



Teaching
Regulation
Agency

Ms Alice Cresswell Professional conduct panel outcome

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

August 2024

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

Teacher: Ms Alice Cresswell

TRA reference: 22259

Date of determination: 30 August 2024

Former employer: St Monica's Catholic Primary School, Milton Keynes

Introduction

A professional conduct panel ("the panel") of the Teaching Regulation Agency ("the TRA") convened on 27-30 August 2024 by way of a virtual hearing, to consider the case of Ms Alice Cresswell.

The panel members were Ms Christine Cunniffe (Teacher Panellist) – in the chair, Mr Carl Lygo (Lay Panellist) and Dr Louise Wallace (Lay Panellist).

The legal adviser to the panel was Ms Lucy Mosley of Blake Morgan Solicitors.

The presenting officer for the TRA was Mr Lee Bridges of Kingsley Napley Solicitors.

Ms Cresswell was present and was represented by Counsel Ms Maria Aisha, instructed by Thompsons Solicitors.

The hearing took place wholly in private and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 23 May 2024.

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

Whilst working as an Early Careers Teacher at St Monica's Catholic Primary School:

- 1. Between September 2022 and April 2023, she did not inform the School of the information set out in Schedule A.**
- 2. In January 2023, following a police search of her bedroom, she informed Colleague A/ her employer that the search was in relation to stolen laptop(s), when that was not the case.**
- 3. On or around 31 March 2023, she permitted Person A to attend the School grounds when she knew that they posed a risk to children.**
- 4. Her conduct at paragraph 1 and/ or 2:**
 - a) Was dishonest;**
 - b) Lacked integrity**

Schedule A

- i. That Person A [REDACTED]:**
 - a) had been convicted of one or more child sexual offences;**
 - b) was on the sex offenders register;**
 - c) posed a risk to children**

Ms Cresswell made admissions to all of the allegations. In relation to allegation 1, Schedule i) a) Ms Cresswell explained that her admission was on the basis that she was aware that Person A had been convicted of one child sex offence only. In relation to allegation 4, Ms Cresswell admitted that her conduct at both allegations 1 and 2 was both dishonest and lacked integrity.

Ms Cresswell admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

Application for special measures

Ms Aisha made an application for one special measure for Ms Cresswell. That special measure was for Ms Cresswell to have a supporter to accompany her throughout the hearing, namely her [REDACTED]. The basis for the request was Ms Cresswell's youth, whereby it was suggested the presence of her [REDACTED] was a reasonable adjustment warranted and necessary due to her specific circumstances.

The request was not opposed by the TRA.

The panel carefully considered the parties' submissions and accepted the legal advice provided.

On balance, the panel decided to accede to Ms Aisha's request. Whilst the panel did not consider Ms Cresswell to be a vulnerable witness, it did take into account her youth and personal circumstances. It felt it likely that the quality of her evidence would be improved by the presence of her [REDACTED] for moral support. The panel also bore in mind that Ms Cresswell's [REDACTED] was not going to be called as a witness by Ms Aisha and, therefore, it concluded that it would not be contrary to the interests of justice for Ms Cresswell's [REDACTED] to accompany her throughout the hearing.

Application for the hearing to be held in private

Mr Bridges submitted a written application to hear the entirety of the proceedings in private. He summarised the application orally for the panel. He explained that whilst Person A has been anonymised within the allegation and in the TRA case papers, he remains potentially identifiable by reason of his relationship to Ms Cresswell. Within the papers there is extensive reference to Person A's criminal offending of a sexual nature. There is also reference to his arrests in January and February 2023.

Police investigations relating to Person A are on-going and his case is presently with the CPS awaiting a charging decision. The TRA's position is that the fact of Ms Cresswell's relationship to Person A is highly relevant to the background facts of the allegation, as is the history of Person A's offending and the reasons for the search conducted in January 2023. Given that there are on-going police investigations, Mr Bridges submitted that there is a risk that if information relating to Person A's offending is discussed in public at this hearing, this could prejudice any potential criminal proceedings against Person A. In the TRA's submission, the need to avoid prejudicing any criminal proceedings against Person A outweighed the presumption that hearings of this nature should take place in public.

