions between Former Student 1 and Ms Smith. This behaviour was also consistent, in a broad sense, with the nature of their relationship at this point in time, which is addressed further below.

The panel went on to consider the stem of allegation 4, namely whether by her actions Ms Smith failed to observe an appropriate professional boundary with Former Student 1.

It was satisfied that she did.

This was a formal, organised school trip for which Ms Smith was the leader and a member of the School's senior leadership team. She was in the presence of and had

responsibility for a large number of pupils and was the designated lead staff member for one of the coaches. She had a duty to maintain appropriate professional boundaries with all who were present, which included Former Student 1. Having regard to her actions and the context in which they occurred, the panel was satisfied that she failed in that regard.

Allegation 4 was therefore found proved.

5. Between 30 May 2017 and 03 June 2017, did not follow Witness D`s instructions that Former Student 1 should move coach and not travel with you.

Upon being alerted to Former Student 1`s presence on the trip, Witness D confirmed that he provided Ms Smith with specific instructions regarding their interactions. This included that Former Student 1 was to be taken off the coach Ms Smith was leading (coach 1) and be allocated to the coach Witness A was leading (coach 2) for the remainder of the trip.

Former Student 1 confirmed that this did not, in fact, happen as Ms Smith “*did not want [Former student 1] [REDACTED] to move coaches*”.

This was confirmed by Witness A in her evidence to the panel. She confirmed she was on coach 2 and that Former Student 1 travelled, at all stages, on coach 1.

The panel also noted that when these matters were put to Ms Smith in her disciplinary investigation interview, they were accepted.

In light of this evidence, the panel found allegation 5 proved whereby Ms Smith did not follow Witness D`s instructions that Former Student 1 should move coach and not travel with her.

6. You allowed Former Student 1 to alight before the coach arrived at the school on 03 June 2017, so that she would not be seen by Witness D.

Witness D confirmed that he attended the School on 3 June 2017 to meet the coaches upon their return at the conclusion of the [REDACTED] trip.

He observed that he saw coach 1 return and did not see Former Student 1 get off it. Witness D therefore assumed that Ms Smith had adhered to his instructions.

However, it was subsequently reported to Witness D that the coach had stopped approximately half a mile away from the School, at a [REDACTED] supermarket, when Former Student 1 disembarked.

Witness C confirmed in her evidence to the panel that she observed this.

This was also confirmed by Former Student 1 [REDACTED], who stated:

“I have been asked to confirm where I alighted the coach early on the way back from [REDACTED] to the School. I remember that I got off of the coach, outside [REDACTED] at a bus stop. [Ms Smith] and I had had a conversation and we both agreed that Witness D, would be waiting at the School, as his [REDACTED] were on the trip, and therefore he was certainly aware by then that I had not had permission to be on the trip. I agreed with [Ms Smith] that I would get off near to the School and that she would come and pick me up and take me home. I waited at the bus stop near [REDACTED] and she came and picked me up from there and then took me home.”

Having regard to this evidence, which was accepted, the panel was satisfied that Ms Smith did allow Former Student 1 to alight before the coach arrived at the school on 3 June 2017 and the reason for doing so was that she would not be seen by Witness D.

It therefore found allegation 6 proved.

7. Your conduct as outlined in allegation 2a and/or 2b above was dishonest.

Having found allegations 2(a) and 2(b) proved, the panel went on to consider whether Ms Smith’s actions were dishonest.

In determining whether her conduct was dishonest, the panel considered Ms Smith’s state of knowledge or belief as to the facts, before determining whether her conduct was dishonest by the standards of ordinary decent people.

The panel was presented with clear evidence that Ms Smith had organised similar trips in the past and was seen as someone who was organised and aware of the requirements of a trip leader.

Witness B confirmed in her evidence to the panel that there had been no prior issues with Ms Smith in terms of late or inaccurate paperwork.

Most saliently, in oral evidence Witness B stated that correct procedures were followed by Ms Smith in relation to all other individuals who attended the trip.

