



Teaching
Regulation
Agency

Ms Cathryn Williams: Professional conduct panel outcome

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

July 2024

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

Teacher:	Ms Cathryn Williams
Teacher ref number:	3760506
Teacher date of birth:	21 February 1965
TRA reference:	22395
Date of determination:	4 July 2024
Former employer:	Uplands Academy, East Sussex

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 1 to 4 July 2024 by way of a virtual hearing, to consider the case of Ms Cathryn Williams.

The panel members were Mr Paul Millett (lay panellist – in the chair), Mrs Erin Sudds (teacher panellist) and Mrs Beverley Montgomery (lay panellist).

The legal adviser to the panel was Mr Benjamin Lewins of Birketts LLP solicitors.

The presenting officer for the TRA was Miss Fallon Alexis of QEB Hollis Whiteman, instructed by Kingsley Napley LLP.

Ms Williams was present for part of the hearing and was not represented.

The hearing took place by way of a virtual hearing in public (save for parts which were heard in private) and was recorded.

Allegations

The panel considered the allegations set out in the notice of hearing dated 19 April 2024, as amended upon application of the TRA at a case management hearing on 27 June 2024.

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

1. On or around 8 April 2022, she completed an application form for a teaching post where she answered 'no' in response to the questions below, when this was incorrect:
 - a) Have you ever been the subject of any allegations in relation to the safety and welfare of children, either substantiated or unsubstantiated;
 - b) Have you ever received a final warning for misconduct or incompetence or have you received a lesser warning which has not time expired at the point of making this application.
2. Between around June 2022 to October 2022, she exchanged inappropriate and/or over-familiar WhatsApp messages with Pupil A, a pupil at a previous school she worked at;
3. Between around June 2022 to October 2022, she had an inappropriate and/or over-familiar relationship with Pupil A, a pupil at a previous school she worked at, in that she arranged to meet up with Pupil A on or around 28 October 2022;
4. She did not safeguard Pupil A, a pupil at a previous school she worked at in that she did not report her concerns to the Designated Safeguarding Lead and/or appropriate person at her previous school in a timely manner and/or at all;
5. Her conduct at paragraph 1 was:
 - a) Dishonest; and/or
 - b) Lacked integrity.

The panel noted that Ms Williams admitted allegations 1(a), 2, 3, 4 and 5, and denied allegation 1(b), as set out in the statement of agreed facts signed by Ms Williams on the 4 April 2024 and by the presenting officer on the 6 March 2024.

Preliminary applications

Application to amend allegations

The presenting officer made an application to amend allegation 4 as follows:

- From “You did not safeguard Pupil A, a pupil at a previous school you worked at in that you did not report your concerns to the Designated Safeguarding Lead and/or appropriate person at your previous school in a timely manner and/or at all” to “You did not safeguard Pupil A, a pupil at a previous school you worked at in that between around June 2022 to October 2022 you did not report your concerns to the Designated Safeguarding Lead and/or appropriate person at your previous school in a timely manner and/or at all”.

The panel noted that teacher had not been informed of the proposed changes to the allegations in advance of the hearing.

The panel was advised that it had the power to amend allegations in accordance with paragraph 5.83 of the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020 (“the Procedures”).

The panel considered that the proposed amendments would not change the nature of the allegations in that the allegations would still relate to allegations of a failure to report safeguarding concerns relating to Pupil A. Ms Williams did not oppose the application.

The panel considered the proposed amendments simply clarified the relevant time period which allegation 4 was concerned with and that they had the effect of narrowing the allegation. The panel heard representations from the presenting officer that the proposed amendment properly captured the TRA’s intention at all times and was therefore a point of clarification rather than a material change. The panel considered the proposed amendment would assist the teacher in putting forward her best case in response to the allegation and the panel in determining the issue, by focusing the parties’ minds on a discreet period of time.

The legal adviser drew the panel’s attention to the case of *Dr Bashir Ahmedsowida v General Medical Council [2021] EWHC 3466 (Admin), 2021 WL 06064095* which held that the lateness of amendments did not necessarily mean they were unjust, as acknowledged in the previous case of *Professional Standards Authority v Health and Care Professions Council and Doree [2017] EWCA Civ 319 at [56]*.