In the TRA's written application it was also submitted that there is no unfairness to Ms Cresswell should the hearing be held entirely in private. As a matter of fairness, both to the TRA and to Ms Cresswell, having the entire hearing in private would allow all parties to speak freely about the issues in this case.

This application was not opposed by Ms Aisha who, in any event, informed the panel that it had been her intention to make an application to exclude the public from all parts of the hearing in which the parties addressed health and personal matters.

In determining the application, the panel had careful regard to the parties' oral and written submissions, and accepted the legal advice provided.

The panel took account of the fact that there is a presumption that hearings of this nature will take place in public and there is a legitimate public interest in the openness and transparency of the TRA's disciplinary procedures.

The panel was in agreement with Mr Bridges that given that there are on-going police investigations, there is a risk that if information relating to Person A's offending is discussed in public at this hearing, this could prejudice any potential criminal proceedings against Person A.

Given that the fact of Ms Cresswell's relationship to Person A is closely intertwined with the background facts of the allegation, the panel did not consider it practicable for some parts of the hearing to be heard in public and some in private. Therefore, it determined that the entire hearing should be heard in private. That would not be contrary to the public interest.

Application to admit additional evidence

The panel considered an application made by Ms Aisha pursuant to paragraph 5.33 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession 2020, (the "Procedures") to admit a 57 page bundle of documents on behalf of Ms Cresswell. That bundle contained the following documents:

- Statement and reflection written by Ms Cresswell dated 16 August 2024
- Letter written by Ms Cresswell dated 2021
- ECT year feedback
- Letter from [REDACTED] dated 17 October 2023
- [REDACTED] 2024

- Map of the School carpark
- DBS letter dated 20 May 2024
- IPO intention letter from the TRA dated 5 December 2023
- Letter from the TRA advising no IPO imposed dated 2 April 2024
- Police warrant dated 20 December 2022
- Character reference
- Testimonials
- Notes and drawings from previous pupils

The TRA did not object to the admission of this evidence.

The panel was satisfied that the evidence was relevant to the issues before it and no prejudice or unfairness would be caused by its admission.

The documents were accordingly admitted by the panel.

Summary of evidence

Documents

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

Section 1: Chronology and list of key people – pages 4 to 6

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

Section 3: Teaching Regulation Agency witness statements – pages 15 to 29

Section 4: Teaching Regulation Agency documents – pages 30 to 491

In addition, the panel agreed to accept a 57 page bundle of documents from Ms Cresswell. It also accepted a written skeleton argument and appendices bundle from Mr Bridges relating to the TRA's application for the hearing to be heard in private, in addition to a detailed timeline from Mr Bridges.

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

Witnesses

The panel heard oral evidence from [REDACTED], [REDACTED] at Thames Valley Police, [REDACTED], [REDACTED] at the School and [REDACTED], [REDACTED] at the School. Those witnesses were called by Mr Bridges.

The panel heard oral evidence from Ms Cresswell.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case before it and reached a decision.

The School is a Catholic Primary School in Milton Keynes. At the relevant time it had approx. 400 pupils and 50 staff members. It was a mixed gender school for students from reception to year 6.

Ms Cresswell started a relationship with Person A on 28 April 2018.

Person A was convicted of making indecent images of children on 5 October 2021. He was placed on the Sex Offender's Register for a period of five years and sentenced to a Community Order for three years.

Person A was further convicted of making, distributing and possessing indecent images of children on 31 January 2022.

On 12 March 2022 Ms Cresswell applied for a position as a Class Teacher at the School.

On 20 March 2022 Ms Cresswell was present at Person A's home during an unannounced visit from two Public Protection Officers from Thames Valley Police. During that visit Ms Cresswell was informed that Person A was on the Sex Offender's Register.

On 25 March 2022 Ms Cresswell was offered a permanent role as a Class Teacher at the School, to start in the Autumn Term of 2022.

On 14 April 2022 Ms Cresswell spoke to [REDACTED] on the telephone to discuss her concerns around her job at the School.

