



Teaching
Regulation
Agency

Ms Caroline Bainbridge 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 Caroline Bainbridge
Teacher ref number:	8770622
Teacher date of birth:	10 January 1963
TRA reference:	20929
Date of determination:	5 December 2023
Former employer:	Alverstoke Infant School, Gosport

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 25 and 26 September, and 4 and 5 December 2023 by way of a virtual hearing to consider the case of Ms Caroline Bainbridge.

The panel members were Ms Jo Palmer-Tweed (teacher panellist – in the chair), Mr Andrew Harries (lay panellist) and Ms Bernie Whittle (teacher panellist).

The legal adviser to the panel was Ms Natalie Kent of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Leah Redden of Browne Jacobson solicitors.

Ms Caroline Bainbridge was present and was represented by Mr Simon Pettet of NASUWT.

The hearing took place by way of a virtual hearing in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 21 June 2023.

It was alleged that Ms Caroline Bainbridge was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that, whilst employed as a class teacher at Alverstoke Infant school she;

1. Failed to take appropriate action and/or ensure appropriate action was taken to safeguard Pupil A in or between September – November 2021, despite being aware that Pupil A disclosed that her [REDACTED] touched her inappropriately on one or more occasions; and
2. Her failure as may be proven at 1 above placed Pupil A at risk of being exposed to further harm.

In her response to the notice of proceedings dated 16 August 2023 Ms Bainbridge admitted the allegations in part. In the statement of agreed facts she signed on 24 August 2023, Ms Bainbridge admitted allegation 1 in part and allegation 2 in full. She denied that her behaviour amounted to unacceptable professional conduct or conduct that may bring the profession into disrepute.

Preliminary applications

Application to admit additional documents

The panel considered a preliminary application from Ms Bainbridge's representative for the admission of additional documents.

Ms Bainbridge's documents were Pupil A's CPOMS records from the School, a document relating to Ms Bainbridge's performance management from the School and a cover email from the School regarding these documents.

The documents subject to the application had not been served in accordance with the requirements of paragraph 5.37 of the 2020 Procedures. Therefore, the panel was required to decide whether the documents should be admitted under paragraph 5.34 of the 2020 Procedures.

The panel heard representations from Ms Bainbridge's representative in respect of the application, who explained that there had been some unavoidable delays obtaining these documents from the School, in part due to the summer holidays when the School was closed and, as a result, they had only received these documents on 7 September 2023. The presenting officer did not have any objection to the application.

The panel considered the additional documents were relevant and that it was fair to both parties to admit the documents. Accordingly, the documents were added to the bundle.

Application for part of the hearing to be heard in private

The panel considered an application from Ms Bainbridge that part of the hearing – [REDACTED] - should be heard in private.

The panel heard submissions from the presenting officer on the application before reaching its decision.

The panel considered that the areas covered in the application legitimately related to aspects of Ms Bainbridge's private life and there was no contrary public interest in those areas being discussed in public. The hearing was still being held in public and these were discrete and limited areas which would not undermine the public's ability to otherwise understand the case. The panel therefore granted the application.

Further application to admit additional documents on day 2 of the hearing

At the outset of the second day of the hearing, the panel considered an application from the TRA for the admission of additional documents.

The TRA's additional document was a copy of the weekly safeguarding briefings which was sent to staff (including Ms Bainbridge) around the time of the incident on 12 November 2021.

The documents subject to the application had not been served in accordance with the requirements of paragraph 5.37 of the 2020 Procedures. Therefore, the panel was required to decide whether the documents should be admitted under paragraph 5.34 of the 2020 Procedures.

The panel heard representations from the presenting officer that there was no prejudice to Ms Bainbridge in admitting this document, on the basis that she had previously been sent the document and so it was not a new document. It was further submitted that this document was directly relevant to the allegations as this was an email which was received between the purported disclosure by the pupil and action being taken by Ms Bainbridge.

The panel also heard representations from Ms Bainbridge's representative in respect of the application, who objected to the admission of this document. Ms Bainbridge's representative disputed the assertion that no unfairness would be caused to Ms Bainbridge as he contended that she had only previously seen the document "*briefly*". Ms Bainbridge's representative further submitted that he did not consider that the document was relevant to the allegations and did not add much.

The panel considered the additional documents were relevant and that it was fair to both parties to admit the documents. Accordingly, the documents were added to the bundle.

