



Teaching
Regulation
Agency

Miss Jodie Bennett: Professional conduct panel outcome

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

October 2024

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

Teacher: Miss Jodie Bennett

TRA reference: 19812

Date of determination: 11 October 2024

Former employer: Kings Oak Academy, Bristol

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 6 to 7 February 2023 and on 9 to 11 October 2024 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Miss Jodie Bennett.

In February 2023, the panel members were Mr Gamel Byles (teacher panellist – in the chair), Ms Susan Ridge (lay panellist) and Mrs Maxine Cole (lay panellist). In October 2024, the panel members were Mr Gamel Byles (teacher panellist – in the chair), Mrs Maxine Cole (lay panellist) and Mr Diarmuid Bunting (lay panellist).

The legal adviser to the panel was Mrs Luisa Gibbons in February 2023 and Ms Claire Watson in October 2024, both of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Ms Charlotte Watts of Browne Jacobson LLP.

Miss Bennett was present and represented by Mr Nicholas Kennan of Cornwall Street Chambers.

The hearing took place in public, except for parts of the hearing heard in private, and was recorded.

Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 24 November 2022.

It was alleged that Miss Bennett was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as the Head of English and Communications at Kings Oak Academy:

1. On or around 7 September 2020 she:
 - a. brought alcohol onto school premises;
 - b. consumed alcohol whilst on school premises and/or during school hours;
 - c. informed one or more colleagues that she had not consumed alcohol and/or was under the influence of alcohol when this was not the case;
 - d. was under the influence of alcohol whilst on school premises and/or during school hours;
 - e. drove whilst intoxicated;
 - f. did 1e. notwithstanding that the school had arranged for a taxi to take her home;
2. On or around 8 September 2020 she:
 - a. brought alcohol onto school premises;
 - b. was under the influence of alcohol whilst on school premises and/or during school hours;
 - c. informed one or more colleagues that she had not brought alcohol to school when this was not the case;
 - d. drove whilst intoxicated;
 - e. did 2e. notwithstanding an instruction from the school not to drive her car;
 - f. did 2a. – d. as may be found proven notwithstanding having been sent home for being intoxicated the previous day;
3. [REDACTED]:
 - a. [REDACTED]
4. Informed the school on or around 15 December 2020 that she had ceased drinking alcohol in October 2020 when this was not the case;
5. Her conduct as may be found proven at allegations 1c., 2c., 3. and/or 4. was dishonest and/or lacked integrity.

Miss Bennett admitted amended allegations, outlined further below, 1 in full, 2a., 2c., 2e., 2f., 4. and 5 (insofar as it relates to allegations 1c., 2c. and 4). Miss Bennett denied allegations 2b., 2d. and 3.

Miss Bennett admits that in respect of the allegations that are admitted, she is guilty of unacceptable professional conduct and conduct that may bring the profession into disrepute.

Preliminary applications

Private hearing

The panel considered whether to exercise its discretion under paragraph 11 of the Teachers' Disciplinary (England) Regulations 2012 (the "Regulations") and paragraph 5.85 of the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020 (the "Procedures") to exclude the public from all or part of the hearing. This followed a request by the teacher that part of the hearing should be in private.

The panel determined to exercise its discretion under paragraph 11(3)(b) of the Regulations and the second bullet point of paragraph 5.85 of the Procedures that the public should be excluded from part of the hearing.

The panel took into account the general rule that hearings should be held in public and that this is generally desirable to maintain public confidence in the administration of these proceedings and also to maintain confidence in the teaching profession. On this occasion, however, the panel considered that the request for part of the hearing to be heard in private, was a reasonable one given concerns about confidential matters relating to the teacher's health and private life being placed in the public domain. The panel considered whether there were any steps short of excluding the public that would serve the purpose of protecting the confidentiality of matters relating to the teacher's health and private life.

The panel also considered whether it would sufficiently protect the interests of third parties to grant anonymity to those third parties without the need to exclude the public from part of the hearing. The panel was not satisfied that this would be a sufficient step given the concern that the third party could be identified even if anonymised.

The panel had regard to whether the teacher's request ran contrary to the public interest. The panel was required to announce its decisions in public as to whether the facts have been proven and whether those facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. In the event that the case continued, any decision of the Secretary of State would also be in public. Those public announcements will ensure that public confidence in these proceedings and in the standards of the profession are maintained.