It was, therefore, only Former Student 1 who was not recorded in the paperwork relating to the trip, the very person Ms Smith has been told not to contact by Witness D.

The only person who was aware of Former Student 1’s attendance on the trip was Ms Smith herself.

It was clear and obvious that Ms Smith had arranged for Former Student 1 to attend and the panel was satisfied she would have known that this should have been recorded and reported to Witness D.

The panel concluded it was more likely than not that Ms Smith’s actions were deliberate and conscious, whereby she positively chose not to inform Witness D or seek his permission for Former Student 1 to attend the trip, when she was fully aware that she should have done. In all likelihood, having regard to their previous conversation in

September 2016 and Former Student 1's age, this was because Ms Smith knew that permission would be refused.

Whilst this was denied by Ms Smith in her disciplinary investigation interview, when she stated that she did not "*deliberately conceal or keep information from people*", the panel considered her position was insupportable in all the circumstances.

It was satisfied that this was dishonest conduct by the standards of ordinary decent people.

The panel therefore found allegation 7 proved.

8. Your conduct as outlined in allegations 1 and/or 5 and/or 6 demonstrated a lack of integrity.

Having found allegations 1, 5 and 6 proved, the panel went on to consider whether Ms Smith's actions lacked integrity.

The panel recognised that integrity denotes adherence to the standards of the profession and therefore considered whether, by her actions, Ms Smith failed to adhere to those standards.

In each of the respects found proved, the panel was satisfied that she had.

She had a professional duty to adhere to reasonable management instructions and to act with openness and transparency. In relation to each of these allegations, she did not do so.

The panel therefore found that Ms Smith's conduct in relation to allegations 1, 5 and 6 lacked integrity. She had shown a deliberate disregard for the duties and responsibilities as someone in a senior role who knew what was expected of her.

The panel therefore found allegation 8 proved.

9. You requested Former Student 1's personal phone number in or around May 2016, when Former Student 1 was still a pupil.

In [REDACTED] evidence to the panel, Former Student 1 addressed her relationship with Ms Smith both whilst [REDACTED] was a pupil at the School and subsequently.

When assessing Former Student 1's evidence, the panel had regard to the fact that [REDACTED] had given a different account when first questioned about these events by the School.

However, when asked about this by the panel, Former Student 1 was able to clearly explain the context to [REDACTED] earlier actions.

[REDACTED] fairly volunteered that Ms Smith did not directly instruct [REDACTED] as to what to say. However, [REDACTED] was nonetheless driven to avoid getting Ms Smith into trouble and therefore decided not to tell the truth.

The panel accepted this was a reasonable explanation, given the nature of their relationship at the time, and concluded that the fact that Former Student 1 had given a different account previously did not undermine [REDACTED] credibility as a witness in these proceedings.

In arriving at that conclusion, the panel also took into account that, when Former Student 1 decided to volunteer what actually occurred, [REDACTED] was able to support [REDACTED] position by reference to corroborating evidence in the form of messages and photographs. In relation to events on the trip to [REDACTED], [REDACTED] evidence was also corroborated by the evidence from those staff members present, who observed the interactions between Ms Smith and Former Student 1.

For all these reasons, when the panel was presented with a conflict between Ms Smith's recorded version of events and Former Student 1's written and oral testimony to the panel, the latter was preferred.

Former Student 1 confirmed that the relationship became sexual in December 2016 after [REDACTED] had left the School, which is addressed further below in relation to allegation 12.

Prior to this, on what was described as the School's 'Leaver's Day' in or around May 2016, [REDACTED] was contacted by an ex-pupil, referred to as Former Student 2, who [REDACTED] knew and would see from time to time. Former Student 1 confirmed that this individual was someone who "*remained friends*" with Ms Smith. She stated:

"I received a text message from Former Student 2 asking is it was okay if [Ms Smith] could have my phone number [REDACTED] explained this was so we could continue daily contact so [REDACTED] could still help me through everyday life."