Whilst Ms Williams had misunderstood the allegation in part, Ms Williams had responded to the allegation as amended in her statement admitted in the late papers bundle and the panel decided the teacher was always aware of the substance of the allegation. The panel considered that Ms Williams would have presented her case differently but only in so far as she would have been more succinct in her response, but otherwise her case

would have been presented in the same manner had the amendment been made earlier. The panel therefore determined that there would be no unfairness or prejudice caused by granting the application and that it was in the interests of justice to do so.

Accordingly, the panel did grant this application and considered the amended allegations, which are set out above.

Application to proceed in the absence of the teacher

Ms Williams attended the hearing from 1 July 2024 to 3 July 2024, inclusive. Ms Williams informed the panel that she would not be attending on 4 July 2024 as [REDACTED].

The presenting officer made an application to proceed in her absence. Ms Williams did not object to this.

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it, as derived from the guidance set down in the case of *R v Jones [2003] 1 AC 1* (as considered and applied in subsequent cases, particularly *GMC v Adeogba*).

The panel was satisfied that the notice of hearing had been sent to Ms Williams in accordance with the Procedures.

The panel noted Ms Williams was voluntarily absenting herself in circumstances in which she had been warned that one potential consequence was that the panel may grant an application to proceed in her absence and that she did not object to this application and had plainly waived her right to be present.

The panel also considered the risk of reaching the wrong conclusion to be low. The panel had heard all oral evidence and Ms Williams had cross-examined the TRA's witnesses and made representations throughout and a closing statement. The panel also invited Ms Williams to submit written representations on sanction, to be disclosed to the panel only if the question of sanction became relevant. Therefore, the panel considered it was in the public interest to proceed in Ms Williams' absence on 4 July 2024.

Having decided that it was appropriate to proceed, the panel agreed to seek to ensure that the proceedings were as fair as possible in the circumstances, bearing in mind that Ms Williams was not present.

Summary of evidence

Documents

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

- Section 1: Chronology, key people list and anonymised Person list– pages 4 to 6
- Section 2: Notice of proceedings and response to notice of hearing – pages 7 to 19
- Section 3: TRA witness statements – pages 20 to 31
- Section 4: TRA documents – pages 32 to 704
- Section 5: Teacher documents – pages 705 to 736
- A separate late papers bundle which the panel decided to admit during the case management hearing on 27 June 2024– pages 1 to 32.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional documents that the panel decided to admit.

Witnesses

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

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

On the 13 July 2021, Ms Williams received a formal letter of concern from Hastings Academy based on two incidents.

On the 21 October 2021, Ms Williams received an informal letter confirming the outcome of the investigation from Hastings Academy.

On the 8 April 2022, Ms Williams completed a job application for Beacon Community Academy Trust ('Beacon Academy'). Ms Williams later consented to Beacon Academy passing this application form to Uplands Community College (which is now Uplands Academy) for consideration for another job role.

On the 19 May 2022, Ms Williams resigned from Hastings Academy.

On the 13 June 2022, Ms Williams began employment as a geography teacher at Uplands Community College.

On the 25 October 2022, Ms Williams suggested meeting with Pupil A on 28 October 2022.

On the 3 November 2022, allegations arose in relation to Ms Williams sending private messages to a pupil from her former school, Hastings Academy. A referral was made to the LADO.

On the 7 November 2022, Ms Williams was suspended.

On the 10 August 2023 Uplands Academy referred the matter to the TRA.

Findings of fact

The panel found the following allegations proven, for the following reasons:

- 1. On or around 8 April 2022, you completed an application form for a teaching post where you answered ‘no’ in response to the questions below, when this was incorrect:**
 - a) Have you ever been the subject of any allegations in relation to the safety and welfare of children, either substantiated or unsubstantiated;**

The panel noted that Ms Williams admitted allegation 1(a) in the statement of agreed facts. Notwithstanding this, the panel made a determination based on the evidence available to it.

The panel considered the oral evidence and written statement of Witness B, who stated that, during his investigation into the communications between Ms Williams and Pupil A, a concern arose surrounding the disclosures made by Ms Williams on her application form to Beacon Academy.

The panel had sight of the application form dated 8 April 2022, completed and submitted by Ms Williams. The panel noted that Ms Williams had answered ‘no’ when asked ‘Have you ever been the subject of an allegation in relation to the safety and welfare of children, either substantiated or unsubstantiated’. Ms Williams accepted in oral evidence that she completed this application form herself.

The panel considered two letters which Ms Williams had received during her employment at Hastings Academy.

