



Teaching
Regulation
Agency

Ms Celina Howell: Professional conduct panel outcome

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

March 2024

Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	5
Documents	5
Witnesses	6
Decision and reasons	6
Findings of fact	6
Panel's recommendation to the Secretary of State	12
Decision and reasons on behalf of the Secretary of State	15

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

Teacher: Ms Celina Howell

TRA reference: 21038

Date of determination: 12 March 2024

Former employer: Victoria Park Academy, Birmingham

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened by virtual means on 6 March to 8 March 2024 and 12 March 2024 to consider the case of Ms Celina Howell.

The panel members were Mrs Natalie Moore (teacher panellist – in the chair), Mrs Beverley Montgomery (lay panellist) and Dr Andrew Harries (lay panellist).

The legal adviser to the panel was Ms Claire Watson of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Mr Mark Millin, consultant at Kingsley Napley LLP.

Ms Celina Howell was not present and was not represented on 6 March 2024. Ms Howell was present but was not represented on 7, 8 and 12 March 2024.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the Notice of Hearing dated 19 December 2023.

It was alleged that Ms Celina Howell was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that while working as a teacher at Victoria Park Academy (“the School”):

1. On or around 10 June 2020, she transported a firearm in her car:
 - a. Knowing that there was a firearm in the car; and/or
 - b. When she did not have authority to transport the firearm.
2. Between around 30 March 2021 and 1 April 2021, she failed to notify her employer that she was arrested on 30 March 2021 on suspicion of conspiring to supply a section 5 firearm.
3. Her actions at paragraphs 2:
 - a. Were dishonest;
 - b. Demonstrated a lack of integrity.

Ms Howell did not admit allegation 1 and 3. Ms Howell admitted allegation 2. Ms Howell has not admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

Proceeding in Absence

The presenting officer applied to proceed with the hearing in the absence of the teacher.

On the first day of the hearing, the panel was notified that the teacher had emailed the TRA that morning to request assistance accessing the bundle. The panel was also informed that the teacher had not been sent the hearing link. The panel decided to adjourn the hearing until the next day to enable the hearing link to be provided to the teacher and support to be provided to access the hearing bundle that had been sent to the teacher.

The following day, the teacher was present at the hearing.

Ms Howell stated on 7 March 2024 that she had just received the hearing bundle. She had received a hard copy of the hearing bundle in December 2023 but had misplaced the bundle. She had then emailed the TRA and received an electronic version of the bundle, which she had been unable to access.

The panel considered whether to adjourn the hearing. The panel asked Ms Howell whether she wanted to adjourn or continue with the hearing. Ms Howell's preference was for the hearing to continue.

The panel was satisfied that the TRA had complied with the service requirements of paragraph 19(1)(a) to (c) of the Teachers' Disciplinary (England) Regulations 2012 and that the Notice of Hearing complied with paragraphs 5.23 and 5.24 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession ("the Procedures"). The panel considered whether Ms Howell had been disadvantaged if she had not had access to the hearing bundle.

The panel noted that Ms Howell had said she had received a copy of the hearing bundle in December 2023 and had the opportunity to refresh her memory of the hearing bundle since receiving the electronic copy of the bundle. The panel considered that Ms Howell was present and able to give her account of events and that it was in the interests of justice for the hearing to continue. The panel decided to continue with the hearing.

Late documents

As part of the application to proceed in absence, the presenting officer provided to the panel a service bundle, containing letter and email correspondence with the teacher. During the second day of the hearing, the panel requested sight of the emails Ms Howell referenced as part of her contact with the TRA.

Those documents were not served in accordance with the requirements of paragraph 5.36 of the Procedures, and as such the panel was required to decide whether those documents should be admitted under paragraph 5.34 of the Procedures.

Under paragraph 5.33 of the Procedures, the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

The panel was satisfied that the documents were relevant to the case, as they related to the contact made with the teacher and the teacher's non-attendance at the hearing.

With regard to the overall question of fairness, the panel noted that the teacher was aware of the correspondence contained within the bundle, primarily being emails which had been sent by her or to her.

By reason of the above, the panel decided to admit the documents.