Former Student 1 agreed to this request and they subsequently began messaging each other.

The message from Former Student 2 was not included in evidence.

However, it was clear, as addressed further in allegation 10, that Ms Smith did message Former Student 1 using [REDACTED] personal phone number, starting in May 2016 thereby corroborating Former Student 1's evidence in terms of the timeline.

Further, Ms Smith had not put forward an alternative explanation as to how she came to have Former Student 1's number.

Former Student 1's evidence was accordingly accepted and the panel found allegation 9 proved.

10. Between around May 2016 and March 2018, you contacted Former Student 1 on [REDACTED] personal mobile phone and/or on social media.

Former Student 1 confirmed that, having agreed that Ms Smith could have her personal mobile number, they began to exchange text messages whilst [REDACTED] still on study leave and attending the School to take examinations. [REDACTED] stated that the messaging continued from that point onwards.

Around the time of a school 'prom' in June 2016, Former Student 1 stated [REDACTED] also added Ms Smith on Facebook, Snapchat and Instagram. [REDACTED] indicated that whilst they subsequently communicated using those platforms, that was generally in relation to sharing posted items rather than personal communications per se. However, they did communicate to a certain extent via Snapchat.

In her evidence to the panel, Former Student 1 stated that, at the end of their relationship, [REDACTED] deleted all of her messages and removed Ms Smith from [REDACTED] social media platforms. [REDACTED] now had a different Facebook account and was unable to retrieve login details for [REDACTED] previous account.

However, Former Student 1 was able to retrieve some of the text messages [REDACTED] exchanged with Ms Smith on her iPad from 2016 and 2017, which had been backed up. These were included in the hearing papers and carefully considered by the panel. Whilst they were not the entirety of the messages exchanged, they clearly evidenced the nature and extent of the messages sent by Ms Smith in the period up to November 2017.

In relation to the period from November 2017 until March 2018, when the relationship came to an end, the panel was satisfied that it was more likely than not the messaging continued. That was consistent with the nature of their relationship in this period, as addressed further in allegation 12, below.

The panel was, therefore satisfied that Ms Smith did, throughout the specified period, contact Former Student 1 on [REDACTED] personal mobile phone and on social media.

The panel also noted that Ms Smith accepted, in her police interview, that she engaged with Former Student 1 on social media.

Allegation 10 was therefore found proved.

11. After Former Student 1 left the School in 2016, you:

- a) Gave Former Student 1 gifts, including but not limited to a phone and/or clothing; and/or**
- b) Took Former Student 1 out for dinner; and/or**

- c) Allowed Former Student 1 to visit your flat; and/or**
- d) Provided Former Student 1 with keys to your flat in around August 2016; and/or**
- e) Told Student 1 that you “loved [REDACTED]” or words to that effect; and/or**
- f) Took and/or paid for a trip to [REDACTED] with Former Student 1 in or around February 2017; and/or**
- g) Took and/or paid for a trip to the [REDACTED] with Former Student 1 in or around November 2017.**

With reference to the specific matters particularised in allegations 11(a) to (g), Former Student 1 gave evidence in the following terms:

- Ms Smith would often ‘treat’ [REDACTED] and they would go on days out.
- After [REDACTED] had left the School and was in a relationship with Ms Smith, Ms Smith would buy her presents and lunch/dinner, including with drinks. The panel also noted the evidence from members of staff who attended the [REDACTED] trip who witnessed Ms Smith and Former Student 1 eating together.
- Approximately 2 months after [REDACTED] left the School, Ms Smith gave Former Student 1 her old iPhone. The panel noted that this was supported by certain messages exchanged between Ms Smith and Former Student 1 which expressly alluded to this phone.
- Ms Smith bought [REDACTED] gifts, including clothing items for Christmas, a dressing gown, a [REDACTED] and a tankard to keep at Ms Smith’s flat.
- When [REDACTED] was in the College between [REDACTED], Ms Smith would regularly take [REDACTED] to [REDACTED] and then, afterwards, out for dinner which occurred once a week and Ms Smith would pay.
- [REDACTED] would go to Ms Smith’s flat most days and in or around August 2016, Ms Smith gave [REDACTED] a set of keys so that [REDACTED] was able to access her flat whenever [REDACTED] wanted. Former Student 1 provided photographs of [REDACTED] with Ms Smith at her flat, thereby corroborating [REDACTED] account. The panel also noted that Ms Smith had previously acknowledged that Former Student 1 had a set of keys to her flat, albeit she suggested this was for a specific purpose.