Ms Cresswell started working at the School on 1 September 2022 as a Class Teacher.

Person A was arrested on 4 January 2023 on suspicion of possessing indecent images of children. As he had registered Ms Cresswell's home address as his second address,

her home was searched by the police as part of their investigation. Ms Cresswell was made aware that her home was being searched when her Ring doorbell app on her watch was activated whilst she was at the School.

Person A was arrested on 9 February 2023 for breaching his notification requirements.

On 10 February 2023 Person A was convicted of breaching a Sexual Harm Prevention Order and breaching his notification requirements.

On 28 March 2023 the Local Authority Designated Officer (“LADO”) contacted the School to advise of Person A’s convictions, and his relationship with Ms Cresswell.

On 31 March 2023 Ms Cresswell was dropped off in the School car park by Person A.

On 13 April 2023 Ms Cresswell and her [REDACTED] met with [REDACTED].

On 17 April 2023 Ms Cresswell was suspended from the School.

On 16 May 2023 Ms Cresswell was interviewed in the presence of her Union Representative.

A disciplinary hearing was held on 27 June 2023.

Ms Cresswell’s employment ended on 4 July 2023.

The School made a referral to the TRA on 6 July 2023.

Findings of fact

The findings of fact are as follows:

Whilst working as an Early Careers Teacher at St Monica’s Catholic Primary School:

- 1. Between September 2022 and April 2023, you did not inform the School of the information set out in Schedule A.**

Schedule A

i. That Person A [REDACTED]:

- a) had been convicted of one or more child sexual offences;**
- b) was on the sex offenders register;**
- c) posed a risk to children**

The panel noted the admissions made by Ms Cresswell. She accepted that between September 2022 and April 2023 she did not inform the School that Person A had been convicted of one child sexual offence, was on the sex offenders register and posed a risk to children. Further, Ms Cresswell accepted that her failure to inform the school of this information was both dishonest and lacking in integrity.

The panel heard from [REDACTED] that Person A was convicted of making indecent images of children on 5 October 2021. He was placed on the sex offenders register for a period of five years and sentenced to a community order for three years. Person A was further convicted of making, distributing and possessing indecent images of children on 31 January 2022.

On 20 March 2022 [REDACTED] told the panel that Ms Cresswell was present at Person A's home during an unannounced visit from her and a colleague, [REDACTED]. They are both Public Protection Officers with Thames Valley Police. During that visit, [REDACTED] told Ms Cresswell that Person A was on the sex offenders register for a period of five years, and urged Person A to make disclosures to Ms Cresswell about his offending. The panel was told by Ms Cresswell that Person A admitted that the offence occurred a long time before he met her, after inadvertently clicking on a pop-up advert and viewing indecent images of children out of curiosity. Although [REDACTED] was not present during the specific conversation, she told the panel that [REDACTED] had informed her that she had told Ms Cresswell about Person A's two recent convictions. This was disputed by Ms Cresswell. Her evidence was that on 20 March 2022 she was only made aware of one conviction by Person A, and that neither Public Protection Officer supplied her with any additional information about any other convictions.

The panel did not hear direct evidence from [REDACTED]. It recognised that the evidence from [REDACTED] about [REDACTED] conversation with Ms Cresswell is hearsay. It therefore considered this evidence with the appropriate caution. It attached less weight to the evidence than it did to the live evidence heard at the hearing, given that [REDACTED] was not present at the hearing and therefore her evidence could not be tested. The panel was not satisfied on the balance of probabilities based on the evidence provided by the TRA that Ms Cresswell was informed that Person A had two recent child sex convictions. It was however satisfied that she was aware of one conviction. This was supported by her account that she had asked both [REDACTED] and Person A for further information. Had she been privy to the full details of the convictions, she would not have needed to request further information.