The first letter was dated 13 July 2021 (the ‘Formal Letter’) and related to an incident which occurred on 26 May 2021 concerning Ms Williams opening “a classroom door forcefully, which may have indirectly caused the marks on [a] student’s arm” and a

second incident which occurred on 11 June 2021 which concerned Ms Williams “showing a YouTube video to students, which contained inappropriate images and language”. The panel makes no findings relating to these two incidents.

The second letter was dated 21 October 2021 and related to a “failure to report a disclosure made to [Ms Williams] on Friday 1 October 2021 by a student until Monday 4 October 2021” (the ‘Informal Letter’). As with the Formal Letter, the panel makes no findings in relation to this incident.

The Formal Letter states, “this incident has resulted in safeguarding concerns” and “[Hastings] Academy owes a duty to each child in its care, requiring it to do what is reasonable to protect the health, safety and welfare of children and therefore we must follow the correct procedures”.

The Informal Letter made recommendations for Ms Williams to “meet with the Designated Safeguarding Lead or Principal to re-iterate correct procedures when a safeguarding disclosure is made by a pupil and how to report this without delay” and “to re-visit the Child Protection and Safeguarding Policy” as an outcome resulting from the incident discussed in that letter.

The panel considered the written statement of Witness C. Witness C stated that the incidents in neither letter related to the safety and welfare of children but rather that they were professional conduct matters. During Witness C’s oral evidence, he changed his evidence and stated that, viewed cumulatively, the three concerns giving rise to the Formal Letter and Informal Letter related to the safety and welfare of children.

The panel also considered the documentary evidence showing correspondence between Witness C and Individual D ([REDACTED]) on 3 November 2022, which showed that two previous referrals had been made to the Local Authority Designated Officer (‘LADO’). These were found to be “substantiated”, those being the incidents described above as occurring on 26 May 2021 and detailed in the Formal Letter and the incident which occurred between 1 October 2021 and 4 October 2021, detailed in the Informal Letter.

The panel concluded that both the Formal Letter and Informal Letter and all three incidents described therein related to the safety and welfare of children and it was incorrect for Ms Williams to answer “no” to the question at 1(a), above.

The panel found allegation 1(a) proven.

b) Have you ever received a final warning for misconduct or incompetence or have you received a lesser warning which has not time expired at the point of making this application.

Ms Williams did not admit this allegation.

The panel had sight of the application form dated 8 April 2022, completed and submitted by Ms Williams, and noted that Ms Williams had answered 'no' when asked 'have you ever received a final warning for misconduct or incompetence or have you received a lesser warning which has not expired at the point of making this application.'

It was a settled matter between the parties that Ms Williams had not received a final warning for misconduct or incompetence.

The panel considered the Formal Letter, referred to above, which states that it was a 'formal letter of concern'. This letter also states that whilst "the matter will not proceed to disciplinary action... this letter will be placed on [Ms Williams'] personnel file and remain there". The Formal Letter also stated that "any further instances of this nature may result in disciplinary action".

The panel were not presented with the disciplinary policy or procedure in force at Hastings Academy at the time of the Formal Letter. However, the panel considered the phrase 'formal letter of concern', coupled with the statement that any further instances may result in disciplinary action, to constitute a "lesser warning" to Ms Williams relating to misconduct. The panel was satisfied that a "lesser warning" could constitute a warning issued outside of a formal disciplinary process and, as such, encompass the formal letter of concern Ms Williams had received. The panel was satisfied that, as the Formal Letter expressly stated it would remain on her personnel file indefinitely, this lesser warning had not expired at the point of her making the application on or around April 2022. The panel considered that Ms Williams should have answered "yes" to this question by reason of her having received the Formal Letter.

The panel considered the Informal Letter but the language "no formal action" contained therein distinguished it from the Formal Letter and there was no reference to it being stored on Ms Williams' personnel file for any period. The panel considered that answering "no" to this question was correct insofar as it related to the Informal Letter.

The panel found allegation 1(b) proven.

- 2. Between around June 2022 to October 2022, you exchanged inappropriate and/or over-familiar WhatsApp messages with Pupil A, a pupil at a previous school you worked at;**
- 3. Between around June 2022 to October 2022, you had an inappropriate and/or over-familiar relationship with Pupil A, a pupil at a previous school you worked at, in that you arranged to meet up with Pupil A on or around 28 October 2022;**

The panel noted that Ms Williams admitted allegations 2 and 3 in the statement of agreed facts. Notwithstanding this, the panel made determinations based on the evidence available to it.