Summary of evidence

Documents

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

Section 1: Chronology and anonymised individual list – pages 4 to 6

Section 2: Notice of Hearing and Response to Notice of Hearing – pages 7 to 14

Section 3: Teaching Regulation Agency witness statements – pages 15 to 23

Section 4: Teaching Regulation Agency documents – pages 24 to 413

In addition, the panel agreed to accept the following:

Service bundle – pages 414 to 450

Email from the teacher – page 451

Emails from the teacher – pages 452 to 456

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 presenting officer:

- Witness A, [REDACTED]
- Witness B, [REDACTED]
- Witness C, [REDACTED]

Ms Howell also gave live evidence.

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 Howell had been employed as a teacher at the School since 1 August 2016. On 30 March 2021, Ms Howell was arrested and interviewed by the Police in relation to the transportation of a firearm in her car. On 1 April 2021, the School received a letter by email from the Police confirming that Ms Howell had been arrested. Ms Howell was suspended and the School commenced a disciplinary investigation, which resulted in a dismissal. Ms Howell was not charged by the Police with an offence relating to suspicion of conspiring to supply a section 5 firearm.

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:

2. Between around 30 March 2021 and 1 April 2021, you failed to notify your employer that you were arrested on 30 March 2021 on suspicion of conspiring to supply a section 5 firearm.

The panel heard from Witness A that he had received an email containing a letter from the Police on the morning of 1 April 2021 about Ms Howell's arrest, and he informed Witness B in person that Ms Howell had been arrested. Both witnesses confirmed that this was the first time that they had knowledge of Ms Howell's arrest.

The panel had sight of a copy of this letter, which stated that Ms Howell was arrested on 30 March 2021 regarding an allegation of selling or transferring a firearm unlawfully. The police report contained within the bundle stated that Ms Howell had been arrested on 30 March 2021 on suspicion of conspiring to supply a section 5 firearm.

In live evidence, Witness B outlined a meeting she had with Ms Howell on 1 April 2021, where she asked Ms Howell if she had anything to disclose. Due to the passage of time, Witness B could not recall the exact phrasing used, but recalled asking Ms Howell multiple times if there was anything that had happened that she needed to make the School aware of. Ms Howell said no. Witness B then informed Ms Howell that she knew of Ms Howell's arrest and Ms Howell immediately confirmed that this was true and became upset. Witness B stated that Ms Howell tried to go into detail on the circumstances around the arrest, but Witness B stopped her as it was not up to her to make decisions regarding any criminal matters.

Ms Howell stated that the Police had confiscated her phone on 30 March 2021. She further stated, as she had stated during the meeting on 1 April 2021 with Witness B, that she had been informed by her solicitor not to speak with the School regarding the arrest until she had spoken with her Union representative. During live evidence, Ms Howell stated that she was in School on 1 April 2021 for a meeting unrelated to her arrest, and had said to the [REDACTED], who she trusted, that she needed to speak with them about something important. Ms Howell said it was her intention to speak with the [REDACTED] about her arrest, but did not have the opportunity to do so before being asked by Witness A to speak with Witness B.

The panel had sight of a witness statement from the [REDACTED], taken during the School's disciplinary hearing, which stated that he had offered Ms Howell the opportunity to speak to him in their meeting, after Ms Howell had asked to speak with him. Ms Howell had said that she wished to speak to him at another time. The panel decided to admit the witness statement from the [REDACTED] as hearsay evidence, but attributed less weight to it as the panel did not have the opportunity to cross-examine [REDACTED] about this conversation with Ms Howell. The panel noted that the account from both Ms Howell and the [REDACTED] referenced Ms Howell asking to speak with the [REDACTED] about

something, although the subject matter was not disclosed. In live evidence, Ms Howell stated that the [REDACTED] was busy and so she did not have time to speak with him. However, the panel considered that Ms Howell had met with the [REDACTED] that morning and so had the opportunity to speak with him about her arrest.

