



Teaching
Regulation
Agency

Ms Stephanie Szymanska: Professional conduct panel meeting outcome

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

April 2024

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

Teacher: Ms Stephanie Szymanska
Teacher ref number: 3769439
Teacher date of birth: 14 August 1987
TRA reference: 20507
Date of determination: 23 April 2024
Former employer: Colchester Sixth Form College

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 23 April 2024 by way of a virtual meeting, to consider the case of Ms Stephanie Szymanska.

The panel members were Alan Wells (former teacher panellist – in the chair), Jo Palmer-Tweed (teacher panellist) and Helen Knee (lay panellist).

The legal adviser to the panel was Ms Abigail Reynolds of Birketts LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Ms Szymanska that the allegation be considered without a hearing. Ms Szymanska provided a signed statement of agreed facts and admitted she had been convicted of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Jack Ashford of Capsticks LLP, Ms Szymanska or any representative for Ms Szymanska.

The meeting took place in private by way of a virtual meeting.

Allegations

The panel considered the allegation set out in the notice of meeting dated 10 April 2024.

It was alleged that Ms Szymanska was guilty of having been convicted of a relevant offence, in that:

1. On the 8 February 2022, at Ipswich Crown Court, she was convicted of ‘Supplying controlled drug class A – Cocaine’.

Ms Szymanska admitted allegation 1, as set out in the statement of agreed facts, signed by Ms Szymanska on 9 March 2024, and subsequently signed by the presenting officer on 12 March 2024.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

- Section 1: Chronology and list of key people – pages 3 to 4
- Section 2: Notice of Referral, response and Notice of Meeting – pages 5 to 12
- Section 3: Statement of Agreed Facts and Presenting Officer Representations – pages 13 to 17
- Section 4: Teaching Regulation Agency documents – pages 18 to 106
- Section 5: Teacher documents – pages 107 to 122

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

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Ms Szymanska on 9 March 2024, and subsequently signed by the presenting officer on 12 March 2024.

Decision and reasons

The panel carefully considered the case and reached the following decision:

In advance of the meeting, the TRA agreed to a request from Ms Szymanska for the allegation to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

The offence took place on 18 June 2021.

In December 2021, Ms Szymanska was arrested in relation to the offence and resigned from her role at the Colchester Sixth Form College ('the College')."

The matter was referred to the TRA on 14 January 2022.

On 16 May 2022, Ms Szymanska was sentenced at Ipswich Crown Court to a custodial sentence of 15 months, suspended for 24 months; an unpaid work requirement of 80 hours; a rehabilitation activity requirement; and a victim surcharge of £156.

Findings of fact

The findings of fact are as follows:

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

1. On the 8 February 2022, at Ipswich Crown Court, you were convicted of 'Supplying controlled drug class A – Cocaine'.

The panel considered the statement of agreed facts, signed by Ms Szymanska on 9 March 2024. In this statement of agreed facts, Ms Szymanska admitted the particulars of allegation 1. Notwithstanding this, the panel made a determination based on the facts available to it.

The panel noted page 8 of the Teacher misconduct: the prohibition of teachers ('the Advice') which states that where there has been a conviction at any time, of a criminal offence, the panel will accept the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction, unless exceptional circumstances apply. The panel did not find that any exceptional circumstances applied in this case.

The panel had been provided with a copy of the certificate of conviction from Ipswich Crown Court dated 1 March 2023, which detailed that Ms Szymanska had been convicted of one count of supplying a controlled drug class A – Cocaine. The panel noted that Ms Szymanska pleaded guilty to this offence.

The panel noted that Ms Szymanska was sentenced to 15 months imprisonment, suspended for 24 months; 80 hours unpaid work and a 25-day rehabilitation activity requirement.

On the examination of the documents before the panel and the admissions signed in the statement of facts, the panel was satisfied that the facts of allegation 1 were proven.

Findings as to conviction of a relevant offence

Having found the allegation proved, the panel went on to consider whether the facts of the proved allegation amounted to a conviction of a relevant offence.

In doing so, the panel had regard to the Advice.

The panel was satisfied that the conduct of Ms Szymanska in relation to the facts it found proved involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Ms Szymanska 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
 - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs

The panel recognised that the offence had taken place outside of the school setting and school hours and had not involved pupils or other members of staff at the College. However, the panel considered that Ms Szymanska's actions were relevant to teaching, working with children and/or working in an education setting. The panel noted that there was a lack of evidence in the bundle as to the impact of Ms Szymanska's conduct on her ability to teach. The panel did however feel that being involved with drugs, especially class A drugs, and being subject to a criminal conviction would reduce the confidence parents and the community have in the teaching profession, and set a bad example to students, especially as teachers are seen to be role models.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety or security of pupils and/or members of the public, particularly given that the offence involved the supply of class A drugs.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Ms Szymanska's behaviour in committing the offence could undoubtedly affect public confidence in the teaching profession, particularly given the influence that teachers may have on pupils, parents and others in the community. Her conduct ran counter to what should have been at the very core of her practice as a teacher.

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

This was a case involving an offence of supplying illegal substances of any classification, which the Advice states is more likely to be considered a relevant offence.

The panel took into account Ms Szymanska's written statement, where she expressed that after she was arrested, she immediately resigned from her position as a teacher and in her eyes has 'left the profession'. She stated that she has completed all unpaid work that has been asked of her and engaged fully with the probation service.

