



Teaching
Regulation
Agency

Ms Sharon Flowers: Professional conduct panel outcome

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

November 2024

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

Teacher:	Ms Sharon Flowers
TRA reference:	19948
Date of determination:	15 November 2024
Former employer:	Bramingham Primary School, Luton

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 13 to 15 November 2024, by way of a virtual hearing, to consider the case of Ms Sharon Flowers.

The panel members were Mr Francis Murphy (teacher panellist – in the chair), Mrs Jayne Bamford (lay panellist) and Ms Olivia Kong (lay panellist).

The legal adviser to the panel was Mr Ben Schofield of Blake Morgan LLP.

The presenting officer for the TRA was Mr Alexander Barnfield of Capsticks LLP.

Ms Flowers was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 7 August 2024.

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

1. She failed to ensure that the School's recruitment policies and procedures and/or statutory guidance were followed in that:

a. In or around February 2019 when recruiting staff member Person A, she failed to ensure:

- i. The post was advertised;
- ii. That two references were undertaken;

b. In or around January 2014 and/or May 2014 and/or January 2015 when recruiting staff member Person B she failed to ensure:

- i. A formal interview was held;
- ii. New pre-employment checks, including references and DBS checks were undertaken;

c. In or around July 2015 when recruiting staff member Person C she failed to ensure:

- i. An application form was completed;
- ii. A formal interview was held;

2. In or around January 2018, she sought to increase Person C's salary to that of or similar to a level 6 role, notwithstanding that Person C's role had been assessed as being a level 5 role, by:

a. Paying Person C for two additional weeks worked, but not requiring her to work this time;

b. Giving Person C a paid week off during term time

Preliminary applications

Application to proceed in the absence of Ms Flowers

The panel considered an application from the presenting officer to proceed in the absence of Ms Flowers.

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it, as derived from the guidance set down in the case of *R v Jones* [2003] 1 AC 1 (as considered and applied in subsequent cases, particularly *GMC v Adeogba*; *GMC v Visvardis* [2016] EWCA Civ 162).

The panel was satisfied that the Notice of Proceedings ("the Notice") had been sent in accordance with Rules 5.23 and 5.24 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession ("the Procedures") and that the requirements for service had been satisfied.

Although not present at this hearing, there were numerous communications between and Ms Flowers and the TRA about the allegations and the proceedings generally. Ms Flowers has to a significant degree engaged in the preparations for this hearing.

The panel noted that in correspondence with the TRA on 9 July 2024, Ms Flowers had stated:

"I would really want to be able to attend the hearing, to defend myself, ask questions that I know have not been asked... I am really sorry that I cannot attend. I must [REDACTED]."

On the 7 August 2024 following the Notice being sent to Ms Flowers, she replied confirming receipt.

Accordingly, the panel was satisfied that Ms Flowers was fully aware of these proceedings in general terms, confirmed receipt of the Notice and expressed a clear position on her intention not to attend this hearing (albeit that was sent prior to the Notice).

The panel went on to consider whether to proceed in Ms Flowers' absence or to adjourn, in accordance with Rule 5.47 of the Procedures.

The panel had regard to the fact that its discretion to continue in the absence of a teacher should be exercised with great caution and with close regard to the overall fairness of the proceedings. The panel gave careful consideration to the fact that Ms Flowers is not in attendance and will not be represented at this hearing, should it proceed, and the extent of the disadvantage to her as a consequence.

On balance, the panel decided that the hearing should continue in the absence of Ms Flowers for the following reasons:

- Ms Flowers had not sought an adjournment of this hearing.
- Whilst Ms Flowers indicated that her [REDACTED] impacted on her ability to participate in this hearing, there was no medical evidence before the panel which indicated that she was [REDACTED] or provide steps in which this hearing could be adapted to accommodate [REDACTED].
- The panel was satisfied that Ms Flowers' absence was voluntary and she had waived her right to attend.
- The risk of reaching the wrong conclusion and the disadvantage to Ms Flowers in not being present were somewhat mitigated by the fact that Ms Flowers had extensively engaged with the TRA and provided a detailed account of her position.
- Given Ms Flowers' non-attendance, there was no indication that Ms Flowers might attend at a future date such that no purpose would be served by an adjournment.
- There is a public interest in hearings taking place within a reasonable time.
- There is a burden on all professionals who are subject to a regulatory regime to engage with their regulator.
- There are witnesses present to give evidence to the panel who would be significantly inconvenienced were the hearing to be adjourned.