The panel acknowledged that it was reasonable for Ms Howell to be in a state of shock on 31 March 2021 after her arrest on the afternoon of 30 March 2021. The panel noted that there was a narrow margin of time between Ms Howell attending School for a meeting on 1 April 2021 and being asked by Witness B whether she needed to disclose anything to the School. Nevertheless, the panel found that Ms Howell did not disclose her arrest to the School, until after she was asked directly about it.

The allegation was therefore, found proved.

3. Your actions at paragraphs 2:

a. Were dishonest;

b. Demonstrated a lack of integrity.

The panel considered the issue of whether Ms Howell's conduct found proven in respect of allegation 2 above had been dishonest and/or lacked integrity.

In live evidence, Ms Howell stated that she was not intentionally dishonest. She had wanted to speak with the [REDACTED] in the first instance about her arrest. Ms Howell explained that Witness B had caught her off guard and had made her feel uneasy in the way she was being asked, and that she "froze up".

The panel noted that Ms Howell made no attempt to deny that she had been arrested when asked about her arrest by Witness B.

The panel considered that Ms Howell knew she needed to inform the School of her arrest. Ms Howell accepted during live evidence that she had intended to speak with the [REDACTED] about her arrest and that it was "not as if it could be kept a secret". Ms Howell stated that disclosure of her arrest was the right thing to do, but also was a difficult thing to do. Although the panel accepted that Ms Howell had received legal advice not to speak with the School until she had spoken with her Union and by 1 April 2021, Ms Howell had not received advice from her Union, the panel considered that Ms Howell was aware of the need to disclose her arrest to the School. The panel considered it reasonable that Ms Howell may have panicked when Witness B, who she had not worked closely with, questioned her, but that there were alternative options available to Ms Howell when questioned by Witness B other than denying that there was anything to disclose, such as to state that there was something she needed to disclose, but that she was not comfortable disclosing it at that stage, that she needed to speak with her Union first or that she wanted to speak with the assistant head teacher first. In stating that there was nothing to disclose, Ms Howell had made a statement that she knew not to be true

and the panel considered that the ordinary person would have considered this conduct dishonest.

The panel also considered whether Ms Howell's behaviour demonstrated a lack of integrity. The panel considered the ethical standards of the teaching profession and found that Ms Howell had fallen short of those expected ethical standards in failing to disclose her arrest to her employer.

The allegation was therefore, found proved.

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

1. On or around 10 June 2020, you transported a firearm in your car:

a. Knowing that there was a firearm in the car; and/or

b. When you did not have authority to transport the firearm.

In live evidence, Ms Howell explained that she had arranged with a friend to go for a walk on the evening of 10 June 2020 in Yorkshire. Her friend had spoken with another friend by telephone, had mentioned going for a walk to them, and had been asked whether they would be able to give a lift to someone. Ms Howell stated that as they were heading in that direction, she agreed to provide a lift when her friend told her that they had been asked for a favour and did not think anything of it.

The panel questioned Ms Howell on her interest in walking and considered Ms Howell to be credible when describing her enjoyment of walking. The panel did not consider it unusual for Ms Howell to be walking in the evening, given her circumstances.

[REDACTED].

Ms Howell accepted that she may have transported a firearm in her car, although she did not know this at the time, based on information she had been told by the Police. Ms Howell stated that she did not know the passenger she gave a lift to, she did not know that the passenger had a firearm and that she did not see any firearm. The passenger was carrying a backpack and Ms Howell stated that she did not know what was in the backpack. The panel considered it reasonable that Ms Howell would not ask someone to show her the contents of their bag and considered it reasonable for Ms Howell to trust the judgment of a friend when asked to give someone a lift. Ms Howell's friend was also a passenger in the car at the time of giving the third individual, who Ms Howell did not know, a lift.

The panel considered that the documents within the bundle referenced Ms Howell's arrest on suspicion of conspiring to supply a section 5 firearm, but did not evidence that Ms Howell had either knowingly or unknowingly transported a firearm in her car. The panel had sight of a police report which contained a shortened summary of

circumstances. This report referenced telephone message conversations that the Police had downloaded, and stated that those messages related to the supply of a firearm. In these messages, an individual, who was not Ms Howell, stated that a 'delivery' would be made by a vehicle of a description matching a vehicle registered and insured to Ms Howell. The Police had identified using ANPR cameras that Ms Howell's vehicle had been driven to an area close to the 'delivery' location.

