



Teaching  
Regulation  
Agency

# **Miss Sarah Kingham: Professional conduct panel outcome**

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

**June 2024**

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

**Teacher:** Miss Sarah Kingham  
**TRA reference:** 20556  
**Date of determination:** 19 June 2024  
**Former employer:** Southam College, Warwickshire

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened between 17-20 June 2024 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT to consider the case of Miss Sarah Kingham.

The panel members were Mr Paul Hawkins (lay panellist – in the chair), Mrs Pamela Thompson (lay panellist) and Mrs Joanne Arscott (teacher panellist).

The legal adviser to the panel was Miss Sarah Price of Blake Morgan solicitors.

The presenting officer for the TRA was Ms Louisa Atkin of Capsticks LLP solicitors.

Miss Kingham was present and was represented by Mr Jonathan Storey Counsel of Cornwall Street Chambers.

The hearing took place in public and was recorded.

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 19 March 2024.

It was alleged that Miss Kingham was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that while working as a Teacher at Southam College (“the School”):

1. On or around 18 June 2021, she was under the influence of alcohol whilst on school premises and/or during school hours;
2. On or around 13 October 2021 she:
  - a) brought alcohol onto school premises;
  - b) were under the influence of alcohol whilst on school premises and/or during school hours;
  - c) consumed alcohol whilst on school premises and/or during school hours;
  - d) drove her vehicle on school premises whilst under the influence of alcohol

Miss Kingham accepted the facts of the allegations. Miss Kingham did not make any admissions in regard to whether her conduct amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

## Preliminary applications

### Application to admit additional documents

The panel considered an application made on behalf of Miss Kingham to admit additional documents. These documents comprised of a witness statement from Witness D and a bundle of letters from Year 11 students.

The TRA did not oppose the application.

The panel heard and accepted the legal advice.

The panel had the opportunity to read the documents in advance. The panel determined that the documents were relevant and that it would be in the interests of justice to admit them.

### Application for witnesses called on behalf of the teacher to give evidence remotely

An application was made on behalf of Miss Kingham for any witnesses that could not attend in person, to give evidence remotely. It was noted that the witnesses called by the TRA were scheduled to give evidence remotely. The application was not opposed by the TRA. The panel heard and accepted the legal advice. The panel decided to exercise its

discretion and agreed that the witnesses could attend the hearing remotely via video link, in the same way that the TRA's witnesses were due to give their evidence.

### Application for part of the hearing to be heard in private

The panel considered an application made on behalf of Miss Kingham for part of the hearing to be heard in private. It was submitted that matters relating to Miss Kingham's health and personal matters regarding her relationship, would be discussed during the proceedings.

The TRA did not oppose the application.

The panel heard and accepted the legal advice.

The panel had regard to the fact that there was a presumption that the hearing should take place in public, but that it had a discretion to hear all or part of a hearing in private, as set out under Rule 5.85 of the Procedures.

The panel decided that it was in the public interest for the hearing to be held in public but decided it would hear any evidence relating to Miss Kingham's health or personal relationships in private.

## **Summary of evidence**

### **Documents**

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

Section 1: Chronology, anonymised pupil list and list of key people – pages 5 to 7

Section 2: Notice of proceedings and response – pages 8 to 23

Section 3: Teaching Regulation Agency witness statements – pages 24 to 62

Section 4: Teaching Regulation Agency documents – pages 63 to 157

Section 5: Teacher documents – pages 158 to 457

In addition, the panel agreed to accept the following:

- Witness statement of Witness D, 16 May 2024 (4 pages)
- Year 11 cards (5 pages)

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.

In the consideration of this case, the panel had regard to the document Teacher Misconduct: Disciplinary Procedures for the Teaching Profession 2020, (the “Procedures”).

## **Witnesses**

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

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

The panel heard evidence from Miss Kingham herself, as well as the following character witnesses called on behalf of Miss Kingham:

- Witness D, [REDACTED]
- Witness E, [REDACTED]
- Witness F, [REDACTED]
- Witness G, [REDACTED]
- Witness H, [REDACTED]
- Witness I, [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.

Miss Kingham had been employed at Southam College (“the School”) since September 2010 as an English Teacher. From April 2013, Miss Kingham was employed as the School’s special education needs co-ordinator (SENCO).