The panel therefore decided to exclude the public from parts of the hearing, relating to matters concerning the teacher's health and allegation 3.

Amending the allegations

An application was made by the presenting officer to amend the Notice of Proceedings by amending allegations 1e. and 2d. to state 'drove having had an alcoholic drink' or 'drove having consumed an alcoholic drink'. An application was also made to remove the word 'intoxicated' from allegation 2f. and amend the allegation to 'did 2a. – d. as may be found proven notwithstanding having been sent home due to having consumed alcohol the previous day'. The panel had the power to, in the interests of justice, amend an allegation or the particulars of an allegation, at any stage before making its decision about whether the facts of the case have been proved.

Before making an amendment, the panel was required to consider any representations by the presenting officer and by the teacher, and the parties have been afforded that opportunity. The teacher's representative had consented to the application.

The panel was concerned that this application was made at such a late stage in the proceedings, and exercised caution to ensure that there was no unfairness to the teacher. The panel had in mind that the interests of justice were in favour of this allegation being amended. The panel considered that the amendment proposed avoided the panel having to make a scientific judgment as to whether Miss Bennett was 'intoxicated'. There was no prospect of the teacher's case being presented differently had the amendment been made at an earlier stage, and therefore no unfairness or prejudice was caused to the teacher. The teacher had provided her response to the allegations in advance of the hearing, and had accepted that she had a drink on 7 September 2020, but that she was not intoxicated. The panel did not consider her response would have been different had the allegation referred to 'having had an alcoholic drink', rather than 'intoxicated'. The panel therefore decided to amend the allegation as proposed.

At the outset of the resumed hearing, an application was made by the presenting officer to amend allegation 2e. to state 'did allegation 2d. notwithstanding an instruction from the school not to drive your car'. The panel considered the reference to 2e. in the original drafting of the allegation to be a typographical error, and the amendment did not cause unfairness to the teacher. The panel had in mind that the interests of justice were in favour of this allegation being amended. Allegation 2e. was therefore amended to refer to allegation 2d.

The allegations were therefore amended as follows:

1. On or around 7 September 2020 she:
 - a. brought alcohol onto school premises;
 - b. consumed alcohol whilst on school premises and/or during school hours;
 - c. informed one or more colleagues that she had not consumed alcohol and/or was under the influence of alcohol when this was not the case;
 - d. was under the influence of alcohol whilst on school premises and/or during school hours;

- e. drove having consumed an alcoholic drink;
 - f. did 1e. notwithstanding that the school had arranged for a taxi to take her home;
2. On or around 8 September 2020 she:
- a. brought alcohol onto school premises;
 - b. was under the influence of alcohol whilst on school premises and/or during school hours;
 - c. informed one or more colleagues that she had not brought alcohol to school when this was not the case;
 - d. drove having consumed an alcoholic drink;
 - e. did 2d. notwithstanding an instruction from the school not to drive her car;
 - f. did 2a. – d. as may be found proven notwithstanding having been sent home due to having consumed an alcoholic drink the previous day;
3. [REDACTED]
- a. [REDACTED]
4. Informed the school on or around 15 December 2020 that she had ceased drinking alcohol in October 2020 when this was not the case;
5. Her conduct as may be found proven at allegations 1c., 2c., 3. and/or 4. was dishonest and/or lacked integrity.

Additional documents

At the outset of the resumed hearing in October 2024, the teacher's representative applied to admit evidence of the completion of additional training undertaken by Miss Bennett and reviews of her teaching practice. Those documents were not served in accordance with the requirements of paragraph 5.37 of the Procedures, and as such the panel was required to decide whether those documents should be admitted under paragraph 5.34 of the procedures with the permission of the panel. The panel took into account the representations from the teacher's representative that the documents related to mitigation and no unfairness was caused to the TRA by the admission of the documents at the late stage. No objections were raised by the presenting officer.

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

The panel was satisfied that the documents were relevant to the case as they related to Miss Bennett's teaching practice and qualifications.

With regard to the overall question of fairness, the panel noted that the documents were mitigation evidence, and the presenting officer would not have presented the TRA's case differently had the documents been admitted into the bundle at the earlier stage.