Although the panel found Ms Szymanska's written statement to be of note, the panel also found that the seriousness of the offending behaviour that led to the conviction was relevant to Ms Szymanska's ongoing suitability to teach. The panel considered a finding that this conviction was for a relevant offence was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of a conviction of a relevant offence, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, the following to be relevant in this case: the protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In light of the panel's findings against Ms Szymanska, which involved being convicted of a relevant offence, namely of supplying a controlled class A drug, there was a strong public interest consideration in the protection of 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 Szymanska was not treated with the utmost seriousness when regulating the conduct of the profession.

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

Notwithstanding 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 Szymanska. The panel was mindful of the need to strike the right balance between the rights of Ms Szymanska 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 Szymanska. 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 are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures; and
- actions or behaviours that undermine fundamental British values of democracy, the rule of law, individual liberty...

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.

There was no evidence that Ms Szymanska's actions were not deliberate.

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

There was no evidence that Ms Szymanska demonstrated exceptionally high standards in both personal and professional conduct and has contributed significantly to the education sector.

However, the panel considered Ms Szymanska's written statement in which she stated that she has completed all unpaid work and fully engaged with the probation service. Ms Szymanska stated that the event has sent shockwaves throughout her family and is very much considered to be out of character. Ms Szymanska submitted that she has never been in trouble with the police before and that the whole experience was very traumatic.

Ms Szymanska stated that she has learnt a great lesson from this and has worked tirelessly to rebuild her life, working many hours to pay her mortgage and bills alongside a part-time master's degree in sociology and criminology.

Ms Szymanska stated that the [REDACTED] implications of losing her career, one of which she was very proud of and successful in, has been catastrophic and that she has worked extremely hard to turn her life around.

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 was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Ms Szymanska 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 Szymanska. The seriousness of the conviction, such that it resulted in a sentence of imprisonment (albeit suspended), was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate to recommend that a review period of the prohibition order should be considered. 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 found none of these offences to be 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. One of these behaviours include supply (selling, dealing or sharing) and production of any class A drugs, which the panel found to be relevant in this case.

The panel noted that, whilst the offence was undoubtedly very serious, there was no evidence that there had been any misconduct in the school setting, or towards pupils. The panel also noted Ms Szymanska's submissions regarding the impact the conviction has had on her and the steps she is taking to move forward. The panel considered that if Ms Szymanska continued to acknowledge her mistakes and took appropriate steps to prevent these actions reoccurring in the future, there may be a time when she would be able to positively contribute again to the teaching profession.

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 provision for a three-year review period.

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 the allegations proven and found that those proven facts amount to a relevant conviction.

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

In particular, the panel has found that Ms Szymanska 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

- not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs

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

The findings of misconduct are serious as they include a relevant conviction for the supply of class A drugs.

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 a relevant conviction, 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 Szymanska 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/safeguard pupils. Although the panel noted the offence had taken place outside the education setting and had not involved pupils, they went on to observe “The panel noted that the behaviour involved in committing the offence could have had an impact on the safety or security of pupils and/or members of the public, particularly given that the offence involved the supply of class A drugs.” 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 Ms Szymanska’s written statement in which she stated that she has completed all unpaid work and fully engaged with the probation service. Ms Szymanska stated that the event has sent shockwaves throughout her family and is very much considered to be out of character. Ms Szymanska submitted that she has never been in trouble with the police before and that the whole experience was very traumatic.” I have therefore given this element 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 also took account of the way the teaching profession is viewed by others. The panel considered that Ms Szymanska’s behaviour in committing the offence could undoubtedly affect public confidence in the teaching profession, particularly given the influence that teachers may have on pupils, parents and others in the community. Her conduct ran counter to what should have been at the very core of her practice as a teacher.” I am particularly mindful of the finding of a

relevant conviction involving class A drugs 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 a relevant conviction, 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 Szymanska herself and the panel comment “There was no evidence that Ms Szymanska demonstrated exceptionally high standards in both personal and professional conduct and has contributed significantly to the education sector.” However, I have also considered “Ms Szymanska stated that she has learnt a great lesson from this and has worked tirelessly to rebuild her life, working many hours to pay her mortgage and bills alongside a part-time master’s degree in sociology and criminology.”

A prohibition order would prevent Ms Szymanska 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 “Although the panel found Ms Szymanska’s written statement to be of note, the panel also found that the seriousness of the offending behaviour that led to the conviction was relevant to Ms Szymanska’s ongoing suitability to teach. The panel considered a finding that this conviction was for a relevant offence was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.”

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 Szymanska. The seriousness of the conviction, such that it resulted in a sentence of imprisonment (albeit suspended), was a significant factor in forming that opinion.”

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Szymanska 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, 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 3-year review period.

I have considered the panel's comments "The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. One of these behaviours include supply (selling, dealing or sharing) and production of any class A drugs, which the panel found to be relevant in this case." The panel has also said "if Ms Szymanska continued to acknowledge her mistakes and took appropriate steps to prevent these actions reoccurring in the future, there may be a time when she would be able to positively contribute again to the teaching profession."

In this case, factors mean that allowing a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the findings involving class A drugs and the impact on the profession.

I consider therefore that a 3-year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Ms Stephanie Szymanska 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 2027, 3 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 Szymanska remains prohibited from teaching indefinitely.

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

Ms Szymanska 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: 26 April 2024

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