On 14 April 2022 Ms Cresswell spoke to [REDACTED] on the telephone about Person A. Ms Cresswell asked [REDACTED] for some advice relating to the disclosure of Person A's conviction to the School, as she had recently been offered a position as a Class Teacher. [REDACTED] explained that from a police perspective, Ms Cresswell was under no obligation to inform her employer of her relationship with Person A. However, as she

was unfamiliar with teaching requirements, she was unable to advise whether Ms Cresswell had any professional obligations as a Teacher. The panel considered that the fact that Ms Cresswell had requested the telephone call with [REDACTED] on 14 April 2022 demonstrated that she did at least have some concerns about her relationship with Person A and how that might impact her career as a Teacher.

In her evidence, Ms Cresswell explained that she relied on [REDACTED] advice and felt that she did not need to disclose her relationship with Person A to the School. She had also relied on information from Person A, who told her that he had carried out some research, and that his conviction wasn't going to impact her job aspirations. Given that Ms Cresswell was aware that Person A had already lied to her about his conviction and failed to inform her that he was on the sex offenders register, the Panel found her trust in the information he provided somewhat naïve. Ms Cresswell confirmed that she had not conducted any independent research or made any further enquiries into her professional disclosure obligations. In hindsight, she accepted that she should have informed the Safeguarding Lead at the School of her relationship with Person A.

Ms Cresswell started working at the School on 1 September 2022 as a Class Teacher. When she commenced her employment, she was provided with safeguarding training and a mentor as well as signing to confirm that she had read and understood 'Keeping Children Safe in Education' dated September 2022. This extensive document clearly articulates the duties of every teacher to safeguard children.

As part of her induction training, Ms Cresswell was asked to read The School's Code of Conduct dated Spring 2021. Section 7 of that code states:

"All adults must understand that the behaviour and actions of their partner (or other family members) may raise questions about their suitability to work with children and young people."

She was also asked to read the School's Child Protection Policy dated November 2022. Under the heading "All staff responsibilities" it states:

"To recognise that 'relationships and associations' that staff have in and outside of school (including online), may have an implication for the safeguarding of children in school and where this is the case, they must speak to the school."

Despite Ms Cresswell confirming that she had read these policies, between September 2022 when she started working at the School and April 2023 when she was suspended, she did not inform the School that Person A had been convicted of a child sexual offence, was on the sex offenders register or that he posed a risk to children. The School was not in fact made aware of Ms Cresswell's relationship with Person A until 28 March 2023 when the LADO contacted the School.

The panel assessed the weight and reliability of the evidence, and on the balance of probabilities, it found this allegation proven.

2. In January 2023, following a police search of your bedroom, you informed Colleague A/ your employer that the search was in relation to stolen laptop(s), when that was not the case.

The panel noted the admission made by Ms Cresswell. In particular, she accepted that her actions were both dishonest and lacking in integrity.

On 4 January 2023 Person A was arrested and the police executed a search warrant at Ms Cresswell's home address, as this was a place at which Person A regularly resided. Ms Cresswell was initially unaware of the reason for the search, but was advised by Person A that this was conducted as he had not been complying with his notification requirements as a registered sex offender. Despite being made aware of this, Ms Cresswell informed [REDACTED] that the police search related to stolen laptops when she knew that was not the case. Further, and in the panel's view regrettably, although the 4 January 2023 police search was an opportunity for Ms Cresswell to come clean about Person A's conviction, she still failed to disclose to the school that Person A was on the sex offenders register.

Ms Cresswell confirmed in her evidence that she maintained her account until a meeting with [REDACTED] at the School on 17 April 2023, at which she was suspended. [REDACTED] confirmed in his evidence that Ms Cresswell apologised to him for lying about the reason for the search at this meeting.

The panel assessed the weight and reliability of the evidence, and on the balance of probabilities, it found this allegation proven.

3. On or around 31 March 2023, you permitted Person A to attend the School grounds when you knew that they posed a risk to children.

The panel noted the admission made by Ms Cresswell.

[REDACTED] told the panel that on 31 March 2023 she witnessed Person A driving into the School car park with Ms Cresswell in the passenger seat. Person A did not get out of the car and [REDACTED] stayed in the car park until person A had left through the School gates and they had closed behind him. This was accepted by Ms Cresswell. Person A was therefore on School premises between approx. 07:30-08:00am. [REDACTED] explained that the School's Breakfast Club ran from 07:30am and therefore it was possible that pupils and parents were in the car park at that time.