The panel considered the additional document was relevant, in part due to the timing of the email in relation to the allegations. The panel further considered that there was no unfairness caused to Ms Bainbridge by the admission of the document as she had previously been provided with it and, in the view of the panel, this document did not significantly alter the evidence.

Accordingly, the panel agreed to admit the further document and this document was added to the bundle.

Further application to admit additional documents on day 3 of the hearing

At the outset of the third day of the hearing, the panel considered an application from Ms Bainbridge's representative for the admission of an additional document being a diagram depicting the layout of the classroom.

The documents subject to the application had not been served in accordance with the requirements of paragraph 5.37 of the 2020 Procedures. Therefore, the panel was required to decide whether the documents should be admitted under paragraph 5.34 of the 2020 Procedures.

The panel heard representations from the presenting officer that, whilst this document may be relevant, it would be unfair to admit this document in circumstances in which the TRA had already closed its case and would therefore need to recall witnesses to test the accuracy of the diagram.

The panel considered that the document was relevant but considered that there may be prejudice caused to the TRA by admitting the document and that this may result in the panel asking to recall witnesses after the TRA had closed its case which may lead to further delay in this matter. Accordingly, the panel did not agree to admit the further document.

Application for an additional witness

At the commencement of day three of the hearing, the panel was informed by Ms Bainbridge's representative that Ms Bainbridge intended to call a further witness – [REDACTED], Witness D.

Whilst the TRA had not previously been notified of this, the presenting officer noted that there was evidence from Witness D within the bundle and the TRA did not oppose this.

Accordingly, the panel agreed that Witness D could be called as a witness and that this was fair to both parties.

Summary of evidence

Documents

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

- Section 1: Notice of proceedings and response– pages 6 to 20
- Section 2: Statement of agreed and disputed facts – pages 22 to 28
- Section 3: Witness statements – pages 30 to 44
- Section 4: Teaching Regulation Agency documents – pages 46 to 278
- Section 5: Teacher documents – pages 281 to 307.

In addition, the panel agreed to accept the following:

- Additional teacher documents – page 308 to 318
- Additional TRA document – page 319.

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 the following witnesses called by the TRA:

- Witness A, [REDACTED] at Alverstoke Infant School (the School)
- Witness B, [REDACTED] at the School
- Witness C, [REDACTED] at the School

The panel also heard oral evidence from Ms Bainbridge and 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.

Ms Bainbridge was employed as a class teacher at the School from 1 January 1992 to 3 April 2022.

On or around November 2021, Pupil A, [REDACTED], made a disclosure in Ms Bainbridge's classroom during circle time when Witness A, [REDACTED] was discussing

the “*pants rule*” with the class. Witness A reported that Pupil A put her hand up and she heard Pupil A say that “*her [REDACTED] touch her private parts and it hurts*”.

Ms Bainbridge was present but denied hearing the disclosure in full. Witness A recalled that Ms Bainbridge told Pupil A that she would speak to her [REDACTED] about what Pupil A had disclosed. However, Ms Bainbridge asserted that she told the [REDACTED] she would speak to Pupil A’s [REDACTED]. Ms Bainbridge did not take any further action regarding the disclosure and did not raise it with any members of staff.

Around a week later, on 15 November 2021, during a safeguarding training session, Witness A asked Witness C whether any action had been taken regarding Pupil A’s disclosure. Witness C was unaware of the disclosure and asked for further details which Witness A shared.

Witness C took immediate action alongside Witness B regarding Pupil A’s disclosure. Pupil A was interviewed on 15 November 2021 and disclosed that her [REDACTED] had touched her inappropriately on one or more occasions and this had hurt her. Pupil A stated that [REDACTED].

Witness C made a referral to children’s services the same day and Pupil A was visited at the School by police and social workers. Pupil A was interviewed and [REDACTED].

The School conducted a formal investigation into Ms Bainbridge. Following a disciplinary hearing on 4 April 2022, Ms Bainbridge was dismissed for failing to follow the correct safeguarding procedure in respect of Pupil A’s disclosure, placing Pupil A at risk of further harm.

Ms Bainbridge appealed the disciplinary outcome and an appeal hearing was held on 17 June 2022. Her appeal was dismissed.