- In February 2017, they went away together to [REDACTED] for a two-night trip, prior to the School's trip. Ms Smith paid for the trip and they shared a room. Over and above Former Student 1's evidence, [REDACTED] provided photographs of her with Ms Smith during this trip.
- Shortly before [REDACTED] 18th birthday, Ms Smith booked and took Former Student 1 to a hotel in the [REDACTED] for two nights, which she also paid for. Former Student 1 exhibited two photographs of [REDACTED] and Ms Smith taken on this trip. One of these photographs clearly identified the location as being a public house which the panel was informed was in the [REDACTED].
- Ms Smith would tell Former Student 1 that she loved [REDACTED] and this began early on in their relationship, in around July/August 2016. Former Student 1 fairly stated [REDACTED] initially interpreted this in a friendly, 'mum kind of way', but it evolved to have a meaning, to [REDACTED], beyond friendship. The panel noted that within the messages sent by Ms Smith to Former Student 1, she frequently told her that she loved [REDACTED].

The panel accepted Former Student 1's evidence, which was corroborated by the documentary evidence set out above and found allegations 11(a) to (g) proved.

12. Between December 2016 and January 2018, you engaged in a sexual relationship with Former Student 1.

Former Student 1 stated that [REDACTED] relationship with Ms Smith became sexual in December 2016 and that relationship ended in January 2018.

That the relationship became one that was more than platonic was supported by the messages included in evidence. Ms Smith repeatedly called Former Student 1 "sexy" and "boo", expressed her love for [REDACTED] and used other terms, 'emojis' and language that were indicative of an intimate relationship. The panel considered there was, even in terms of the relatively limited period evidenced by the messages, a certain intensity to the way in which Ms Smith expressed her feelings for Former Student 1.

The panel also noted the evidence regarding the interactions between Ms Smith and Former Student 1 during the trip to [REDACTED], when they shared a room and a bed. This, and the other trips they took, together with the gifts purchased for Former Student 1, including [REDACTED], were also indicative of an intimate relationship.

The panel was presented with the statement Former Student 1 provided to the police, in which [REDACTED] detailed specifics of the sexual relationship that ensued. The panel also noted a further statement provided to the police by another former pupil at the School (referred to as Person 9), who relayed that they were fully aware of the fact that Former Student 1 was in a relationship with Ms Smith, thereby corroborating Former Student 1's account.

It was clear that Ms Smith denied this allegation in her police interview. However, the panel considered her responses during that interview were at odds the text messages she sent and, for the reasons outlined above, Former Student 1's evidence was preferred and accepted.

The panel therefore found allegation 12 proved.

13. Your conduct as outlined in allegations 4a-d and/or 9 and/or 10 and/or 11a-g and/or 12 above was sexually motivated.

Having found allegations 4(a) to 4(d), 9, 10, 11(a) to (g) and 12 proved, the panel went on to consider whether Ms Smith's conduct was sexually motivated.

Whilst her relationship with Former Student 1 may have started out within the proper boundaries of a teacher/pupil relationship, that clearly changed.

The panel considered that the appropriate inference to draw, particularly noting that the relationship ultimately became sexual, was that Ms Smith had a particular and specific interest in Former Student 1.

It was satisfied, on the balance of probabilities, that this was the motivation for Ms Smith seeking [REDACTED] mobile number and all that happened subsequently.

In that initial period, from May 2016 to December 2016, there was, on the basis of Former Student 1's evidence, a development in the relationship to the point that it became intimate. That was evident from the messages included in evidence.