The panel noted that Ms Howell was not charged with any offence relating to suspicion of conspiring to supply a section 5 firearm. The police report also stated that no firearm was recovered.

The panel did not consider there to be sufficient evidence presented to it to find, on the balance of probabilities that Ms Howell, on or around 10 June 2020, transported a firearm in her car (a) knowing that there was a firearm in her car, or (b) when she did not have authority to transport the firearm.

The allegation was therefore, found not proved.

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

Having found allegations 2 and 3 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 Howell, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Ms Howell was in breach of the following standards:

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

- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions

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

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

The panel was satisfied that the conduct of Ms Howell, in relation to the facts found proved, involved breaches of Keeping Children Safe In Education ("KCSIE"). The panel considered that Ms Howell was in breach of the provisions in KCSIE which requires

effective action to be taken in a timely manner to safeguard and promote children's welfare.

The panel considered that, although there was no evidence that pupils were at risk, this would not be known by the School at the time of her arrest and in failing to immediately disclose her arrest to the School, Ms Howell had delayed the School's ability to assess any transferable risk as a result of her arrest, albeit for a short timeframe. Although it was accepted in written and live evidence by senior members of the School that the School's Safeguarding Policy and Staff Handbook at the time of Ms Howell's arrest did not explicitly instruct staff to share details of an arrest, the panel considered this to be a known, general expectation on teachers in light of the need to support the effective safeguarding of children.

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

The panel also considered whether Ms Howell's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that none of these offences was relevant. Although the list contains reference to possession of prohibited firearms, the panel did not find allegation 1 proven.

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

The panel noted that Ms Howell was not arrested on the School's premises. However, the panel considered that Ms Howell's conduct may have led pupils being exposed to, or influenced by, the behaviour in a harmful way as Ms Howell had attended a meeting on the School's premises without disclosing her arrest to the School in a timely manner and the School had not had the opportunity to conduct a risk assessment to assess whether there was a transferable risk to the pupils at the earliest available opportunity.

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

The panel took into account the way the teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

The panel also considered whether Ms Howell's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that none of these offences was relevant.

The panel noted that the advice is not intended to be exhaustive and there may be other behaviours that panels consider to be “conduct that may bring the profession into disrepute”. The panel considered there to be a public expectation on teacher’s to disclose arrests relating to firearms to their employer, in order for the School to take any necessary action to safeguard pupils. In failing to do so, Ms Howell had acted contrary to the public’s expectations. The panel considered that it would damage public trust and confidence in the profession if teacher’s were not expected to disclose an arrest to their employers.

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.

The panel considered that Ms Howell’s conduct could potentially damage the public’s perception of a teacher.

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

Having found the facts of allegations 2 and 3 proved, the panel further found that Ms Howell’s conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel’s recommendation to the Secretary of State

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

In considering whether to recommend to the Secretary of State that a prohibition order is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Ms Howell and whether a prohibition order is necessary and proportionate. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely, the safeguarding and wellbeing of pupils, the protection of other members of the public, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct. The panel also considered the interest of retaining the teacher in the profession.

In the light of the panel's findings against Ms Howell, which involved a failure to disclose her arrest on suspicion of conspiring to supply a section 5 firearm, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the impact on the School's ability to assess whether there was any transferable risk to pupils and impact on the reputation of the School.

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

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

Whilst there is evidence that Ms Howell had ability as an educator, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Ms Howell in the profession, since her behaviour fundamentally breached the standard of conduct expected of a teacher.

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

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

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

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

failure 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.

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

There was no evidence that Ms Howell's actions were not deliberate. Although Ms Howell was not expecting a meeting with Witness B on 1 April 2021, Ms Howell had answered 'no' in response to whether there was anything that she needed to disclose to the School.

There was no evidence to suggest that Ms Howell was acting under extreme duress, e.g. a physical threat or significant intimidation. The panel accepted that Ms Howell's arrest would have caused her severe distress and that her decision-making may have been impaired in light of this distress.