In her evidence, Ms Cresswell accepted that there was no justification for allowing Person A to attend the School grounds and, in hindsight, she could see that this posed a "big risk" to pupils. The panel bore in mind that Ms Cresswell had known since March 2022 that Person A had a conviction for a child sex offence and that he was on the sex

offenders register. She was also aware that he had been further arrested on 4 January 2023 and again on 9 February 2023 for failing to comply with his notification requirements as a registered sex offender. By March 2023 Ms Cresswell had also been misleading the School about the reason for the search of her home address for some two months. Despite this, she confirmed in her evidence to the panel that these matters did not occur to her on 31 March 2023 when she allowed Person A to attend the School grounds. The panel found this concerning. It demonstrated a clear lack of judgment on Ms Cresswell's behalf.

In the panel's view, it made no difference that Person A would only be in the car park for a short period of time or that he did not need to exit the vehicle. The presence of a registered sex offender on School grounds posed a risk to pupils, and this should have been obvious to a professional Teacher.

The panel assessed the weight and reliability of the evidence, and on the balance of probabilities, it found this allegation proven.

4. Your conduct at paragraph 1 and/ or 2:

a) Was dishonest;

b) Lacked integrity

In light of the panel's findings in relation to allegations 1 and 2, it went on to consider whether Ms Cresswell's conduct was dishonest and/or lacked integrity.

The panel noted the admissions made by Ms Cresswell.

In determining whether her conduct was dishonest, the panel considered Ms Cresswell's state of knowledge or belief as to the facts, before determining whether her conduct was dishonest by the standards of ordinary decent people.

As regards a lack of integrity, the panel took account the decision of the Court of Appeal in *Wingate v SRA; SRA v Mallins* [2018] EWCA Civ 366. It recognised that integrity denotes adherence to the ethical standards of the profession and the panel therefore considered whether, by her actions, Ms Cresswell failed to adhere to those standards.

As a starting point, the panel took into consideration that Ms Cresswell had known since March 2022 that Person A had a conviction for a child sex offence and that he was on the sex offenders register. She was also aware that he had been further arrested on 4 January 2023 and again on 9 February 2023 for failing to comply with his notification requirements as a registered sex offender. There was no scope for confusion on her part in this regard.

On 14 April 2022 Ms Cresswell asked [REDACTED] for some advice relating to the disclosure of Person A's conviction to the School. [REDACTED] explained that from a

police perspective, Ms Cresswell was under no obligation to inform her employer of her relationship with Person A, however as she was unfamiliar with teaching requirements she was unable to advise whether Ms Cresswell had any professional obligations as a Teacher.

The panel was not persuaded by Ms Cresswell's explanation that she relied on [REDACTED] advice that she did not need to disclose her relationship with Person A to the School. At no stage did she conduct any independent research or make any further enquiries into her professional disclosure obligations. Ms Cresswell had a good working relationship with [REDACTED], the School's Safeguarding Lead, and had numerous opportunities to discuss her relationship with Person A with her. Indeed, in her oral evidence Ms Cresswell accepted that this is what she should have done.

In relation to allegations 1 and 2, the panel concluded it was more likely than not that Ms Cresswell's actions were deliberate. She positively chose not to reveal this information to the School as she was concerned about losing her recently gained employment and her "dream job". In the panel's view, Ms Cresswell had ample opportunity to raise the matters in a sensitive, discrete way with [REDACTED] or her mentor, but she consciously chose not to do so. This was dishonest by the standards of ordinary decent people.

The panel also concluded that Ms Cresswell's conduct amounted to a lack of integrity. It was clear from the fact that Ms Cresswell had requested the telephone call with [REDACTED] on 14 April 2022 that she did at least have some concerns about her relationship with Person A and how that might impact her career as a Teacher. She did not take personal or professional responsibility for ensuring that she had adhered to the ethical standards of the teaching profession. Ms Cresswell should also have appreciated from the safeguarding training provided by the School that Person A's conviction and inclusion on the sex offenders register should have been declared to the School. As such, she showed a disregard for the duties and responsibilities upon her as a Teacher. There was an obvious benefit to Ms Cresswell in not disclosing this information.