Findings of fact

The findings of fact are as follows:

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

- 1) You failed to take appropriate action and/or ensure appropriate action was taken to safeguard Pupil A in or between September - November 2021, despite being aware that Pupil A disclosed that her [REDACTED] touched her inappropriately on one or more occasions; and**
- 2) Your failure as may be proven at 1 above placed Pupil A at risk of being exposed to further harm.**

The panel noted the Witness statement and oral evidence of Witness B. She explained that Pupil A's disclosure to Ms Bainbridge came to light through Witness A, during a refresher training session, as Witness A approached Witness C and asked if the incident regarding Pupil A had been resolved. She stated that Witness C was unaware of the incident and asked Witness A to elaborate.

Witness B stated that Witness C immediately investigated further, and asked Ms Bainbridge whether Pupil A had disclosed anything to her. Ms Bainbridge confirmed that Pupil A had mentioned "*something about her [REDACTED] and her pants*" during circle time and that she had "*forgotten*" to disclose this.

Witness B submitted that Witness C sat next to Pupil A in the hall and asked her about a comment she made during circle time about her [REDACTED]. Pupil A said that "*she had told the teacher in circle time that her [REDACTED] had touched her*", and she went on to start disclosing more information. As it was clear this would be a full disclosure, Witness C took Pupil A into her office. Witness B stated that she then took over and asked Pupil A questions as Witness C took notes. Witness B recalled that Pupil A "*had reported that her two [REDACTED] put their hands in her pants and their fingers inside of her and said that it had hurt her.*" Witness B submitted that Pupil A said [REDACTED]. Witness B stated that Pupil A could not say when this had happened or how many times exactly, but said it had happened "*hundreds of times*".

Witness B submitted that she and Witness C made a referral to children services and completed an interagency referral form straight away. She stated that Pupil A was interviewed by the police and a social worker. Witness B stated that she was sat in this interview and Pupil A essentially repeated the same disclosure to the police.

Witness B explained that, as a result of the report, Pupil A was [REDACTED].

Witness B submitted that the School has annual training and refresher training on safeguarding and guidance that is constantly updated. She stated that every week there is a staff briefing where there are reminders on protocol as well as a staff meeting every week to discuss concerns regarding specific children. Witness B explained there is a designated safeguarding lead ('DSL') on site at all times, and that all members of staff are aware they need to discuss concerns with a DSL. At the time of the disclosure, the DSLs were on site and Ms Bainbridge was able to speak to one of them.

Witness B submitted that Ms Bainbridge confirmed during the disciplinary interviews that she was fully aware of the procedures to be followed and knew what she had to do. Witness B confirmed that there were no safeguarding concerns regarding Ms Bainbridge prior to this incident and that she had made reports before and therefore understood the safeguarding process. Witness B also stated that Witness A was under the impression that Ms Bainbridge would deal with the matter, as when Pupil A made the disclosure during circle time Witness A looked at Ms Bainbridge and Ms Bainbridge told Pupil A she

would talk to her [REDACTED] about it. Witness B submitted that Ms Bainbridge was the senior member of staff in the classroom and had acknowledged Pupil A's disclosure, and therefore it was her responsibility to sort it.

Witness B submitted that in her disciplinary interview Ms Bainbridge reported hearing Pupil A say something about "*pants*" and something about "*her [REDACTED]*" but said she did not hear the full disclosure. [REDACTED].

The panel noted the witness statement and oral evidence of Witness A. Witness A stated that she was quite new to the role when the disclosure by Pupil A was made but she had noticed that, prior to the disclosure, Pupil A was often [REDACTED]. She noted that Pupil A did not [REDACTED].

Witness A submitted that she had previously asked Ms Bainbridge about Pupil A as she found her behaviour quite odd and was concerned about her. She stated that Ms Bainbridge told her this was normal behaviour from Pupil A and that "*she normally behaved like this to attention seek*". Witness A stated that she found this odd as she had not seen a child behave in this way before but submitted that in hindsight Pupil A's behaviour makes a lot more sense now.

Witness A explained that on the day of the disclosure she was discussing the "*pants rule*" in circle time, as there had been an incident in the toilet earlier that day. The "*pants rule*" is to teach children that their genitals are private and that no one else should be seeing these. Witness A stated that during circle time she asked whether anyone wanted to share anything with the class, and submitted that, "*Pupil A sat up suddenly and put her hand up and said "my [REDACTED] touch my privates"*". Witness A submitted that Pupil A appeared "*confident in the disclosure*" and "*spoke clearly*". Witness A stated that she was shocked and asked whether the [REDACTED] were [REDACTED], and Pupil A confirmed it was her [REDACTED].