On 18 June 2021, it was alleged that Miss Kingham smelt of alcohol whilst at the School. Following this incident, [REDACTED], Witness B wrote to Miss Kingham stating that he was satisfied that on the balance of probabilities, Miss Kingham had been drinking

alcohol. The letter also set out that for the next 12 months, Miss Kingham may be asked to undertake a breathalyser test.

On 13 October 2021, a member of staff reported to the School that Miss Kingham had been seen buying alcohol in the morning. Witness B was made aware of this concern and made a request for Miss Kingham to attend his office to discuss the concern. Miss Kingham was subsequently seen driving her car on the School grounds. Later, Miss Kingham was asked to undertake a breathalyser test, to which she agreed. The test showed a recording of 0.17 BAC.

The School suspended Miss Kingham immediately. On 17 December 2021, Miss Kingham submitted her resignation, which was accepted by the School on 4 January 2022.

## **Findings of fact**

The findings of fact are as follows:

[REDACTED].

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

**You are guilty of unacceptable professional conduct and/ or conduct that may bring the profession into disrepute in that, while working as a Teacher at Southam College (“the School”):**

**1. On or around 18 June 2021, you were under the influence of alcohol whilst on school premises and/or during school hours;**

The panel heard evidence from Witness B, who was [REDACTED] at the time of the allegations. Witness B told the panel that he had received a concern from staff members that Miss Kingham’s office had a smell of alcohol. Witness B asked his colleagues, Individual K and Witness A, to inspect Miss Kingham’s office. It was subsequently reported to Witness B that there was a smell of alcohol in the room, and that Miss Kingham appeared confused and was slurring her words. Witness B told the panel that a decision was made following this incident, that the School would ask Miss Kingham to undertake a breathalyser test should a similar concern arise.

The panel also heard from Witness A, who stated that when she attended Miss Kingham’s office she recognised the smell of alcohol. She also considered that Miss Kingham was presenting differently, as her speech was slurred, and she appeared withdrawn.

Miss Kingham accepted that she may have smelt of alcohol on this date due to drinking the night before. Miss Kingham stated that she could have “*inadvertently been unknowingly under the influence of alcohol*”. However, at no point during the school day, did she feel that she was under the influence of alcohol.

Miss Kingham stated that although there was no excuse, there were mitigating circumstances. [REDACTED].

The allegation was admitted by Miss Kingham and was supported by evidence presented to the panel. Allegation 1 was therefore, found proved.

## **2. On or around 13 October 2021 you:**

### **a) brought alcohol onto school premises;**

The panel heard evidence from Witness B, that a member of staff had reported to him on 13 October 2021, that Miss Kingham had been seen buying alcohol before the start of the school day. Witness B told the panel that a decision was made, in the light of the previous concerns in June 2021, to find Miss Kingham and assess her state. During a conversation, Miss Kingham confirmed that she had bought alcohol and offered to show Witness B the bottle.

The panel heard from Witness C, who had been informed of Miss Kingham being seen buying alcohol that morning. Witness C told the panel that Miss Kingham had confirmed she had bought alcohol that morning and had stored the bottle in her car.

Miss Kingham accepted this particular of the allegation. She told the panel that she had stopped at the shop on the way to work to buy herself dinner, and a bottle of vodka and lemonade. Miss Kingham stated that she bought the alcohol with the intention of drinking it that night in anticipation of a stressful day. Miss Kingham stated that she did not bring the alcohol into the School building, but that it remained in her car, which was parked on the School premises.

The allegation was admitted by Miss Kingham and was supported by evidence presented to the panel. Allegation 2a was therefore, found proved.

### **b) were under the influence of alcohol whilst on school premises and/or during school hours;**

Witness B told the panel that he asked Miss Kingham to undergo a breathalyser test after concerns had been raised about her buying alcohol that morning.

Witness C told the panel that she assisted with the administration of the breathalyser test, along with another colleague, Individual L. Witness C stated that the recording on the device was 0.17 BAC. The panel was provided with a copy of the reading and the information leaflet.



Miss Kingham admits this particular of the allegation as a result of her actions at 2c (below). Miss Kingham told the panel that she does not recall feeling impaired whilst at the School, but she acknowledged that this was still unacceptable.