The panel had sight of the messages between Ms Williams and Pupil A. The panel noted the following messages in particular:

Ms Williams – “I’m going to check what I’m doing this week and if I can visit you on Friday”

Pupil A – “yes that would be great!”

Ms Williams – “Ok I’ll contact you later in the afternoon [emoji]”.

[...]

Ms Williams – “Are you there?”

Pupil A – “Yes hello”

Ms Williams – “Ok. We’re going to [REDACTED] this Friday [emoji]. I’ll collect u from hastings, we’ll drive there, soend some time, then I’ll drive u to [REDACTED] for u to go back to hastings. I’ll pay. That ok?”

Pupil A – “Umm idk it sounds awesome- but idk if that would be possible unless my mom knew- coz shes tracking me. Idk if she would be ok with it either.”

Ms Williams – “Oh shit I’ve bought the tickets. Never mind.”

Pupil A – “I could ask her? Theirs a chance she’ll say yes?”

Ms Williams – “how wd she feel about u going with me??”

Pupil A – “Idk sorry – but is it still worth a try?”

Ms Williams – “Not really, I’m worried she’d make trouble if she knew it was me. If I just came to hastings someone is bound to see me with you.”

[...]

Ms Williams – “Well maybe I’ll bring the dogs and we can go for a walk. I can say we bumped into each other? How about that?”

Pupil A – “Yeah. That would be great.”

Ms Williams – “Ok lets do that. Where can we meet? [...] At the car park on the sea front? You’ll have to find somewhere nice and big for us to walk.”

[...]

Ms Williams – “Then we’ll meet there. 11am Friday.”

The panel considered the written statement of Mother A, who stated that on the 27 October 2022, Pupil A informed her that she was meeting a friend the next day. She stated that she could not recall why but thought this was odd so checked Pupil A's phone and discovered that she was arranging to meet Ms Williams the following day.

The panel considered the oral evidence and written statement of Witness B, who stated that on the 3 November 2022, Individual E, [REDACTED], was contacted by Witness C, [REDACTED]. She stated that Witness C shared alleged conduct that had taken place whilst Ms Williams was employed with the University of Brighton Academies Trust.

Witness B explained that at the time Pupil A was [REDACTED]. He stated that he was provided screenshots of the WhatsApp messages between Ms Williams and Pupil A.

Witness B explained that he interviewed Ms Williams and she admitted to communicating with Pupil A via WhatsApp.

The panel considered the oral evidence and written statement of Witness C, who stated that any training he has received has been to "not maintain any personal relationships with students full stop" and that having a personal relationship with a pupil was inappropriate.

The panel considered that any private WhatsApp messages between a pupil and a teacher are inappropriate. The panel considered this was common ground and widely known and would have been known even by a newly qualified teacher such as Ms Williams. The panel found that the messages set out above were also over-familiar in that they used swear words and were friendly in nature and content.

The panel also found it inappropriate to seek to arrange a meeting with Pupil A on or around 28 October 2022, without the consent of Mother A and in a manner that was orchestrated to appear happenstance in nature. The panel did not consider the fact Ms Williams was no longer teaching Pupil A or employed by Hastings Academy at the time to be relevant. The panel determined that her conduct was inappropriate at any time, given that Ms Williams had met Pupil A as a result of [REDACTED] at Hastings Academy and Ms Williams was employed in a teaching role over the period of the WhatsApp messages.

The panel found allegations 2 and 3 proven.

4. You did not safeguard Pupil A, a pupil at a previous school you worked at in that between around June 2022 to October 2022 you did not report your concerns to the Designated Safeguarding Lead and/or appropriate person at your previous school in a timely manner and/or at all;

The panel considered the oral evidence of Ms Williams who stated that her conduct at allegations 2 and 3 was motivated by a need to "be there" for Pupil A and to "take

personal responsibility for her welfare”. Ms Williams spoke at length about her concerns over [REDACTED]. Ms Williams expressed her concerns of [REDACTED].

The panel considered the oral evidence and written statement of Witness C, who stated that if Ms Williams was concerned about Pupil A, she should have reported it to Hastings Academy. He identified various ways in which Ms Williams could have reported any concerns to Hastings Academy. He stated that Ms Williams would have attended a ‘Keeping Children Safe in Education’ statutory guidance (‘KCSIE’) update on the first inset day each school year and would have received regular updates to safeguarding training. Ms Williams admitted during the disciplinary investigation meeting with Witness B that she has “had regular training in safeguarding since I first looked into teaching and when I was a supply teacher. Whenever you join an agency, you are given training and it is one of the primary things you need to do is have regular training...how to inform designated safeguarding leads...to recall key documents like keeping children safe in schools and all the compulsory legal documents that support children’s safeguarding.”