For at least part of that period, Former Student 1 remained on the School's roll, which was an aggravating feature of this case. It was clear that the messaging began as soon as Ms Smith was provided with Former Student 1's number and continued on a continuous period thereafter, with a noticeable change in tone as matters progressed.

In relation to Ms Smith's conduct during that time, the panel was, therefore, satisfied that she was pursuing a relationship with Former Student 1 and that was her motivation in relation to the specific allegations found proved. As soon as Ms Smith had Former Student's 1 number, they began to exchange messages, engaged on social media and began to meet in person.

Very clearly, from the point at which the relationship became sexual and with specific reference to allegations 4, 11 and 12, Ms Smith's conduct occurred in the context of that relationship.

Whilst certain acts, as particularised and found proved, were prosaic in nature and not necessarily sexual, when viewed as a whole the panel was satisfied that Ms Smith's conduct was such that she ultimately derived sexual gratification from it.

That was most obviously evidenced by the trips they took together and the regular visits to Ms Smith's flat, when Former Student 1 confirmed sexual activity took place, together with the fact that Ms Smith repeatedly told Former Student 1 that she loved [REDACTED].

The panel accordingly found allegation 13 proved.

14. At the time of the alleged conduct with Former Student 1 between May 2016 and January 2018, you were aware of Former Student 1's [REDACTED].

As a starting point, the panel considered there was an [REDACTED] with Former Student 1 on the basis that [REDACTED] was, at the time her relationship with Ms Smith was initiated and began to develop, [REDACTED] was a child and a soon-to-be school leaver. The relationship became sexual when Former Student 1 was 17 and, therefore, still a child.

There was also an element of [REDACTED] deriving from the disparity in terms of their respective ages and positions. Not only was Ms Smith much older than Former Student 1, she had been her teacher from the [REDACTED]. There was, inevitably, a position of trust in circumstances where Ms Smith had a role in Former Student 1's welfare and wellbeing and was in contact with [REDACTED].

In that role and having regard to her leadership position, it was more likely than not that Ms Smith would have been well aware of Former Student 1's specific circumstances.

The panel noted that in one particular message sent to Former Student 1, Ms Smith said that she "*knew [REDACTED] best*".

This final point also meant that Ms Smith was on express notice regarding Former Student 1's specific circumstances, which the panel was satisfied were such that she could be properly regarded as [REDACTED].

In that regard, in her evidence to the panel, Former Student 1 alluded to the troubled time she had whilst at the School [REDACTED]:

"... [REDACTED]."

Witness D and Witness C also alluded to the impact of these issues on Former Student 1.

Having regard to these matters and considering the evidence as a whole, the panel was satisfied that within the period specified, Ms Smith acted as she did in circumstances where she was aware of Former Student 1's [REDACTED].

It therefore found allegation 14 proved.

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 Ms Smith, in relation to the facts found proved, involved breaches of the Teachers’ Standards.

The panel considered that, by reference to Part 2, Ms Smith 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 also considered whether Ms Smith’s conduct displayed behaviours associated with any of the offences listed on page 12 of the Advice.

The list includes sexual activity, sexual communication with a child, controlling or coercive behaviour and serious dishonesty, which were all engaged by the panel’s findings.

The Advice indicates that where behaviours associated with such offences exist, a panel is likely to conclude that an individual’s conduct would amount to unacceptable professional conduct.

Over and above these matters, the panel took account of the specific nature of the proven conduct and the context in which it occurred.

Having done so, the panel was satisfied that the conduct of Ms Smith amounted to misconduct of a serious nature which fell significantly short of the standards expected of

the profession.

For example, in relation to allegations 1, 2, 5 and 6, together with allegations 7 and 8, the panel took account of the fact that Ms Smith had a professional duty as a senior leader, to act appropriately and candidly in relation to her dealings with Witness D. She was required to act honestly and with integrity at all times. The panel's findings were such that she failed in her duties in that regard and it did consider this to be an instance of serious dishonesty.