The allegation was admitted by Miss Kingham and was supported by evidence presented to the panel. Allegation 2b was therefore, found proved.

### **c) consumed alcohol whilst on school premises and/or during school hours;**

Witness C told the panel that after she had been informed that Miss Kingham had bought alcohol that morning, she went to find Miss Kingham to see how she was presenting. Witness C saw Miss Kingham shortly after 9am and stated that she had no concerns about her appearance. In her statement, Witness C stated *“I could not smell any alcohol and she seemed confident when speaking. Ms Kingham was also presenting well, she looked clean and neat...”*. Witness C told the panel that when she later saw Miss Kingham around lunchtime, her appearance had deteriorated.

Miss Kingham told the panel that she did consume alcohol in her car at lunchtime. Miss Kingham explained that she had applied for another job, which she had accepted earlier that day. When she was asked to attend [REDACTED], she had assumed that this was to discuss the new job offer and she was preparing herself for resigning. Miss Kingham told the panel that she felt guilt over resigning and drank the alcohol to manage her [REDACTED]. Miss Kingham stated that she was not thinking rationally at that time.

The allegation was admitted by Miss Kingham and was supported by evidence presented to the panel. Allegation 2c was therefore, found proved.

### **d) drove your vehicle on school premises whilst under the influence of alcohol**

The panel heard evidence from both Witness B and Witness C that they had seen Miss Kingham drive her car on the School premises. The panel concluded that the breathalyser test subsequently carried out, around 30 minutes later, confirmed that Miss Kingham had been under the influence of alcohol.

Miss Kingham told the panel that she had driven her car a short distance and that she did not recall feeling under the influence of alcohol. However, she accepts she should not have driven her car after consuming alcohol.

The allegation was admitted by Miss Kingham and was supported by evidence presented to the panel. Allegation 2d was therefore, found proved.

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

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel also considered whether Miss Kingham's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice. 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 found that the offence of serious driving offences, particularly those involving alcohol was relevant.

The panel carefully considered whether it was more likely than not that Miss Kingham's health impacted her at the relevant time, and if so, the extent that may be relevant to the assessment of whether Miss Kingham's conduct amounts to unacceptable professional conduct.

The panel had in mind the case of *Howd v BSB* [2017 EWHC 210 (Admin)]. The panel found that whilst there were some similarities, there was no medical evidence that confirmed Miss Kingham's proven conduct was as a consequence of her medical condition.

The panel found that Miss Kingham did in fact make a choice to consume alcohol in order to self-medicate, and her behaviour was not caused or contributed by factors beyond her control.

The panel accepts that Miss Kingham experienced some significantly challenging circumstances but noted that the dates of the alleged incidents (June and October 2021) were a couple of years after the onset of the challenges.

The panel was concerned that Miss Kingham chose to hide the fact, from the School, that she was using alcohol as a coping mechanism, even when she was receiving support from Witness G and [REDACTED].

The panel considered that the School had offered some practical support to Miss Kingham, and counselling, but she had not found this useful. She had told them that she was able to cope. The panel considered that this had been another opportunity for Miss Kingham to disclose her alcohol misuse.

The panel found that Miss Kingham's conduct was inappropriate, and of a serious nature. The panel recognised that she had been of previous good character. Her conduct in relation to these allegations was out of character, but the panel concluded that her behaviour was not trivial or inconsequential or a mere temporary lapse, or something which is otherwise excusable or forgivable.

The panel was satisfied that the conduct of Miss Kingham amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

In relation to whether Miss Kingham's actions amounted to conduct that may bring the profession into disrepute, the panel took into account the way the teaching profession is viewed by others. It 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 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 Miss Kingham's actions constituted conduct that may bring the profession into disrepute.

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

## Panel's recommendation to the Secretary of State

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

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

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

In the light of the panel's findings against Miss Kingham, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils and other members of the public, given the serious findings of driving whilst being under the influence of alcohol on school premises.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Miss Kingham 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 Miss Kingham was beyond that which could reasonably be tolerated.

In addition to the public interest considerations set out above, the panel went on to consider whether there was a public interest in retaining Miss Kingham in the profession. The panel decided that there was a strong public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon her abilities as an educator and she is able to make a valuable contribution to the profession.

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 Miss Kingham.