Having decided that it is appropriate to proceed, the panel would strive to ensure that the proceedings are as fair as possible in the circumstances, bearing in mind that Ms Flowers is neither present nor represented.

Application to admit late evidence

At the start and during the course of the hearing, the presenting officer made applications to admit responses that Ms Flowers had sent to the TRA which further set out her position on the case. The presenting officer highlighted that they could be considered relevant to the case, as they touched on the teacher's position on the allegations and that it would be fair to admit them as the teacher was not present at the hearing and it would mean the panel had a fuller understanding as to Ms Flowers' position on the case.

These documents were:

- an 8 page response dated August 2021;
- an email sent on 13 November 2024 at 10:02;

- an email sent on 14 November 2024 at 04:34.

On each occasion, the panel agreed with the presenting officer's submissions in regard to the relevance and fairness of the documents and they were admitted into the evidence.

Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 5 to 7

Section 2: Notice of proceedings and response – pages 8 to 45

Section 3: Teaching Regulation Agency witness statements – pages 46 to 73

Section 4: Teaching Regulation Agency documents – pages 74 to 1212

Section 5: Teacher documents – pages 1213 to 1303

In addition, the panel agreed to accept the documents as set out above in the preliminary applications section.

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

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

Witnesses

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

- Witness D [REDACTED];
- Witness E [REDACTED].

No witnesses were called on behalf of the teacher.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Ms Flowers was the Headteacher at Bramingham Primary School in Luton (“the School”), having been appointed to that position in 2001. Ms Flowers had worked at the School since it opened in 1993. The School is a local authority maintained primary school with around 400 pupils on roll.

As a result of a local authority audit, there was a concern about the School’s approach to safer recruitment practices and a fuller investigation was undertaken by the local authority.

Ms Flowers’ employment with the School ended on 31 December 2020, prior to any disciplinary proceedings being completed. However, following those processes, the local authority made a referral to the TRA which resulted in this hearing.

The panel heard from Witness D, who at the time was a [REDACTED] and long standing member of staff at the School. The panel also heard from Ms Witness E, who undertook the main investigation by the local authority. In her evidence, Witness E explained the investigation process she undertook which included interviewing a number of staff members (including Ms Flowers) and inspecting the School’s records.

Although not present at this hearing, Ms Flowers had engaged with the TRA to a significant degree in providing written evidence about her account. In essence, Ms Flowers appeared to accept much of the allegations against her. The panel has not drawn any adverse inference from Ms Flowers non-attendance in regard to assessing the factual evidence before it.

The panel has kept in mind that the burden of proof remains on the TRA to prove any allegation against Ms Flowers. It has considered all the evidence before it carefully. However, only the key evidence is referenced in the below reasons.

Findings of fact

The findings of fact are as follows:

1. You failed to ensure that the School’s recruitment policies and procedures and/or statutory guidance were followed in that:

Evidence of relevant School policies / procedures

Before the panel were copies of the 'Safer Recruitment and Selection Policy for Schools' dated July 2013 and September 2018, used by Luton Borough Council for schools in its area (the "Policy").

The 2013 version stated:

"The measures described in this policy should be applied in relation to everyone who works in the school..."

The 2018 version included materially the same provision.

In both versions, it also included the following provision:

"This policy sets out the minimum requirements of the recruitment process..."

Evidence of Statutory Guidance

Before the panel were various revisions of the document titled 'Keeping Children Safe in Education' from 2013 to 2019 ("KCSIE"). In the opening section of each revision, the document sets out that it is statutory guidance issued by the Department for Education under the Education Act 2002 and various other secondary legislation.

In the 2013 version onwards, it includes confirmation that:

"Schools and colleges must have regard to it when carrying out their duties to safeguard and promote the welfare of children..."

This document contains information on what schools and colleges should do and sets out the legal duties with which schools and colleges must comply."

In the 2018 version onwards, further clarifying provisions included:

"We use the terms "must" and "should" throughout the guidance. We use the term "must" when the person in question is legally required to do something and "should" when the advice set out should be followed unless there is good reason not to."

Ms Flowers' awareness of the policies and guidance

In Witness E's investigation, Ms Flowers replied affirmatively to questions asked to her about her knowledge and understanding of the Policy and KCSIE. Even if there had been no direct evidence before the panel of Ms Flowers' knowledge of the Policy and KCSIE, and taking into account 'inherent probabilities', the panel considered it would have been inconceivable for a teacher in Ms Flowers' position not to have a developed understanding of relevant safer recruitment and safeguarding policies such as the Policy and KCSIE, as they are so embedded into a senior teacher's daily practice.

a. In or around February 2019 when recruiting staff member Person A, you failed to ensure:

i. The post was advertised;

Evidence of Witness E

In her local investigation, Witness E interviewed Person A. In the notes of that interview, Person A is recorded as being asked where she heard about the vacancy of her post and responded that she had contacted Ms Flowers and asked if there were any positions. She was not aware of a specific advert for the position.