Witness A submitted that she looked at Ms Bainbridge who looked back at her "*like she was in disbelief*". Witness A stated that she shrugged her shoulders and Ms Bainbridge said she would talk to Pupil A's [REDACTED] later, and she considered that this indicated that Ms Bainbridge had acknowledged what Pupil A said.

Witness A stated that, following her acknowledgement, she assumed Ms Bainbridge would record the incident on CPOMS and speak to Pupil A's [REDACTED]. Witness A stated that she finished working before the end of class that day as Ms Bainbridge told her to leave.

Witness A explained that two weeks later she had safeguarding training with Witness C where she asked what happened regarding Pupil A's disclosure. Witness A stated that Witness C did not know anything about it, so she explained. She realised that Ms Bainbridge had not taken any further action regarding this.

Aware that Witness C and Witness B had spoken to Ms Bainbridge, Witness A stated that she carried on with the rest of her day. Witness A submitted that when she returned to the classroom Ms Bainbridge was crying and asked her angrily why she did not remind her to report the incident and said that she should have reminded her. Witness A recalled that she apologised but left the room as she was with a pupil and did not want the pupil to see Ms Bainbridge crying. Witness A stated that when she came back to the classroom after lunch Ms Bainbridge was no longer there.

The panel noted the witness statement and oral evidence of Witness C. Witness C explained that the allegations relating to Ms Bainbridge came to light following a disclosure by Witness A, as she was asked by Witness A what had happened regarding Pupil A's disclosure. Witness C stated that she did not know about the incident. She submitted that Witness A told her that, *"during circle time in a class the previous week, Pupil A disclosed that her [REDACTED] had been touching her and put their fingers inside of her. Pupil A had said that she didn't like this, and that it had hurt her."* She stated that Witness A expressed that, at the time, Ms Bainbridge seemed to have registered the disclosure made by Pupil A and assumed she would deal with it.

Witness C submitted that she spoke to Ms Bainbridge at the end of the day and stated that Ms Bainbridge was clearly very distressed. When asked why she had not reported the disclosure she said it had gone out of her mind but could not provide any further reason.

Witness C explained that she did not have any concerns about Ms Bainbridge as a teacher and that there were no previous safeguarding concerns in respect of her. [REDACTED].

Witness C stated that Ms Bainbridge was fully aware of the safeguarding policy and procedures and received training about this every year. She submitted that safeguarding is mentioned in every staff briefing on a weekly basis and training is undertaken throughout the year. Witness C stated that Ms Bainbridge had the appropriate safeguarding knowledge, and she is unaware as to why she did not report this incident in line with policy and procedures.

The panel had before them, an email from Ms Bainbridge which had been sent in response to the TRA as well as the minutes from the School's internal investigation and the disciplinary meeting held by the School in respect of this incident. Although the panel was mindful that they could not give undue weight to the findings of the School's investigation, the panel considered the evidence gained through the investigation alongside Ms Bainbridge's oral evidence.

Within the School's investigation, Ms Bainbridge stated that Pupil A had put her hand up during the discussion and *"mumbled something about her [REDACTED] and pants"*. She

further stated that she *“looked at the [REDACTED] and exchanged a look, I thought that I needed to go back and ask her more.”*

She further set out that she was *“very busy”* that afternoon and she *“missed the opportunity to ask more questions”* and that she, *“can’t find any explanation for myself missing this critical disclosure”*.

Within the disciplinary meeting, Ms Bainbridge further stated that she had exchanged a look with the lunchtime assistant because, *“it didn’t seem in context, I was not sure whether I had heard what [Pupil A] had said correctly. It was very busy in there. [Pupil A] does put her head down when she speaks. I know what I should have done (follow up the conversation) as it was not clear and I should have responded but I made a mistake.”*

Within the email responding to the TRA’s allegations, Ms Bainbridge stated that this was a *“one off occasion which happened during a very hectic time”*.

[REDACTED]. Ms Bainbridge recalled that she had raised issues relating to her health with her senior leadership team during performance management meetings but that, in her view, sufficient support was not provided as a result.

In respect of the day of the purported disclosure, Ms Bainbridge submitted that, as a result of an incident in the toilets during the lunch break, in which pupils had been inappropriately patting each other, she informed Witness A that they would need to revisit the underpants rule within circle time to address the behaviour.