In relation to allegations 2, 3 and 4, they all occurred in the context of the School's trip to [REDACTED], which was led by Ms Smith. It was clear that Ms Smith was regarded as an organised practitioner who had successfully organised similar trips previously. She was, therefore, well aware of the responsibilities and her actions had to be viewed in that context. In terms of her behaviour with Former Student 1, the panel had found she failed to observe appropriate professional boundaries. Far from being a one-off failing, her actions were multi-faceted and occurred for the duration of the trip in the presence of other students and teachers. There was a separate safeguarding concern in terms of the concealing Former Student 1's presence, one of the effects of which was that she was not covered by insurance.

Finally, in relation to allegations 4, 9, 10, 11, 12, 13 and 14, the panel had in mind the onset of what became a sexual relationship occurred at a time when Former Student 1 was still on roll as a pupil at the School.

Ms Smith sought [REDACTED] mobile phone number and proceeded to message Former Student 1 and engage with [REDACTED] on social media. That in itself was a matter of concern and raised obvious safeguarding and boundary concerns.

Within a limited time of Former Student's 1 departure from the School, the relationship became sexual in circumstances where there was continuous contact in the intervening period.

It was an aggravating feature of this case that Former Student 1 was, at that point, under the age 18 and [REDACTED], for the reasons set out.

There was every prospect that, in those circumstances, Ms Smith's actions could have caused harm to Former Student 1. Former Student 1 addressed the impact of these events upon her in [REDACTED] evidence to the panel.

Ms Smith's actions were sexually motivated and the panel was satisfied that, considered in totality, this was a serious instance of misconduct.

Even though the relationship became sexual at a time when Former Student 1 was no longer on the School's roll, [REDACTED] was still a child and the panel had firmly in mind that it originated from a student/teacher relationship, in which Ms Smith was in a position of trust and responsibility, both intrinsically and through having a central role in Former Student 1's wellbeing.

For these reasons, the panel considered that there were safeguarding implications to Ms Smith's actions, a matter of particular concern given her status as a senior leader. She had also been expressly told by Witness D and the School's and College's [REDACTED] to have no contact with Former Student 1, which she disregarded.

For all of these reasons, the panel was satisfied that Ms Smith's actions in relation to each of these allegations, considered individually and together, were such that she was guilty of unacceptable professional conduct.

The panel went on to consider whether Ms Smith's actions, as found proved, was conduct that may bring the profession into disrepute.

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.

For the reasons set out above, the findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

The panel recognised that there will be occasions in which friendships and/or relationships develop between teachers and former pupils that, perhaps due to the passage of time, do not warrant censure by the regulator. However, in this case the relationship began to develop when Former Student 1 remained on the School's roll and progressed, within a very short period, to become sexual.

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

In summary, having found the facts of all of the allegations proved, the panel further found that Ms Smith'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 should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been

apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely:

- the safeguarding and wellbeing of pupils and other members of the public;
- the maintenance of public confidence in the profession; and
- declaring and upholding proper standards of conduct.

In the light of the panel's findings against Ms Smith, which involved multi-faceted failings over a prolonged period including professional boundary breaches, safeguarding concerns, sexually motivated conduct and conduct that was dishonest and lacking integrity, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and other members of the public.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Smith were not treated with the utmost seriousness when regulating the conduct of the profession. This was conduct that was extremely serious, particularly considered in totality.

The panel was also of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present.

The panel also considered whether there was a public interest in retaining Ms Smith in the profession. Clearly, no doubt had been cast upon Ms Smith's abilities as an educator. Indeed the contrary was true whereby she was presented as an individual who had made a notable contribution to the School and was very highly regarded. Nonetheless, given her non-participation in these proceedings, the absence of any indication regarding her future intentions and particularly having regard to the nature and breadth of the allegations in this case, the panel concluded there was not a strong public interest consideration in retaining her in the profession.

In view of the 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 Smith.

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 Smith.

The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved.