Ms Howell did have a previously good history and the panel saw no evidence that she was previously subject to disciplinary warnings.

Although the panel saw evidence of good character, no references were provided from any colleagues that could attest to Ms Howell's abilities as a teacher.

The panel considered that Ms Howell had shown insight and remorse for her behaviour. Although Ms Howell had initially wished not to engage with the TRA's proceedings, when questioned by the panel on why she had changed her mind, Ms Howell explained that she had been strong minded at the start of the investigation and that, due to the mental and physical impact on her health, she had decided that it was easier not to engage with the process. However, she had a turning point and decided to confront the issues that she had been running away from and overcome her fears. She understood that her personal life impacted her working life. In light of the presenting officer's explanations on the definitions of dishonesty and lack of integrity, Ms Howell also recognised this perspective and how her actions could amount to dishonesty and lack of integrity, although explaining that at the time she was not thinking about deliberately hiding any information from the School. Ms Howell recognised that there was the potential for pupils to be at risk and harmed by her failure to disclose her arrest immediately to the School, in delaying the School's assessment of any transferable risk. Ms Howell further recognised a need for support and guidance, with a refresher on safeguarding training if she were to re-enter the teaching profession.

The panel did not consider that there was a risk of Ms Howell repeating her actions. The panel considered that Ms Howell had reflected on her behaviour and recognised and understood the need to disclose to her employer any arrest and the impact failing to do so in a timely manner could have on the safeguarding of pupils.

Proportionality

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Given that the nature and severity of the behaviour were at the

less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession.

Decision and reasons on behalf of the Secretary of State

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

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

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

In this case, the panel has also found one of the allegations not proven. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that the findings of unacceptable professional conduct and/or conduct likely to bring the profession into disrepute should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Ms Celina Howell 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 Howell 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 Howell fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include 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 Howell, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed, "In the light of the panel's findings against Ms Howell, which involved a failure to disclose her arrest on suspicion of conspiring to supply a section 5 firearm, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the impact on the School's ability to assess whether there was any transferable risk to pupils and impact on the reputation of the School." 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 it sets out as follows:

"The panel considered that Ms Howell had shown insight and remorse for her behaviour. Although Ms Howell had initially wished not to engage with the TRA's proceedings, when questioned by the panel on why she had changed her mind, Ms Howell explained that she had been strong minded at the start of the investigation and that, due to the mental and physical impact on her health, she had decided that it was easier not to engage with the process. However, she had a turning point and decided to confront the issues that she had been running away from and overcome her fears. She understood that her personal life impacted her working life. In light of the presenting officer's explanations on the definitions of dishonesty and lack of integrity, Ms Howell also recognised this perspective and how her actions could amount to dishonesty and lack of integrity, although explaining that at the time she was not thinking about deliberately hiding any information from the School. Ms Howell recognised that there was the potential for pupils to be at risk and harmed by her failure to disclose her arrest immediately to the School, in delaying the School's assessment of any transferable risk. Ms Howell further recognised a need for support and guidance, with a refresher on safeguarding training if she were to re-enter the teaching profession."

In my judgement, the degree of insight and remorse attained by Ms Howell means that there is a low risk of the repetition of this behaviour. 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 that, "...public confidence in the profession could be seriously weakened if conduct such as that found against Ms Howell were not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of dishonesty in this case and the impact that such a finding could have 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 likely to 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 Howell herself. The panel records that "Ms Howell did have a previously good history and the panel saw no evidence that she was previously subject to disciplinary warnings." The panel goes in to note that "Although the panel saw evidence of good character, no references were provided from any colleagues that could attest to Ms Howell's abilities as a teacher."

A prohibition order would prevent Ms Howell 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 degree of insight and remorse demonstrated by Ms Howell which, in my judgment, means that there is limited risk of a repeat of this behaviour. I have also taken into account the mitigations noted by the panel, its conclusion that the misconduct found was at the less serious end of the possible spectrum, and Ms Howell's previous good history.

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

A handwritten signature in black ink, appearing to read 'Marc Cavey', with a long horizontal stroke extending from the end of the signature.

Decision maker: Marc Cavey

Date: 13 March 2024

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