The panel considered the Staff Code of Conduct of the University of Brighton Academies Trust (of which Hastings Academy was a part) and which was in force during Ms Williams’ employment at Hastings Academy. At paragraph 4.4, the policy states that “all staff must ensure that they are aware of the processes to follow if they have concerns about a child...if staff have any concerns about a child’s welfare, they should act on them immediately and raise concerns with the DSL (or deputy)”.

The panel also considered the Child Protection and Safeguarding Policy and Procedure for MARK Education Trust (of which Uplands Academy was a part). At part 7, the policy states “when concerned about the welfare of a child, staff should always act in the best interests of the child. If staff are unsure, they should always speak to the DSL or deputy DSL.” The panel therefore found that it was a common principle that Ms Williams should have reported her concerns to the DSL and that the most appropriate DSL would have been the DSL at Hastings Academy as this was the school at which Pupil A attended.

Ms Williams accepted that she did not report her concerns about Pupil A to anyone between around June 2022 and October 2022.

The panel found allegation 4 proven.

The panel found the following allegations not proved, for the following reasons:

5. Your conduct at paragraph 1 was:

a) Dishonest

The panel considered whether Ms Williams had acted dishonestly in relation to the proven facts of allegation 1. In reaching its decision on this, the panel considered the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockford*.

The panel first sought to ascertain the actual state of Ms Williams' knowledge or belief as to the facts.

The panel considered the oral evidence of Ms Williams, in particular that the Formal and Informal Letters were not in her mind at the time of completing the application, that she was under immense pressure whilst working at Hastings Academy at or around April 2022, that as a result of this pressure she acted hastily in her attempts to find a new job and did not pay due care and attention to the application form. Additionally, Ms Williams feels she has [REDACTED].

Ms Williams' evidence was that she wrongly regarded these questions as tick box answers related more to questions of whether she had a criminal record and whilst she did not pay the application form due care and attention, she was not dishonest in her actions.

The panel found Ms Williams' evidence on this matter to be compelling and forthcoming and therefore accepted Ms Williams' explanation.

The panel considered whether Ms Williams' conduct was dishonest by the standards of ordinary decent people. Having found that Ms Williams did not deliberately answer the questions at allegation 1(a) and 1(b) incorrectly, the panel did not find that Ms Williams was objectively dishonest.

The panel found that Ms Williams had not acted dishonestly by failing to disclose information on her application form in the circumstances.

The panel found allegation 5(a) not proven.

b) Lacked integrity

The panel first considered whether Ms Williams had failed to act with integrity to the proven facts of allegation 1.

The panel considered the case of *Wingate & Anor v The Solicitors Regulation Authority*. The panel considered whether Ms Williams had failed to act within the higher standards expected of a teacher by answering 'no' in her application form when asked 'Have you ever been the subject of an allegation in relation to the safety and welfare of children, either substantiated or unsubstantiated' and 'have you ever received a final warning for misconduct or incompetence or have you received a lesser warning which has not expired at the point of making this application', when in fact she had.

The panel were mindful that pre-employment checks are an important part of the recruitment process in the education sector, particularly from a safeguarding perspective.

The panel accepted that, in considering the question of dishonesty, Ms Williams' actions were in the context of an urgent desire to escape from an environment at Hastings

Academy that she found burdensome. The panel accepted that Ms Williams' incorrect responses to the questions in the application form were made in error. The requirement for teachers to act with integrity does not require teachers to be 'paragons of virtue'. It anticipates that teachers will make unforced mistakes. Accordingly given the panel's findings of fact, the panel did not consider Ms Williams acted without integrity.

The panel found allegation 5(b) not proven.

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

Having found allegations 1, 2, 3, and 4 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".

Having satisfied itself that Ms Williams' conduct at allegation 1 was human error, the panel was not satisfied that the conduct of Ms Williams at allegation 1 involved breaches of the Teachers' Standards and did not find that this conduct fell significantly short of the standards expected of the profession or amounted to unacceptable professional conduct or conduct that may bring the profession into disrepute.