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

Summary of evidence

Documents

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

Section 1: Notice of Hearing and Response – pages 5 to 12

Section 2: Statement of Agreed and Disputed Facts – pages 14 to 19

Section 3: Teaching Regulation Agency witness statements – pages 21 to 65

Section 4: Teaching Regulation Agency documents – pages 67 to 162

Section 5: Teacher documents – pages 164 to 202

In addition, the panel agreed to accept the following:

Teacher documents – pages 203 to 231

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing. In October 2024, the panel members confirmed that they had read all of the documents within the bundle, the transcripts from 6 and 7 February 2023, and the additional documents that the panel decided to admit.

Witnesses

The panel heard oral evidence from:

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

Both Witness A and Witness B were called by the presenting officer.

The panel also heard evidence from Miss Bennett.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Miss Bennett was employed as Head of Communications and English at Kings Oak Academy (“the Academy”) from 5 October 2016. On 20 January 2021, an investigation meeting was held in relation to allegations of Miss Bennett’s conduct. Miss Bennett was dismissed with notice on 11 February 2021. Her employment ended on 30 April 2021.

Findings of fact

The findings of fact are as follows:

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

Whilst employed as the Head of English and Communications at Kings Oak Academy:

1. On or around 7 September 2020 you:

a. brought alcohol onto school premises;

Miss Bennett signed a statement of agreed facts confirming that on 7 September 2020, she informed colleagues that she was leaving the school premises to buy chocolate for the department. She was not teaching that afternoon. On returning to school, Miss Bennett accepted that her colleagues had noted that her behaviour was altered. She accepted that she had purchased alcohol and brought it onto school premises. Miss Bennett handed over two bottles of vodka, one opened, to colleagues at the Academy on 7 September 2020.

In corroboration of this, the panel also had sight of two witness statements from teachers at the Academy, who spoke with Miss Bennett on 7 September 2020. One of the witnesses stated that Miss Bennett had told her that she was going to go to the shops to get some chocolate. Another witness stated that they checked Miss Bennett’s handbag as they were concerned Miss Bennett may have been drinking and appeared drunk. They discovered two bottles of vodka, one opened. Those witnesses were not in attendance at the hearing but the panel considered their evidence to be admissible given that their evidence was not the sole or decisive evidence in support of the allegation, and it would have been disproportionate to have called them to give oral evidence in light of Miss Bennett’s admissions.

The allegation was therefore, found proved.

b. consumed alcohol whilst on school premises and/or during school hours;

Miss Bennett admitted having two bottles of vodka in her possession on 7 September 2020, one of which had been opened. She admitted having had two sips of the vodka, that afternoon, when walking back to the Academy from the shop. In oral evidence,

Witness B stated that one of the bottles of vodka had been opened and was full to just below the neck of the bottle.

There was no evidence presented to the panel that Miss Bennett had consumed alcohol while on school premises on or around 7 September 2020.

The allegation was therefore, found proved, on the basis that Miss Bennett had consumed alcohol during school hours when returning back from the shop.

c. informed one or more colleagues that you had not consumed alcohol and/or were under the influence of alcohol when this was not the case;

Miss Bennett admitted that, when challenged by her colleagues, she initially denied drinking alcohol at school and having alcohol with her, but later accepted having purchased alcohol and consuming it on her way back onto the school premises. On being asked to do so, Miss Bennett handed over the vodka bottles to her colleagues.

In Witness A's written statement, she recalls that Miss Bennett had initially said she had not been drinking and that there was no alcohol on her, but then did confirm that she had brought alcohol onto the school premises. Witness A outlined that from Miss Bennett's behaviour, it appeared that she was under the influence of alcohol, as on this occasion she "struggled to manage her emotions, talk in a clear manner and her mannerisms appeared as if she was under the influence of alcohol".

In written evidence, a colleague of Miss Bennett's stated that himself and another colleague confronted Miss Bennett about the bottles of vodka in her bag, but Miss Bennett denied having drunk alcohol. Although hearsay evidence, the panel decided to admit the hearsay evidence for the reasons outlined above. The panel also had sight of a witness statement from the second colleague present at this time, which also stated that Miss Bennett did not admit to drinking alcohol on 7 September 2020.

The allegation was therefore, found proved.

d. were under the influence of alcohol whilst on school premises and/or during school hours;

As referred to above, Miss Bennett admitted having two bottles of vodka in her possession on school premises, one of which had been opened. She admitted that she had consumed some vodka in the afternoon of 7 September 2020.