Witness E also interviewed Ms Flowers' [REDACTED], Individual F and who usually assisted Ms Flowers in various aspects of recruitment at the School. She was asked if an advert for the role was put out and Individual F confirmed there was not and she was not aware of any reason why it did not happen.

Ms Flowers' response in the local investigation was that she recalled they were not intending to advertise the post, due to it arising as a result of the incumbent's sudden and unexpected departure.

Furthermore, in her inspection of Person A's personnel file, Witness E did not find any interview or observation notes.

Evidence of Witness D

Witness D explained in her evidence that she did not think any advert had been made for the post and that she understood from Ms Flowers that Person A had expressed an interest in the position.

Evidence of Sharon Flowers

In her communication with the TRA, Ms Flowers stated that she admitted this allegation.

The Policy

The Policy sets out the following provision:

“The aim of the advertising process is to attract the maximum number of applicants who have the necessary skills and experience to be able to perform the role effectively, but to help deter unsuitable people from applying for the job from the outset. What is said in the advert and where it is placed will have an important bearing upon the response elicited.

To ensure equality of opportunity it is the school's policy to advertise all posts externally...”

This provision also goes on to include a number of exemptions, relating to redundancy, re-structuring and extensions of short-term posts. There was no evidence before the panel that any of these exemptions were factually engaged with Person A and therefore they were not further considered.

Panel Finding

There was no evidential dispute between the parties that the post that Person A took up was not advertised. The Policy creates an obligation for each post to be advertised. The exemptions to that obligation within the Policy were not present in these circumstances, nor was there any good reason present for departing from the policy.

Accordingly, the panel was satisfied that this sub-allegation was proved.

ii. That two references were undertaken;

Evidence of Witness E

In Individual F's interview with Witness E in her investigation, Individual F explained that she undertook one reference, which was received, but that she was directed by Ms Flowers that despite two references being the usual process, only one would be needed for Person A.

In Ms Flowers' interview with Witness E, Ms Flowers confirmed that only one reference was obtained from a previous employer, as she was aware of some difficulties at Person A's then current school. She further accepted that she had not acted consistently with the processes set out in the Policy and KCSIE and explained that she deviated from those processes on account of Person A's [REDACTED] at the time.

Evidence of Sharon Flowers

In her communication with the TRA, Ms Flowers stated that she admitted this allegation.

The Policy

The Policy sets out the following provisions:

"Two references should be taken up before interview for the short listed candidates including internal ones."

"Request two references in writing using the pro forma. References must be from the current or most recent employer."

"Remember, no response from a referee equals no reference."

KCSIE

KCSIE 2018 sets out significant guidance regarding the reference process as part of the pre-appointment checks, including a requirement of a reference from the candidate's current employer.

Panel Finding

There was no evidential dispute between the parties that two references were not obtained for Person A, nor was it from Person A's then current employer. The Policy and KCSIE creates an obligation for at least two references to be obtained and carefully scrutinised. The panel was satisfied that the reason why Ms Flowers did not follow the guidance (on account of Person A's [REDACTED]) did not amount to a good reason to depart from it.

Accordingly, the panel was satisfied that this sub-allegation was proved.

b. In or around January 2014 and/or May 2014 and/or January 2015 when recruiting staff member Person B you failed to ensure:

i. A formal interview was held;

Evidence of Witness D

Witness D's evidence was that she had no dealings with the initial or return recruitment of Person B. She said that Person B told her following a training event on safer recruitment, that the first interview she had ever been asked to attend in the School was the recent interview she had (undertaken by Witness D) for a secondment into the Senior Leadership Team following Ms Flowers' departure.

Evidence of Witness E

Person B provided an account to Witness E in her local investigation, in which she stated that she first joined the School in 2012 and left after a year. She returned again in January 2014 and since then had applied for further internal posts (in May 2015 and January 2015). Person B could recall being interviewed by Ms Flowers in 2012, but did not recall any other occasions where she was interviewed for a position at the School.

Witness E was not able to locate any interview or observation notes from Person B's personnel file to suggest Person B was interviewed.

In the interview with Ms Flowers, it was recorded that Ms Flowers had stated that she could not remember if she interviewed Person B at any time.