Ms Williams accepted that her conduct amounted to unacceptable professional conduct in relation to allegations 2, 3, and 4.

The panel was satisfied that the conduct of Ms Williams, in relation to the facts found proved relating to allegations 2, 3, and 4, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Ms Williams 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 was satisfied that the conduct of Ms Williams at allegations 2, 3, and 4, amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Ms Williams' conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice. The panel found that none of these offences was relevant.

The panel noted that although allegations 2 and 3 took place outside of the education setting, they were relevant to Ms Williams' position as a teacher in that she was communicating with a pupil at a previous school she had worked at and arranging to meet up with them.

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

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

The 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 considered that it was a basic expectation held by the public that teachers will not inappropriately message or attempt to meet up with pupils. The panel considered this was clear to Ms Williams and referred to the Uplands Academy Code of Conduct and Conflict of Interest Policy, which clearly states "it is the responsibility of all staff to ensure they maintain professional standards and do not abuse or appear to abuse their position of trust in the way they conduct their relationships with service users/ pupils/ contractors, their families or carers. Specific examples of conduct which should be avoided include, but are not limited to: meeting socially with pupils...; and/or exchanging personal contact details or connecting using social media."

The panel considered that Ms Williams' conduct in encouraging Pupil A to keep their correspondence and possible meeting hidden from Mother A to be particularly harmful to the public trust and confidence in the teaching profession. The panel considered that no parent would expect a teacher to be privately messaging their child without their knowledge and encouraging their child to deceive their parent.

The panel also considered Ms Williams' failure to report her safeguarding concerns to portray a complete lack of understanding of the holistic nature of safeguarding that is codified in the KCSIE statutory guidance, which states "safeguarding and promoting the welfare of children is everyone's responsibility. Everyone who comes into contact with children has an important part to play." The panel was mindful that Ms Williams represented just a very small part of the safeguarding protection for Pupil A, and it was entirely unacceptable for Ms Williams to fail to disclose genuinely held safeguarding concerns out of a misguided sense that she was the only person who could help Pupil A.

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

Having found the facts of allegations 1, 2, 3, 4 proved, the panel further found that Ms Williams' conduct in allegations 2, 3, and 4 amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so.

The panel was aware that prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

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

- The safeguarding and wellbeing of pupils and the protection of other members of the public
- The maintenance of public confidence in the profession - assessed by reference to the standard of the ordinary intelligent and well-informed citizen who both appreciates the seriousness of the proposed 'sanction' and recognises the high standards expected of all teachers, as well as other issues involved in the case
- Declaring and upholding proper standards of conduct within the teaching profession

- That prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict

In the light of the panel's findings against Ms Williams, which involved exchanging inappropriate and over familiar WhatsApp messages with Pupil A, inappropriately and over-familiarly arranging to meet Pupil A and failing to report safeguarding concerns, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and 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 Williams was not treated with the utmost seriousness when regulating the conduct of the profession.

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

The panel accepted that Ms Williams made a meaningful contribution to the education sector whilst employed but there was no evidence that this was a significant contribution to the education sector over and above her normal employment.

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

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Ms Williams. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- Serious departure from the personal and professional conduct elements of the Teachers' Standards;
- Misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- Abuse of position or trust ;
- Failure to act on evidence that indicated a child's welfare may have been at 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)

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 to suggest that Ms Williams' actions were not deliberate.

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

There was no evidence to suggest that Ms Williams demonstrated exceptionally high standards in both personal and professional conduct.

The panel noted that Ms Williams has [REDACTED] and confirmation of [REDACTED] contained within the bundle. The panel noted Ms Williams' evidence that since her dismissal she has looked into reasons for her behaviour and believes that her behaviour was indicative of [REDACTED].

The panel also noted that Ms Williams had [REDACTED] to understand her behaviour and how to work effectively with [REDACTED]. The panel also noted Ms Williams' full and open engagement and participation in Uplands Academy's disciplinary investigation process and this hearing, and that Ms Williams admitted all but one allegation against her.

The panel heard Ms Williams' evidence of recent training on safeguarding and maintaining boundaries which she has obtained since her conduct occurred albeit this was outside the education sector. However, this did not demonstrate that Ms Williams was yet capable of applying this knowledge in practice and so the panel was not entirely satisfied that the risk of recurrence had been reduced to an acceptable level.