Miss Bennett accepted that teaching colleagues noted that Miss Bennett's behaviour was altered, in that she was louder and more affectionate than usual and that she was seemingly under the influence of alcohol. Miss Bennett stated that she had only consumed a small amount of vodka. In Witness B's witness statement, it is stated that one bottle of vodka was full to "just below the neck of the bottle".

The panel noted that colleagues of Miss Bennett had observed a change that afternoon from her usual behaviour. In Witness A's witness statement, it was stated that the way in which Miss Bennett was presenting was unusual compared to at other times, and that on this occasion she "struggled to manage her emotions, talk in a clear manner and her mannerisms appeared as if she was under the influence of alcohol".

Although Miss Bennett admitted the allegation, during oral evidence Miss Bennett explained to the panel that this was on the basis of having had a drink, rather than being affected by the alcohol. The panel considered that it was more likely than not that Miss Bennett was under the influence of alcohol, given the changes in her behaviour that afternoon noted by her colleagues.

The allegation was therefore, found proved.

e. drove having consumed an alcoholic drink;

Miss Bennett accepted that she had consumed a small amount of alcohol on the afternoon of 7 September 2020. This was found proven by the panel, as set out in allegation 1b.

Miss Bennett accepted that her colleague called a taxi and escorted her into the taxi. She accepted that she got into the taxi and that the taxi drove off. Miss Bennett admitted that she did not travel home in the taxi, but immediately returned to the school in the taxi, and was dropped off to collect her car. She accepted she removed her car from the school premises that afternoon. Miss Bennett accepted that she drove having consumed an alcoholic drink.

The panel noted the reference in Witness A's witness statement to having being made aware that Miss Bennett's car was not in the Academy's car park when they were leaving the site that evening. The panel considered this report to be reliable given Miss Bennett's admission of this allegation.

There was no evidence presented to the panel that Miss Bennett drove whilst over the legal limit for driving.

The allegation, as amended by the panel following the application referred to above, was, therefore, found proved.

f. did 1e. notwithstanding that the school had arranged for a taxi to take you home;

Miss Bennett accepted that the school arranged for a taxi to take her home. The panel had sight of a witness statement from a teacher at the Academy, admitted as hearsay evidence for the reasons stated above, who outlined arranging a taxi to take Miss Bennett home that day. This was supported by the evidence of Witness A, who confirmed that a taxi had been arranged by a colleague to take Miss Bennett home that day.

The allegation was therefore, found proved.

2. On or around 8 September 2020 you:

a. brought alcohol onto school premises;

Miss Bennett accepted that she had an opened bottle of vodka in her bag when she attended school premises on 8 September 2020. The panel heard from Witness A, who stated that she saw a bottle of vodka in Miss Bennett's bag when walking together into the school premises on 8 September 2020, and Miss Bennett later showed Witness A the bottle of vodka in her bag when discussing the situation from the previous day in Witness A's office.

The allegation was therefore, found proved.

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

In her witness statement, Witness A stated that the bottle of vodka she saw in Miss Bennett's bag on 8 September 2020 was not completely full and "two thirds of the vodka was missing from the bottle".

Miss Bennett denied this allegation. In her evidence, Miss Bennett admitted that she consumed alcohol late into the evening of 7 September 2020, but stated that she did not drink alcohol into the early hours of the morning or have a drink on the morning of 8 September 2020. In her written evidence, Miss Bennett stated that she can see how it might have appeared to be the case that she was under the influence of alcohol as she had not slept the previous night and was hungover.

The panel considered the written witness evidence of Witness A, who stated that Miss Bennett did not appear totally steady on her feet while walking, had left her car boot open, was overexcited, was not giving coherent answers and kept repeating that she was okay when Witness A asked her if she was under the influence of alcohol that morning. In Witness A's opinion based on her observations, Miss Bennett presented as under the influence of alcohol and Witness A was concerned about her driving home.

The panel also had sight of witness statements from two other colleagues, admitted as hearsay evidence as outlined above, who had seen Miss Bennett briefly that morning. One witness stated "I thought Ms Bennett may have been under the influence of alcohol because of how she was speaking and her overall behaviour". In notes taken as part of the Academy's investigation, the other witness stated that she arrived into the car park at the same time as Miss Bennett, who "seemed as if she had been drinking again" as she was "loud and affectionate" and had walked away from her car leaving the boot wide open.