Evidence of Sharon Flowers

Ms Flowers accepted that Person B was not interviewed for these relevant positions. Ms Flowers explained that following Person B's initial departure from the School, she had retained contact with Person B and was aware of her professional movements. She trusted Person B and regarded her as a safe and highly effective teacher and, on that basis, had not undertaken the full usual processes.

The Policy

The Policy sets out the following provision in regards to interviewing potential candidates:

“At the time of short listing, the panel must decide upon the components of the selection process. This will always include an interview and may include other job related tasks and tests.”

Panel Finding

There was no evidential dispute between the parties that Person B was not interviewed on her return to the School in 2014 and subsequent posts. The Policy creates an obligation for potential candidates to be interviewed. The panel was satisfied that the reason why Ms Flowers did not follow the policy (on account of her personal knowledge of Person B) did not amount to a good reason to depart from it.

Accordingly, the panel was satisfied that this sub-allegation was proved.

ii. New pre-employment checks, including references and DBS checks were undertaken;

Evidence of Witness E

As a result of making further checks into Person B, Witness E's evidence was that she was not able to locate any pre-employment checks for Person B's appointment from 2014 onwards. She was able to locate the relevant documents for her initial appointment in 2012.

In her interview with Ms Flowers during the local authority's investigation, Ms Flowers responded that at the time, she was not sure if she knew such checks would have been necessary.

Evidence of Sharon Flowers

As with sub-allegation 1(b)(i), Ms Flowers admitted this allegation explaining that Person B had maintained close contact with her and the School (including a period of time as a supply teacher at the School). On that basis, she was satisfied that as a result of her personal knowledge of Person B, she did not present any risk to children.

The Policy

The Policy sets out that potential candidates should be given condition offers of appointment, subject to a number of checks being satisfied. These included:

“• the receipt of at least two satisfactory references (if those have not already been received)

• verification of the candidate’s identity and proof of eligibility to work in the UK (if that could not be verified at the interview) by original documentary evidence, preferably including a photograph.

• a check of Children’s Barred List and, a satisfactory DBS Disclosure. (N. B. It may not be possible or productive to undertake these checks in respect of people who are resident overseas, and have not previously lived in the UK. A letter of good conduct from their country of origin should be supplied).

• verification of the candidate’s medical fitness

• verification of qualifications from documentation brought to interview (if not verified after the interview);

• verification of professional status where required e.g. Teaching Agency registration, QTS status (unless properly exempted), NPQH;

• (for teaching posts) verification of successful completion of statutory induction period (applies to those who obtained QTS after 7 May 1999); unless they are an NQT and,

• (for non teaching posts) satisfactory completion of the probationary period if coming from another Luton maintained school and will therefore have continuous service.”

KCSIE

KCSIE (2014) sets out the following:

“An offer of appointment to a successful candidate, including one who has lived or worked abroad, must be conditional upon satisfactory completion of pre-employment checks.”

It then provides a similar list of specified checks as set out in the Policy.

Panel Finding

There was no evidential dispute that the appropriate pre-employment checks were not made for Person B on her return to the School. The requirements in regards to these were mandatory and therefore the panel does not need to consider whether there was any good reason for departing from the guidance.

Accordingly, the panel found this sub-allegation proved.

c. In or around July 2015 when recruiting staff member Person C you failed to ensure:

i. An application form was completed;

ii. A formal interview was held;

Evidence of Witness D

Witness D's evidence was that she was not involved in Person C's return in 2015. She was aware that Person C was previously employed by the School for a number of years, but left for around a year in 2015.

Evidence of Witness E

In her investigation, Witness E interviewed Person C, who confirmed that having left the School in February 2015, she was very unhappy with her new employer and had contacted Ms Flowers to see if she was able to return. She did not complete any application form, nor attended any interview and re-joined the School in July 2015.

Witness E could not find any record of an application form and interview notes on Person C's personnel file regarding her re-appointment in 2015, only material relating to her original appointment in 2002.

In Witness E's interview with Ms Flowers, it was recorded that her explanation was that she could not remember the dates of Person C's departure and return, or the full circumstances of her return. She recalled that she was an excellent [REDACTED] and that following her initial departure, the School had not sought to replace her, instead transferring her responsibilities to others.

Evidence of Sharon Flowers

In her response, Ms Flowers provided a similar response to the one she gave in the local authority's investigation. However, Ms Flowers also remarked that "*Person C did have a very tough interview as it was important to me that our Governors knew how right for the role Person C was.*"

The Policy

The relevant element of the Policy regarding interviews has been set out previously for Allegation 1(b)(i).