The panel therefore found that Ms Cresswell's conduct in relation to allegations 1 and 2 was both dishonest and lacking in integrity.

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

Having found a number of the allegations proven, the panel went on to consider whether the facts of those proven 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".

Ms Cresswell accepted that her actions amounted to unacceptable professional conduct and conduct that brought the profession into disrepute.

The panel was satisfied that the conduct of Ms Cresswell in relation to the facts found proven involved breaches of the Teachers' Standards Guidance for School Leaders, School Staff and Governing Bodies ("the Standards"). The panel considered that, by reference to Part 2, Ms Cresswell was in breach of the following standards:

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

The panel also considered whether Ms Cresswell'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 none of these offences were relevant, as Ms Cresswell herself had not committed any criminal offences.

The panel was satisfied that the conduct of Ms Cresswell amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession, and thereby was unacceptable professional conduct.

In making this judgment, the panel drew upon its knowledge and experience of the teaching profession.

The panel would have expected Ms Cresswell, even as a newly qualified Teacher, to have recognised the need to safeguard pupils. In particular, allowing a convicted sex offender onto School grounds clearly posed a risk of harm to pupils at the School and demonstrated a significant lack of judgment on Ms Cresswell's part. Not only was Ms Cresswell aware that Person A was on the sex offenders register, but she also knew that he had breached his notification requirements on two occasions. Despite this, she chose not to make disclosures to the School. She deliberately misled the School as to the reason for the police search of her home.

In considering whether Ms Cresswell'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.

For the reasons set out above, the findings of misconduct were serious and the conduct displayed would be likely to have a negative impact on Ms Cresswell's status as a Teacher. It was also damaging to the public perception of the teaching profession.

The panel therefore found that Ms Cresswell's actions in relation to all the allegations constituted conduct that may bring the profession into disrepute.

In summary, the panel found that Ms Cresswell's conduct in relation to the allegations referred to above 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 it 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, the maintenance of public confidence in the profession and the declaring and upholding proper standards of conduct.

The panel's findings involved serious misconduct outside the educational setting from someone who was a role model and in a position of responsibility. Ms Cresswell's actions in maintaining a relationship with a registered sex offender and in allowing Person A onto school grounds had the potential to impact upon pupils at the School. However, the panel bore in mind that Person A was at no stage unsupervised and that the incident lasted a matter of minutes. Whilst the panel bore in mind that no pupils were directly impacted by her conduct, the panel concluded there was a strong public interest consideration in respect of the protection and safeguarding of pupils.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Cresswell were not treated with the utmost seriousness when regulating the conduct of the profession. The panel would have expected Ms Cresswell, even as a newly qualified Teacher, to have recognised the need to safeguard pupils. She fell seriously short of the standards expected of her in that regard.

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present. The conduct found against Ms Cresswell was outside 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 Ms Cresswell in the teaching profession. The panel felt that there was. No doubt had been cast upon her abilities as an educator, and indeed the contrary was true. The panel was presented with persuasive evidence that she was highly regarded as a Teacher by staff and pupils. In the view of

the panel, Ms Cresswell is likely to be able to make a valuable contribution to the teaching profession in the future.

In light 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 Cresswell.

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 Cresswell.

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 safeguarding and wellbeing of pupils;
- abuse of position or trust (particularly involving pupils);
- dishonesty or a lack of integrity, including the deliberate concealment of their actions, especially where these behaviours have been repeated or had serious consequences;
- collusion or concealment including:
 - lying to prevent the identification of wrongdoing;

Even though some of the behaviour found proved indicated that a prohibition order would be appropriate, the panel felt that this behaviour was at the lower end of the spectrum of unacceptable professional conduct and, in particular, dishonesty. It 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 the following mitigating factors were present in this case:

- Ms Cresswell had a previous good history. She had an otherwise unblemished record in that there was no evidence that she had been subject to any previous regulatory or disciplinary proceedings.
- Ms Cresswell provided a character reference from a friend along with thank you cards and drawings from previous teaching colleagues and pupils. The reference, cards and drawings spoke highly of Ms Cresswell in terms of her teaching practice, and it was evident that she was popular with pupils and staff.