The panel considered Ms Williams' oral and written evidence of her insight into her actions. However, the panel remained concerned that, whilst Ms Williams showed significant remorse, this did not equate to showing meaningful insight and understanding into the nature and gravity of her conduct and in particular, the potential harm to the safety and welfare of Pupil A that may have arisen from her conduct.

The panel considered that Ms Williams failed to appreciate that her failure to report safeguarding concerns prohibited Pupil A from benefitting from the full remit of safeguarding protections available. Ms Williams also failed to appreciate the potential burden placed on Pupil A from having to keep their relationship with Ms Williams concealed and the effect this could have on Pupil A's wellbeing. Whilst Ms Williams had previous experience of [REDACTED], the panel considered this may have adversely influenced her actions in persuading her that she was capable of solely looking out for Pupil A's welfare.

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Ms Williams 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 Williams. The panel considered the seriousness of the behaviours identified above and the lack of understanding of the potential harm to Pupil A were significant factors 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 for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. The panel found none of these behaviours 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. The panel found none of these behaviours to be relevant.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provision for a review period of 2 years.

Decision and reasons on behalf of the Secretary of State

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

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

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

In this case, the panel has also found an allegation not proven (Allegation 5) and found that another allegation (Allegation 1) does not amount to unacceptable professional conduct or conduct likely to bring the profession into disrepute. I have therefore put those matters entirely from my mind.

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

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

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

The panel was satisfied that the conduct of Ms Williams 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 Williams fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include a teacher engaging inappropriately with a pupil and failing to follow proper safeguarding procedures.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In assessing 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 Williams, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and/or safeguard pupils. The panel has observed,

“In the light of the panel’s findings against Ms Williams, which involved exchanging inappropriate and over familiar WhatsApp messages with Pupil A, inappropriately and over-familiarly arranging to meet Pupil A and failing to report safeguarding concerns, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public.”

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 Ms Williams’ oral and written evidence of her insight into her actions. However, the panel remained concerned that, whilst Ms Williams showed significant remorse, this did not equate to showing meaningful insight and understanding into the nature and gravity of her conduct and in particular, the potential harm to the safety and welfare of Pupil A that may have arisen from her conduct.”

In my judgement, the lack of insight demonstrated by Ms Williams means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel records the following:

“The panel considered that Ms Williams’ conduct in encouraging Pupil A to keep their correspondence and possible meeting hidden from Mother A to be particularly harmful to the public trust and confidence in the teaching profession. The panel considered that no parent would expect a teacher to be privately messaging their child without their knowledge and encouraging their child to deceive their parent.”

I am particularly mindful of the finding of a teacher engaging inappropriately with a pupil in this case and the impact that such a finding may 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 that may bring the profession into disrepute, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Ms Williams herself. The panel records that it “...accepted that Ms Williams made a meaningful contribution to the education sector whilst employed but there was no evidence that this was a significant contribution to the education sector over and above her normal employment.”

A prohibition order would prevent Ms Williams from teaching. A prohibition order would also clearly deprive the public of her contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel's comments concerning the lack of insight on Ms Williams part as to the actual and potential impact of her behaviour. The panel records that it:

“...considered that Ms Williams failed to appreciate that her failure to report safeguarding concerns prohibited Pupil A from benefitting from the full remit of safeguarding protections available. Ms Williams also failed to appreciate the potential burden placed on Pupil A from having to keep their relationship with Ms Williams concealed and the effect this could have on Pupil A's wellbeing. Whilst Ms Williams had previous experience of [REDACTED], the panel considered this may have adversely influenced her actions in persuading her that she was capable of solely looking out for Pupil A's welfare.”

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Williams has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by full remorse and insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended a two-year review period.

I have considered the panel's concluding comments:

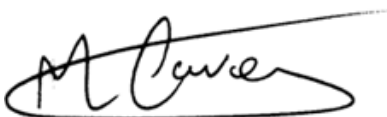
“The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provision for a review period of 2 years.”

I have considered whether a two-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that, in my judgment, a two-year period is sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the lack of evidence that Ms Williams has yet attained full insight into the impact of her actions and the risk this presents of a repetition of the misconduct found by the panel.

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

This means that Ms Cathryn Williams 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 11 July 2026, two 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 Williams remains prohibited from teaching indefinitely.

Ms Cathryn Williams 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.

A handwritten signature in black ink, appearing to read 'M Cavey', enclosed within a hand-drawn oval.

Decision maker: Marc Cavey

Date: 8 July 2024

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