The panel considered that Miss Bennett's behaviour could be explained by her being hungover and having not slept. However, the panel considered the witness evidence of colleagues who knew Miss Bennett well and knew how she would normally present, all of whom had concerns that Miss Bennett appeared under the influence of alcohol that morning.

The allegation was therefore, found proved.

c. informed one or more colleagues that you had not brought alcohol to school when this was not the case;

Miss Bennett accepted that she met Witness A in the school car park on 8 September 2020, and that Witness A had asked her to show her what was in her bag. Miss Bennett accepted that initially, she denied having any alcohol at the school and refused to show the contents of her bag. Eventually, she agreed to show Witness A what was in her bag, and there was a 70cl bottle of vodka inside that was partially empty.

In Witness A's witness statement, she stated that she met Miss Bennett in the car park and saw a bottle of vodka in Miss Bennett's bag. In typed notes presented to the panel, Witness A had recorded that Miss Bennett, in response to a question as to whether she had brought alcohol onto the site again, responded that she had not brought alcohol with her to school. In live evidence, Witness A confirmed that this document was a summary of her notes that she had taken during the three days, which were typed up approximately a couple of days after the incident.

The allegation was therefore, found proved.

f. did 2a. – d. as may be found proven notwithstanding having been sent home due to having consumed an alcoholic drink the previous day

The panel considered this allegation in relation to allegations 2a. to 2c. as found proven.

Miss Bennett accepted that she had been asked to hand over the vodka bottles to her colleagues and that she had been escorted to a taxi by a colleague, having consumed alcohol on 7 September 2020. The panel had found at allegation 1 that Miss Bennett had consumed an alcoholic drink during school hours on 7 September 2020 and the Academy had arranged for a taxi to take Miss Bennett home.

The allegation was therefore, found proved.

4. Informed the school on or around 15 December 2020 that you had ceased drinking alcohol in October 2020 when this was not the case;

Miss Bennett accepted that during a wellbeing meeting on 15 December 2020, she stated to Witness A that she had not consumed alcohol since October 2020, when this was not the case.

[REDACTED].

The panel therefore found it more likely than not that Miss Bennett had consumed alcohol after October 2020, despite informing Witness A in December 2020 that she had not consumed alcohol since that date.

The allegation was therefore, found proved.

5. Your conduct as may be found proven at allegations 1c., 2c., 3. and/or 4. was dishonest and/or lacked integrity.

In relation to allegation 1c., Miss Bennett accepted that denying that she had consumed alcohol, when she had, was dishonest and lacked integrity.

In relation to allegation 2c., Miss Bennett accepted that denying that she had brought alcohol onto school premises, when she had, was dishonest and lacked integrity.

In relation to allegation 4, Miss Bennett accepted that stating that she had ceased drinking since October 2020, when she had not done so, was dishonest and lacked integrity.

The panel was advised that, in accordance with the case of *Ivey v Genting Casinos (UK) Ltd*, the panel must first ascertain (subjectively) the actual state of Miss Bennett's knowledge or belief as to the facts. The panel must then determine whether her conduct was honest or dishonest by applying the (objective) standards of ordinary decent people.

The panel considered that Miss Bennett knew that she had consumed alcohol on 7 September 2020, knew that she had brought alcohol onto the premises on 8 September 2020 and that she had consumed alcohol after October 2020. The panel considered that an ordinary honest person would therefore consider statements to the contrary, knowing this not to be the truth, to be dishonest.

The panel therefore found Miss Bennett's behaviour, as found proven in allegations 1c., 2c. and 4, to be dishonest.

In relation to a lack of integrity, the panel was advised by the legal adviser that the concepts of dishonesty and want of integrity are separate and distinct. Integrity connotes adherence to ethical standards of one's own profession that involves more than mere honesty. The panel considered the ethical standards of the teaching profession to include being truthful with an employer and colleagues when asked about consuming alcohol during school hours, bringing alcohol onto the school premises and, in the circumstances, about ongoing consumption of alcohol.

The panel therefore found Miss Bennett's behaviour, as found proven in allegations 1c., 2c. and 4, to lack integrity.