Ms Bainbridge explained that circle time was an opportunity for discussion amongst the children to explore any issues within the group and get them ready to learn in the afternoon. At the time, circle times were led by the lunchtime assistants to increase their profile with the children. However, Ms Bainbridge had returned to the classroom early because Witness A was fairly new to the role and Ms Bainbridge was mindful that *“the class was quite loud but their behaviour changed when I walked into the room.”*

Ms Bainbridge recalled being sat at a pupil’s table on the outside of the circle, directly opposite Witness A. She recalls carrying out a visual register and preparing for the afternoon’s lessons whilst circle time was going on. Ms Bainbridge submitted that Pupil A was two or three people away from Witness A.

Ms Bainbridge explained that there was a lot going on in the circle time and it was noisy as there was a lot of discussion amongst the children. She recalled Pupil A had put her thumb into the circle to indicate that she had something to say and proceeded to speak with her head down and was *“mumbling”*. Ms Bainbridge submitted that all she heard was *“pants”* and [REDACTED]. Ms Bainbridge submitted that she asked Pupil A to repeat herself *“a few times but didn’t hear and it wasn’t the place to follow up.”* Ms Bainbridge explained that what she had heard made her feel *“uncomfortable”* and confirmed in panel questioning that she meant *“uncomfortable from a safeguarding perspective.”* Ms

Bainbridge was clear during her oral evidence in her recollection that this was the extent of what she had heard and she was certain that she had not heard anything about it hurting.

Ms Bainbridge accepted that she had said she would follow up with Pupil A's [REDACTED] but that, in her submission, this was because she hadn't heard the word "*hurt*". She further explained that she hadn't had a chance to follow up with Pupil A's [REDACTED] that afternoon because Pupil A went to an after school club and so Ms Bainbridge did not see her [REDACTED].

Ms Bainbridge also stated that she had intended to follow up with Pupil A herself during the afternoon to get further information as she hadn't heard the disclosure but did not have the opportunity to do so and then "*forgot*".

The panel considered the policy documents in the bundle which set out the safeguarding referral procedure.

The panel found Ms Bainbridge's evidence to be confused and, at times contradictory. For example, Ms Bainbridge submitted in her oral evidence that she intended to speak to Pupil A's [REDACTED] but also submitted that she had intended to follow this matter up with Pupil A herself. The panel also noted that for the first time in oral evidence, Ms Bainbridge submitted that she asked Pupil A to repeat her disclosure but that she claimed she still did not hear what was said. This was not supported by Witness A and nor was it referred to within earlier accounts of the incident provided by Ms Bainbridge.

The panel considered that had Ms Bainbridge only partially heard the disclosure, it was implausible that she would not have followed this up with Witness A to find out what was said, particularly having shared "*a look*".

On the strength of the clear witness evidence of the other staff member present at the time of the disclosure, in contrast to Ms Bainbridge's often contradictory evidence, on the balance of probabilities, the panel considered that it was more likely than not that Ms Bainbridge had been aware of the full disclosure.

The panel considered that, even if Ms Bainbridge had not heard the full disclosure, in the context of discussing the "*pants rule*" following an incident of inappropriate contact between children during the lunch break, any reference to "[REDACTED]" and "*pants*" should have triggered alarm bells and the safeguarding procedures should have been initiated. The panel further determined, on the balance of probabilities, that in light of a disclosure of the nature described by Ms Bainbridge, an experienced teacher such as herself, would have considered whether this was a disclosure of inappropriate touching. This was particularly the case during the pandemic where there was a heightened concern amongst teachers for pupils whom they had reduced contact with.

The panel considered that the safeguarding referral procedure was clear and that there was no ambiguity surrounding the actions which Ms Bainbridge should have taken following the disclosure, even if she had only heard part of the disclosure. Ms Bainbridge admitted herself that she knew what she should have done and that she just “*forgot*” about the disclosure. The panel determined that there should never have been an opportunity to forget to act upon the disclosure as the response should have been immediate, particularly in circumstances where the DSL was based in a nearby room to Ms Bainbridge’s classroom.

The panel did not consider that Ms Bainbridge had deliberately failed to take appropriate action. However, the panel considered that, through her omissions, her conduct fell below that which could reasonably be expected of a teacher. Ms Bainbridge was clear that she was experiencing issues [REDACTED] and that this resulted in her forgetting to report the disclosure. Notwithstanding this, this did not detract from the reality of the situation which was that the disclosure should have been immediately acted upon.