- Excluding the matters now found proved, Ms Cresswell had demonstrated high standards of professional conduct prior to these events. The view of [REDACTED] and [REDACTED] was that she was a very good teacher who was highly regarded by staff and pupils and clearly committed to the teaching profession.
- Ms Cresswell did not feel well equipped by the safeguarding training provided by the School. Whilst the panel accepted that it was Ms Cresswell's personal responsibility to inform the School of her relationship with Person A when his offending came to light, it acknowledged that the School recruitment process did not encompass safeguarding questions. Had it done so, it is likely that the issues around Ms Cresswell's relationship with Person A would have been apparent at an earlier stage.
- Ms Cresswell made early admissions to the School when concerns were raised by the LADO. [REDACTED] confirmed in his evidence that at a meeting at the School on 17 April 2023 Ms Cresswell apologised to him for lying about the reason for the search.
- Whilst Ms Cresswell's actions were plainly wrong, she herself had not committed any criminal offences. The issues arose from the actions of [REDACTED], over whom she had no control. As a result of Person A's offending (in addition to her lack of disclosure around that offending) Ms Cresswell has ultimately lost her job and her professional reputation has been damaged. She has not gained anything personally from the events.
- There has been no repetition of the same or similar conduct in the period since Ms Cresswell left the School. Indeed, she is no longer in a relationship with Person A. She told the panel that she would take a different approach to future relationships in that she would be more inquisitive when asking about a potential partner's background. Ms Cresswell is now confident that, should she start a new relationship, she would be able to spot the red flags which she had missed with Person A.
- Whilst Ms Cresswell has not worked as a teacher since leaving the School, she has obtained a job in retail which she feels is helping her to regain the confidence she lost as a result of her suspension. She appears to be successful in this role, having recently been promoted to Assistant Store Manager. Ms Cresswell explained that at present she does not have the confidence to teach a class. However, she has invested a large amount of time into self-improvement since these events, and feels positive that she will be able to regain the confidence she has lost.

- Ms Cresswell has identified a potential volunteering opportunity with a charity which assists persons affected by crimes committed by family members. She plans to attend an open day with the charity to explore this opportunity further.
- There was no evidence that Ms Cresswell's conduct directly impacted pupils. Indeed, from the evidence provided to the panel, she was a caring and conscientious Teacher who was concerned for the welfare of her pupils. There was no evidence to suggest that Ms Cresswell had any intention to compromise their wellbeing.
- Ms Cresswell engaged fully in these proceedings. She gave oral evidence to the panel and subjected herself to questions. The panel found her to be a credible and compelling witness.
- Ms Cresswell has shown insight, regret and remorse. She has clearly reflected on the events and made significant changes in her life.
- [REDACTED]. As a result, she feels better equipped to deal with stress and manage difficult situations, should they arise in the future.
- These events had a very significant impact upon Ms Cresswell and her family. The panel felt that Ms Cresswell was well supported by her family, who would no doubt also be more enquiring of her potential partners in the future.

Weighed against these matters, the panel considered there were some aggravating factors present, including:

- Ms Cresswell's actions amounted to a breach of the Teachers' Standards.
- Her conduct raised serious concerns and took place over a period of approx. 8 months.
- Ms Cresswell's actions and inactions mislead the School.
- Her actions had the potential to impact on pupils.

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 nature of the proven conduct in this case was serious for the reasons outlined. However, having considered the mitigating factors present, the panel determined that a recommendation for a prohibition order would not be appropriate for the following reasons.

Firstly, the panel accepted that Ms Cresswell was a very good teacher who was at the start of a promising career. She is likely to make a positive impact in education in the future.