In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the

Teachers' Standards;

- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- an abuse of any trust, knowledge, or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;
- sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- failure to act on evidence that indicated a child's welfare may have been at risk e.g. 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);
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests;
- collusion or concealment including:
 - failure to challenge inappropriate actions, defending inappropriate actions or concealing inappropriate actions;
 - lying to prevent the identification of wrongdoing;

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 the following mitigating factors are present in this case:

- Ms Smith appeared to have had an otherwise unblemished record. There was evidence of good character prior to these matters and she had risen to the position of assistant headteacher at the School.
- Although the panel was not presented with positive references or testimonials regarding her practice as a teacher, Ms Smith's abilities as an educator had not been challenged and there was positive reference to her career in teaching.

Witness D spoke effusively about Ms Smith's abilities as a teacher and leader and made reference to her various achievements.

Weighed against this, the aggravating features in this case included that:

- Ms Smith's actions were deliberate. She was not acting under duress.
- Ms Smith had engaged in these proceedings to only a very limited extent. In doing so, she denied wrongdoing in any respect. It followed that she did not accept responsibility for her actions. There was no evidence of insight, regret or remorse.
- Ms Smith's actions amounted to a clear breach of the Teachers' Standards.
- Ms Smith's conduct was sexually motivated and she engaged in a sexual relationship with a child who had been her pupil. The beginnings of that relationship came at a time when Former Student 1 remained on the School's roll and [REDACTED] had known [REDACTED] in circumstances where Ms Smith had a formal role in [REDACTED] wellbeing.
- Ms Smith was in a position of trust and responsibility as well as a role model. She had fallen far short of the standards expected of her in that regard.
- Ms Smith's conduct raised safeguarding concerns. In that regard, she ought to have known what was expected of her, as a highly experienced teacher who would have been trained in safeguarding matters throughout her career, and should have conducted herself accordingly.
- This was a protracted and multi-faceted instance of misconduct.
- On separate occasions and in distinct respects, Ms Smith had behaved dishonestly and without integrity in relation to her dealings with Witness D. In relation to allegation 2, the panel was satisfied that her actions were pre-meditated.
- In relation to Former Student 1, Ms Smith continued to contact [REDACTED] and concealed their interactions in circumstances where she had been expressly told not have any such contact by Witness D and was spoken to by the School's and College's [REDACTED].
- In relation to events prior to and during the School's [REDACTED] trip, not only were there a breadth of failings but this was an egregious breach of professional boundaries in the presence of pupils, in circumstances where Ms Smith was the trip lead.

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 Smith 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 Smith.

The fact that Ms Smith had engaged in sexually motivated behaviour towards a [REDACTED] child, had acted dishonestly and behaved without integrity were significant factors in forming that opinion. This was a case where the nature, breadth and duration of the failings identified were extremely concerning.

Ms Smith's actions were also deliberate. The panel had concluded there were numerous behaviours found proved which indicated a prohibition order would be appropriate.

Further, Ms Smith had shown no regret, remorse or insight. She denied wrongdoing and took no responsibility for her actions. There was no indication that she appreciated the implications of her behaviour, with particular reference to Former Student 1.

In those circumstances, the panel felt there was a particularly strong public interest in the safeguarding and wellbeing of pupils.

Particularly considered in totality, the panel concluded that the proven conduct was of the utmost seriousness.

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 behaviours that, if proved, would militate against the recommendation of a review period.

These behaviours include:

- serious sexual misconduct e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons;
- any sexual misconduct involving a child;

Given the panel's findings, these behaviours were directly applicable in this case. Having regard to the circumstances of their relationship, this was a case where Ms Smith had used her position to exploit Former Student 1.

The panel also took into account that the Advice specifies that where a case involves the following, it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate:

- fraud or serious dishonesty.

Once again, this was directly applicable in this case. Given Ms Smith's actions in relation to allegation 2 were premeditated, were preceded by a clear instruction to have no contact with Former Student 1 and were undertaken for her own benefit to further their relationship, the panel was satisfied this was dishonest conduct that was serious.