Accordingly, the panel found allegation 1 proven.

The panel found that the facts found proven in allegation 1 undoubtedly resulted in Pupil A being placed at risk of further harm, despite Ms Bainbridge’s assertions that, “*it was a week, not years*” and that “*Pupil A got the right help straight away and it wasn’t followed up because the police didn’t press charges.*”

The panel considered that a week in safeguarding terms was a very long time and, in the circumstances, found that the delay in taking action following the disclosure placed Pupil A at risk of further harm in the short term but also in the long term as Pupil A may have been deterred from making further disclosures in the future by the perceived lack of action from a trusted teacher.

The panel therefore found allegation 2 proven.

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

Having found 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 Bainbridge, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Ms Bainbridge was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

In particular the panel considered that the conduct of Ms Bainbridge was in conflict with Keeping Children Safe in Education and other statutory safeguarding guidance.

The panel was satisfied that the conduct of Ms Bainbridge amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. The panel considered that as a teacher, safeguarding is of paramount importance and any breach of safeguarding policy, particularly one which places a child in danger of harm, is extremely serious.

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

The panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave. The panel was particularly mindful of how parents would view this conduct and considered that parents trust that their children will be protected by their teachers and that this trust would inevitably be damaged if they were aware of this conduct.

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

Having found the facts of allegations 1 and 2 proved, the panel further found that Ms Bainbridge'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.

The panel was aware that 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 the protection of other members of the public/the maintenance of public confidence in the profession; and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In the light of the panel's findings against Ms Bainbridge, which involved failing to ensure appropriate action was taken to safeguard Pupil A which resulted in Pupil A being placed at risk of further harm, there was a strong public interest consideration in the protection of pupils.

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

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

The panel was mindful that there was a public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon her abilities as an educator prior to this incident and she had an "*unblemished record*" over her 34 years working in the School.

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Ms Bainbridge and that a prohibition is not intended to be punitive in effect. The panel was mindful of the need to strike the right balance between the rights of the teacher and the public interest.

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 Bainbridge. 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 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 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); and
- 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).

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 accepted Ms Bainbridge's evidence that her actions were not deliberate indeed the panel agreed with Ms Bainbridge that she had "*honestly forgotten*" to take further action.

There was no evidence to suggest that Ms Bainbridge was acting under extreme duress.

Ms Bainbridge did have a previously good history and the panel accepted that the incident was out of character. The panel did not have sufficient evidence before them to conclude that Ms Bainbridge had demonstrated exceptionally high standards but did acknowledge her significant contribution in terms of her length of service to the education sector.

[REDACTED].

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The panel noted the following good character evidence in this case:

- Individual A – [REDACTED] with Ms Bainbridge
 - *“always shown herself to be a professional who is dedicated to education – always doing her very best for the children in her care”*
 - *“I have never known her to be anything other than honest, reliable, responsible, hardworking and dedicated to her profession”*
 - *“she is trustworthy, approachable and friendly always using her very best endeavours to do her utmost for the children in her care”*
- Individual B – [REDACTED] who met her when they were both newly qualified teachers
 - *“she puts others first”*
 - *“never misses an opportunity to offer support”*
 - *“she has always been a law abider”*
- Witness D – Ms Bainbridge’s [REDACTED]
 - *“my [REDACTED] is the person all my friends growing up described as their favourite teacher”*
 - *“she is the teacher ex-parents stop to talk to in the supermarket”*

However, the panel was also mindful that these character witnesses did not appear to be aware of the detail of the allegations against Ms Bainbridge and indeed these statements appeared to be quite historic with limited knowledge of her recent teaching ability.

The panel considered carefully whether Ms Bainbridge had shown remorse and insight into her conduct, accepting that a denial of the conduct is not a bar to a finding of insight. Whilst the panel was mindful that this had been a very difficult period of Ms Bainbridge’s life, Ms Bainbridge had given evidence that she had not read the papers relating to the School’s investigation or disciplinary or the TRA evidence until the first day of the hearing. The panel considered that this had not assisted Ms Bainbridge in understanding the severity of her conduct and the impact that this had had on Pupil A.