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 Miss Kingham. 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.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

The panel considered that Miss Kingham's actions were deliberate. The panel had found that Miss Kingham had attended the School whilst under the influence of alcohol and had drunk alcohol whilst on the School's premises before driving.

There was no evidence to suggest that Miss Kingham was acting under duress.

Miss Kingham did have an excellent previous history and the panel accepted that the incidents found proven on two occasions, were out of character. The panel was provided with a significant number of positive written character references, and also had the benefit of hearing directly from six individuals on behalf of Miss Kingham.

The panel also heard evidence regarding Miss Kingham's abilities as a teacher. During Witness B's evidence, the panel noted that he talked about Miss Kingham having children's interests at heart and a passion for SEND children. Witness A stated that Miss Kingham was an excellent practitioner and a diligent member of staff who knew the children well.

The panel also heard from current colleagues, who praised Miss Kingham's abilities as a teacher, and also as the SENDCO. [REDACTED], Witness I, gave oral evidence to the panel. The panel found Witness I's evidence particularly helpful. Witness I told the panel that Miss Kingham was an outstanding practitioner, who has excellent engagement with parents and pupils, and leads a team effectively. Witness I stated that Miss Kingham "*would be a tragic loss to the profession were she to be prohibited and the children she so diligently serves would ultimately suffer most*".

The panel also heard from [REDACTED], Witness F. Witness F stated "*should Sarah be prohibited to teach, the profession would be losing an incredibly committed, diligent, talented, caring and effective teacher. We would also be losing someone who works tirelessly for our most vulnerable children...*".

In the written statement of Individual J, [REDACTED], she spoke highly of Miss Kingham and described her as an asset to [REDACTED] and to the teaching profession. She further stated "*Sarah has potential to progress in her career as a leader and it would be a huge loss to the school and to the profession if she was prohibited from teaching*".

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.

The panel had found that with reference to the Advice document, the relevant offence of “serious driving offences, particularly those involving alcohol” was relevant. This finding had been made on the basis that the proven behaviours were associated with that offence, however, the panel noted that there had been no criminal investigation for such an offence involving Miss Kingham.

[REDACTED].

The panel found that Miss Kingham had demonstrated insight into her conduct and had shown significant remorse. In particular, she was aware of the impact that her conduct had on pupils that she supported.

The panel was satisfied that the risk of repetition of Miss Kingham’s behaviour was very low.

[REDACTED]. The panel felt that these were significant mitigating factors when determining whether or not to recommend a prohibition order.

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 Miss Kingham 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 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 recommended that the findings of unacceptable professional conduct and 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 Miss Kingham is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel finds that the conduct of Miss Kingham fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include findings of being under the influence of and consuming alcohol whilst on school premises and/or during school hours, and of driving a vehicle on school premises whilst under the influence of alcohol.

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 likely to 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 Miss Kingham, 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 that "there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils and other members of the public, given the serious findings of driving whilst being under the

influence of alcohol on school premises.” 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 has set out as follows:

“The panel found that Miss Kingham had demonstrated insight into her conduct, and had shown significant remorse. In particular, she was aware of the impact that her conduct had on pupils that she supported.

“The panel was satisfied that the risk of repetition of Miss Kingham’s behaviour was very low.”

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 has observed that “public confidence in the profession could be seriously weakened if conduct such as that found against Miss Kingham were not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of driving on school premises whilst under the influence of alcohol 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 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 Miss Kingham herself. She has subsequently secured work teaching and the panel has commented:

“Miss Kingham did have an excellent previous history and the panel accepted that the incidents found proven on two occasions, were out of character. The panel was provided with a significant number of positive written character references, and also had the benefit of hearing directly from six individuals on behalf of Miss Kingham.”

The panel noted evidence, including from current colleagues, which praised Miss Kingham’s abilities as a teacher and her passion for working with SEND children.



A prohibition order would prevent Miss Kingham from continuing that work. 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 weight on the panel's comments that Miss Kingham had demonstrated insight into her conduct and shown significant remorse, and that there was a low risk of repetition. [REDACTED].

I have also placed weight on the panel's comments that:

“[REDACTED]. The panel felt that these were significant mitigating factors when determining whether or not to recommend a prohibition order.”

For these reasons, I have concluded 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 'D Oatley', written in a cursive style.

**Decision maker: David Oatley**

**Date: 24 June 2024**

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