The allegation was therefore, found proved in respect of allegations 1c., 2c. and 4.

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

2. On or around 8 September 2020 you:

d. drove having consumed an alcoholic drink;

Miss Bennett accepted that Witness A asked Miss Bennett to hand over her car keys, but that Miss Bennett had refused and said that she was going to drive home. She accepted that she left the school premises and that her car was removed from school premises. Miss Bennett denied that she drove whilst intoxicated.

No evidence was presented to the panel that Miss Bennett had consumed an alcoholic drink on the morning of 8 September 2020. Although the panel believed Miss Bennett to have been under the influence of alcohol in the sense that she was suffering the effects of having consumed alcohol the previous evening, the panel did not consider that there was sufficient evidence that her consumption of alcohol was in sufficient proximity in time to her driving that it could be said that she drove having consumed an alcoholic drink.

The allegation was therefore, found not proved.

e. did 2d. notwithstanding an instruction from the school not to drive your car;

Miss Bennett accepted that she had been asked to hand over her car keys, and to wait in the headteachers office.

The panel considered that the school had instructed Miss Bennett not to drive her car.

However, the panel did not find allegation 2d. proven, in that there was no evidence that Miss Bennett had driven having consumed an alcoholic drink for the reasons referred to above.

The allegation was therefore, found not proved.

3. [REDACTED]:

a. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The allegation was therefore, found not proved.

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

Having found a number of the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as “the Advice”.

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

- 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 Miss Bennett fell significantly short of the standard of behaviour expected of a teacher. Miss Bennett had brought alcohol onto the school premises, in circumstances which were not permitted, and had consumed alcohol during school hours. Although Miss Bennett was not teaching on the afternoon of 7 September 2020, she was at work and on the school premises. Miss Bennett had acted contrary to the school’s instruction by driving home on 7 September 2020 having consumed an alcoholic drink, and her behaviour in relation to allegations 1c., 2c. and 4 was found to be dishonest and lacking integrity. She repeated some of her behaviours again on 8 September 2020, bringing alcohol onto the school premises.

The panel also considered whether Miss Bennett’s conduct displayed behaviours associated with any of the offences in the list that begins on page 12 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 was relevant. Although this list of offences includes serious driving offences, particularly those involving alcohol or drugs, and serious offences involving alcohol, the panel did not consider there to be evidence that Miss Bennett drove while exceeding the legal driving limit on 7 and 8 September 2020.

The panel noted there may be other behaviours that panels consider to be unacceptable professional conduct. The panel considered that the consumption of alcohol or being under the influence of alcohol during school hours, was serious given the responsibilities of teachers on the school premises.

Accordingly, the panel was satisfied that Miss Bennett was guilty of unacceptable professional conduct.

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

The panel also considered whether Miss Bennett's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 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 conduct that may bring the profession into disrepute.

The panel found that none of these offences was relevant.

The panel noted that the advice is not intended to be exhaustive and there may be other behaviours that panels consider to be "conduct that may bring the profession into disrepute". The panel considered that the standards of the profession meant members of the public would expect teachers not to consume alcohol during school hours and be on the school premises while under the influence of alcohol. The panel also considered that the public would expect teachers to be honest in their communications with their employer, particularly when this relates to the consumption of alcohol and being under the influence of alcohol while on school premises.

The panel considered that Miss Bennett's conduct could potentially damage the public's perception of a teacher.

The panel therefore found that Miss Bennett's actions constituted conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

In considering whether to recommend to the Secretary of State that a prohibition order is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Miss Bennett and whether a prohibition order is necessary and proportionate. Prohibition orders should not be given in order to be

punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

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

In the light of the panel's findings against Miss Bennett, which involved consuming alcohol during school hours on 7 September 2020, taking alcohol onto the school premises on 7 and 8 September 2020, dishonesty and a lack of integrity, there was a public interest consideration in respect of the safeguarding and wellbeing of pupils, given the responsibilities of teachers on school premises.

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

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

The panel decided that there was a strong public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon her abilities as an educator and she is able to make a valuable contribution to the profession.

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

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

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- dishonesty or a lack of integrity;
- collusion or concealment including lying to prevent the identification of wrongdoing.