The panel heard evidence from Ms Bainbridge that she was very sorry in respect of the incident and also of the impact it had had on her wellbeing and employment. However, the panel was concerned that they had not seen evidence that Ms Bainbridge had understood or accepted the impact that her misconduct had had on Pupil A. This was demonstrated by what the panel perceived as Ms Bainbridge’s flippant remarks during cross-examination that it was *“a week not years”* between the disclosure and action

ultimately being taken to safeguard the pupil and also that, *“Pupil A got the right help straight away and it wasn’t followed up because the police didn’t press charges.”*

However, the panel did consider that there was a relatively low risk of repetition of the misconduct found proven. The panel was satisfied that this was likely to have been a “one-off” incident and accepted that Ms Bainbridge had sufficiently demonstrated that she did know what she should have done in the circumstances.

The panel found that Ms Bainbridge had shown some degree of insight and remorse but was lacking in an understanding and empathy of the impact of her actions on the pupil.

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 Bainbridge 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 Bainbridge. The panel’s finding that Ms Bainbridge had failed to adequately safeguard a pupil which may have led to further harm was a significant factor in this decision.

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. The panel did not find any such behaviours were relevant.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. The panel did not find any such behaviours relevant.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the

circumstances, for the prohibition order to be recommended with provisions for a review period after two years.

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found 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 Caroline Bainbridge should be the subject of a prohibition order, with a review period of two years.

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Ms Bainbridge was in conflict with the responsibilities and duties set out in statutory guidance, including Keeping Children Safe in Education (KCSIE).

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

The findings of misconduct are serious as they include failing to ensure appropriate action was taken to safeguard a Pupil, which placed them at risk of further harm.

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 Bainbridge, 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/or safeguard pupils. The panel has observed, "In the light of the panel's findings against Ms Bainbridge, which involved failing to ensure appropriate action was taken to safeguard Pupil A which resulted in Pupil A being placed at risk of further harm, there was a strong public interest consideration in the protection of pupils." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel considered carefully whether Ms Bainbridge had shown remorse and insight into her conduct, accepting that a denial of the conduct is not a bar to a finding of insight. Whilst the panel was mindful that this had been a very difficult period of Ms Bainbridge's life, Ms Bainbridge had given evidence that she had not read the papers relating to the School's investigation or disciplinary or the TRA evidence until the first day of the hearing. The panel considered that this had not assisted Ms Bainbridge in understanding the severity of her conduct and the impact that this had had on Pupil A." In my judgement, the lack of full insight 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 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 the protection of other members of the public/the maintenance of public confidence in the profession; and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict." I am particularly mindful of the finding of failing to take appropriate action to safeguard a pupil 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 and conduct that 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 Bainbridge herself and the panel comment “Ms Bainbridge did have a previously good history and the panel accepted that the incident was out of character. The panel did not have sufficient evidence before them to conclude that Ms Bainbridge had demonstrated exceptionally high standards but did acknowledge her significant contribution in terms of her length of service to the education sector.”

A prohibition order would prevent Ms Bainbridge 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 full insight or remorse. The panel has said, “The panel heard evidence from Ms Bainbridge that she was very sorry in respect of the incident and also of the impact it had had on her wellbeing and employment. However, the panel was concerned that they had not seen evidence that Ms Bainbridge had understood or accepted the impact that her misconduct had had on Pupil A. This was demonstrated by what the panel perceived as Ms Bainbridge’s flippant remarks during cross-examination that it was “*a week not years*” between the disclosure and action ultimately being taken to safeguard the pupil and also that, “*Pupil A got the right help straight away and it wasn’t followed up because the police didn’t press charges.*”

I have also placed considerable weight on the finding of the panel that “The panel decided that the public interest considerations outweighed the interests of Ms Bainbridge. The panel’s finding that Ms Bainbridge had failed to adequately safeguard a pupil which may have led to further harm was a significant factor in this decision.”

I have also considered the following “the panel did consider that there was a relatively low risk of repetition of the misconduct found proven. The panel was satisfied that this was likely to have been a “one-off” incident and accepted that Ms Bainbridge had sufficiently demonstrated that she did know what she should have done in the circumstances.”

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Bainbridge 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 a 2 year review period.

I have considered the panel's comments "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."

I agree with the panel and have decided a 2 year review period is proportionate in this case and supports the aim of maintaining public confidence in the profession.

This means that Ms Caroline Bainbridge is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. She may apply for the prohibition order to be set aside, but not until 19 December 2025, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Ms Bainbridge remains prohibited from teaching indefinitely.

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

Ms Bainbridge 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: Sarah Buxcey

Date: 13 December 2023

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