Secondly, whilst her conduct continued over a period of time, the context was crucial. She was young, naïve and in her first real romantic relationship. She was wrapped up in Person A, whom she believed to be a loving and caring partner, and wanted to make things work. In her naivety, she was unable to see the damaging nature of the relationship.

Thirdly, the panel concluded that the risk of repetition was extremely low. There had been no repetition of the same or similar conduct in the period since Ms Cresswell left the School. Having gone through this process, the panel considered it was highly unlikely that Ms Cresswell would put herself in the same situation again. This was a unique set of circumstances that was unlikely to be repeated, and the panel was satisfied that Ms Cresswell had learnt important lessons.

That conclusion was further supported by the steps taken by Ms Cresswell in the period since these events to address her behaviour, in terms of [REDACTED] reflection. In short, the panel was satisfied that Ms Cresswell had taken significant steps towards remediating the behaviours that contributed to her conduct.

In light of all these matters, and the other mitigating factors identified above, the panel determined that a recommendation for a prohibition order would not be appropriate in this case.

Having very carefully taken account of the public interest considerations Ms Cresswell's proven conduct gave rise to, the panel considered that the publication of the adverse findings it has made would be sufficient to send an appropriate message as to the standards of behaviour that were not acceptable.

The panel considered this is a proportionate outcome, which struck a fair balance between the public interest and the interests of Ms Cresswell.

In the panel's judgement, the public interest in the safeguarding and wellbeing of pupils and other members of the public was not a continuing concern given the extremely low risk of repetition and also having in mind that Ms Cresswell's conduct did not directly impact on learners or learning. The panel was satisfied that its decision maintains public confidence in the profession and upholds professional standards.

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/or conduct that may bring the profession into disrepute.

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

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

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

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

The findings of misconduct are serious as they include conduct that was both dishonest and lacking in integrity.

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 Cresswell, 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 notes that:

“The panel would have expected Ms Cresswell, even as a newly qualified Teacher, to have recognised the need to safeguard pupils. In particular, allowing a convicted sex offender onto School grounds clearly posed a risk of harm to pupils at the School and demonstrated a significant lack of judgment on Ms Cresswell’s part.

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: “Ms Cresswell has shown insight, regret and remorse. She has clearly reflected on the events and made significant changes in her life.” Elsewhere, the panel notes the steps that Ms Cresswell has taken to avoid this behaviour occurring again in the future. In my judgment the evidence of Ms Cresswell’s insight and remorse means that I agree with the panel that there is a limited risk of repetition and I have given this significant 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 observes that “For the reasons set out above, the findings of misconduct were serious and the conduct displayed would be likely to have a negative impact on Ms Cresswell’s status as a Teacher. It was also damaging to the public perception of the teaching profession.” I am particularly mindful of the finding of dishonesty in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Ms Cresswell herself. The panels records that:

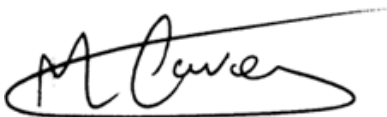
“Excluding the matters now found proved, Ms Cresswell had demonstrated high standards of professional conduct prior to these events. The view of [REDACTED] and [REDACTED] was that she was a very good teacher who was highly regarded by staff and pupils and clearly committed to the teaching profession.”

Elsewhere, the panel notes having considered evidence attesting to Ms Cresswell’s good character and concludes that, given the opportunity, she is likely to be able to make a positive contribution to the profession in the future.

A prohibition order would prevent Ms Cresswell 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.

This case involves, at least, a very serious lapse of judgment by a teacher. However, I have placed considerable weight on the panel’s comments concerning the insight and remorse attained by Ms Cresswell and the evidence it records regarding the steps she is taking to avoid such events reoccurring in the future. I have also noted the positive evidence attesting to Ms Cresswell’s otherwise good character and the panel’s assessment that she should be able to make a positive contribution to the profession in the future. Finally, I have noted the panel’s conclusion that the risk of a repetition of this behaviour in the future is “extremely low”.

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 'M. Cavey', enclosed within a large, loopy oval stroke.

Decision maker: Marc Cavey

Date: 3 September 2024

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