Over and above these matters, the panel took particular account of the seriousness of its findings considered in totality, the protracted nature of Ms Smith's conduct, the involvement of a [REDACTED] child and the minimal mitigation present. Her actions were fundamentally incompatible with her being a teacher.

Further and in addition, in the absence of any evidence of insight, regret and remorse, the panel concluded that Ms Smith presented a continuing risk of repeating the same or similar behaviour.

As such, the panel decided that it would be proportionate, in the circumstances, for the prohibition order to be recommended without provision for a review period. The public interest considerations that Ms Smith's actions give rise to were such that this was necessary, appropriate and proportionate.

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found all of the allegations proven and found that those

proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Ms Rebecca Smith (nee Motley) should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Ms Smith 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 Ms Smith involved breaches of the responsibilities and duties set out in statutory guidance 'Keeping children safe in education'.

The panel finds that the conduct of Ms Smith fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly grave as they include sexually motivated behaviour towards a [REDACTED] child and serious dishonesty.

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 Smith, 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 recorded that it "...considered that there were safeguarding implications to Ms Smith's actions, a matter of particular concern given her status as a senior leader. She had also been expressly told by Witness D and the School's and College's DSL to have no contact with Former Student 1, which she disregarded." 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, "Ms Smith had engaged in these proceedings to only a very limited extent. In doing so, she denied wrongdoing in any respect. It followed that she did not accept responsibility for her actions. There was no evidence of insight, regret or remorse." In my judgment, this lack of evidence of insight and/or remorse means that a risk of a repetition of this behaviour is present. I have, therefore, given this element considerable weight in my deliberations.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel noted that it, "...recognised that there will be occasions in which friendships and/or relationships develop between teachers and former pupils that, perhaps due to the passage of time, do not warrant censure by the regulator. However, in this case the relationship began to develop when Former Student 1 remained on the School's roll and progressed, within a very short period, to become sexual. I am particularly mindful of the finding of sexually motivated behaviour towards a [REDACTED] child in this case, and the very negative impact that such a finding could have on the standing of the teaching 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 assess 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 and conduct which may bring the profession into disrepute, 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 Smith herself. The panel comment that "Ms Smith appeared to have had an otherwise unblemished record. There was evidence of good character prior to these matters and she had risen to the position of assistant headteacher at the School." The panel goes on to note that "Although the panel was not presented with positive references or testimonials regarding her practice as a teacher, Ms Smith's abilities as an educator had not been challenged and there was positive reference to her career in teaching. Witness D spoke effusively about Ms Smith's abilities as a teacher and leader and made reference to her various achievements."

A prohibition order would prevent Ms Smith 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 very serious nature of the panel's findings.

I have also given considerable weight to the panel's comments concerning the lack of insight or remorse. The panel has said, "Further, Ms Smith had shown no regret, remorse or insight. She denied wrongdoing and took no responsibility for her actions. There was no indication that she appreciated the implications of her behaviour, with particular reference to Former Student 1."

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

In doing so, the panel has made reference to the Advice which states that there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include:

- serious sexual misconduct e.g. where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons;
- any sexual misconduct involving a child;

The panel also took into account that the Advice specifies that where a case involves the following, it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate:

- fraud or serious dishonesty.

I have considered the panel's comments, "Over and above these matters, the panel took particular account of the seriousness of its findings considered in totality, the protracted nature of Ms Smith's conduct, the involvement of a [REDACTED] child and the minimal mitigation present. Her actions were fundamentally incompatible with her being a

teacher.”

I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, 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 very grave nature of the panel’s findings involving sexually motivated behaviour towards a [REDACTED] child and serious dishonesty as well as the lack of evidence of any insight or remorse.

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

This means that Ms Rebecca Smith is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children’s home in England. Furthermore, in view of the seriousness of the allegations found proved against her, I have decided that Ms Smith 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.

Ms Smith 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: Marc Cavey

Date: 11 December 2023

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