Although the panel considered the above three factors to be relevant, the panel found that Miss Bennett's behaviour was at the less serious end of the spectrum. Her behaviour was for an isolated period of time and Miss Bennett did not maintain her denials for long,

admitting to the Academy on 7 September 2020 that she had consumed alcohol and on 8 September 2020 that she had brought alcohol onto the school premises.

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

In light of the panel's findings, Miss Bennett's actions were deliberate. However, the panel acknowledged that her actions were impacted by her extenuating personal circumstances [REDACTED].

There was no evidence to suggest that Miss Bennett was acting under extreme duress, for example from a physical threat or significant intimidation.

Miss Bennett did have a previously good history, having contributed significantly to the education sector. Miss Bennett has been teaching for over 20 years, and had been a PGCE subject mentor and a Professional Tutor for PGCE trainees from [REDACTED].

The panel had sight of five character references in the bundle. One of the references was from a retired teacher who had known Miss Bennett for a number of years and who was aware of the allegations, stating that Miss Bennett's "enthusiasm for her job is infectious" and referring to Miss Bennett's "great commitment to her role as educator to students who are undertaking distance learning, and is clearly applying her considerable skills to the task in full". Another reference, provided by a teacher who has known Miss Bennett since 1989, stated that Miss Bennett is "an outstanding teacher of English and she had a very successful career".

The panel also had sight of a number of positive reviews from parents of pupils and pupils, who Miss Bennett had taught online.

Miss Bennett had also recently completed a number of professional courses, such as a CPD accredited training course on 'trauma informed approaches in education', a Level 2 certificate in understanding autism and various free courses with the Open University, to improve her skills as a teacher and ensure her practice is up-to-date. The panel considered Miss Bennett to have shown a strong commitment to teaching.

The panel considered Miss Bennett had demonstrated a level of insight and remorse for her behaviour. Miss Bennett had outlined that she "did not recognise" the person she was at the time, [REDACTED].

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession.

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven, and/or found that some allegations do 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 Miss Jodie Bennett should not be the subject of a prohibition order. The panel has recommended that the findings of unacceptable professional conduct and conduct likely to bring the profession into disrepute, should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Miss Bennett is in breach of the following standards:

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a

prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct or conduct likely to bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Miss Bennett, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children/safeguard pupils. The panel has observed, "In the light of the panel's findings against Miss Bennett, which involved consuming alcohol during school hours on 7 September 2020, taking alcohol onto the school premises on 7 and 8 September 2020, dishonesty and a lack of integrity, there was a public interest consideration in respect of the safeguarding and wellbeing of pupils, given the responsibilities of teachers on school premises." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel considered Miss Bennett had demonstrated a level of insight and remorse for her behaviour. Miss Bennett had outlined that she "did not recognise" the person she was at the time." I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "the panel considered that public confidence in the profession could be weakened if conduct such as that found against Miss Bennett were not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding that Miss Bennett brought and consumed alcohol on school premises, conduct found to be dishonest and lacking integrity 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 or conduct likely to bring the profession into disrepute, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Miss Bennett herself and the panel comment “Miss Bennett did have a previously good history, having contributed significantly to the education sector. Miss Bennett has been teaching for over 20 years, and had been a PGCE subject mentor and a Professional Tutor for PGCE trainees.”

“The panel had sight of five character references in the bundle.”

“The panel also had sight of a number of positive reviews from parents of pupils and pupils, who Miss Bennett had taught online.”

A prohibition order would prevent Miss Bennett 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 “the panel found that Miss Bennett’s behaviour was at the less serious end of the spectrum. Her behaviour was for an isolated period of time and Miss Bennett did not maintain her denials for long, admitting to the Academy on 7 September 2020 that she had consumed alcohol and on 8 September 2020 that she had brought alcohol onto the school premises.”

I have also placed considerable weight on the finding of the panel that “Miss Bennett had also recently completed a number of professional courses, such as a CPD accredited training course on ‘trauma informed approaches in education’, a Level 2 certificate in understanding autism and various free courses with the Open University, to improve her skills as a teacher and ensure her practice is up-to-date. The panel considered Miss Bennett to have shown a strong commitment to teaching.”

I have given weight in my consideration of sanction therefore, to the contribution that Miss Bennett has made to the profession.

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 'SABuxcey'.

Decision maker: Sarah Buxcey

Date: 16 October 2024

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