In regard to application forms, the Policy states:

“An application form must be submitted by all applicants prior to short listing. A statement confirming that the application form must be completed in full before it can be considered should also be included which states that an incomplete application form or a form containing gaps in the information provided may be returned for completion before it can be considered.

Identical procedures should be followed for internal and external applicants

You must not accept any other form of application e.g. CV’s.”

Panel Finding

Apart from whether Person C was interviewed, there was no material dispute between the parties regarding the evidence of Person B’s re-appointment. Taking into account Ms Flowers’ singular remark about an interview taking place, alongside the more substantive evidence that suggested that it did not take place, the panel was satisfied that it was more likely than not that no interview took place.

The panel did not identify any good reason for Ms Flowers to have departed from the guidance in these circumstances.

Accordingly, the panel found this sub-allegation proved.

2. In or around January 2018, you sought to increase Person C’s salary to that of or similar to a level 6 role, notwithstanding that Person C’s role had been assessed as being a level 5 role, by:

a. Paying her for two additional weeks worked, but not requiring her to work this time;

b. Giving her a paid week off during term time.

There was evidence before the panel that Ms Flowers had sought to increase Person C’s salary to a level 6 banding, as that was her personal assessment. However, that was not approved by the local authority. Equally there was also evidence before the panel that Person C was given additional benefits including the three weeks’ leave detailed in the sub-allegation.

Although Ms Flowers purported to admit this allegation, the panel took into account that Ms Flowers has not had representation in these proceedings. In assessing her account, the panel noted that there were other explanations, which left her admission in a somewhat equivocal position. These other explanations included accounting for the significant amount of work that Person B was undertaking outside of usual office hours. Accordingly, whilst the panel was satisfied that the provision of the benefits at sub-allegations (a) and (b) might have been to simply raise her pay to a higher banding level, there were also equally likely other explanations for other reasons why her additional benefits might have been provided.

Accordingly, the panel was not satisfied that it was more likely than not the provision for these additional benefits was related to the banding level issue.

Accordingly, the panel found this allegation 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 Ms Flowers, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Ms Flowers 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, and maintain high standards in their own attendance and punctuality.
- 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 Flowers’ conduct displayed behaviours associated with any of the offences listed on pages 12 onwards 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.

Whilst not all HR policies are treated with equal standing, those relating to safer recruitment and its related statutory guidance are of a fundamental nature. The provisions of these policies and guidance arose from the significant gaps in earlier safeguarding practices which allowed the Soham murders and other significant incidents to take place. Accordingly, at their heart, this is guidance intended to protect and safeguard children, which is also the core duty of any member of the profession. On that basis, Ms Flowers failure to implement this guidance to the fullest degree cannot be considered as trivial or otherwise inconsequential. It must be considered as a serious failing.

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

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

In relation to whether Ms Flowers' actions amounted to conduct that may bring the profession into disrepute, the panel took into account the way the teaching profession is viewed by others. It considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave. The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

There is a public expectation that members of the profession will take every step that they can to protect and safeguard children. To not follow the guidance or depart from it without good reason, introduces a number of intolerable safeguarding risks which could undermine the public's trust in the profession's ability to safeguard children.

The panel therefore found that Ms Flowers' 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 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
- declaring and upholding proper standards of conduct

In the light of the panel's findings against Ms Flowers, which involved a disregard of safeguarding procedures, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils. Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Flowers 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 Ms Flowers 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 Flowers in the profession. The panel decided that there was a public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon her abilities as an educator and she is able to make a valuable contribution to the profession.

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Ms Flowers.

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 Flowers. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;

- abuse of position or trust (particularly involving pupils);

The full wording of the factors from the Advice have been quoted above for completeness. However, the panel noted there was no evidence that the misconduct had any, let alone a serious, effect on pupils. In identifying this factor, the panel recognised it related solely to a safeguarding perspective. Furthermore, the panel did not consider there to be a significant continuing risk (as assessed further below). In regard to identifying an abuse of position, the panel recognised that there was no involvement of pupils. This factor is highlighted to the extent that the panel considered that Ms Flowers' position as a well-established and experienced Headteacher was an aggravating feature of the case. This is because it was likely that someone in her position would less likely be challenged by staff in regards to her own actions.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors as set out at page 18 of the Advice. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate. There was no evidence before the panel which suggested Ms Flowers' actions were unintentional or done under duress.

The panel took into account that throughout Ms Flowers' decades long career, she has not been subject to any previous regulatory findings. Additionally although not present at this hearing, she had still engaged with these proceedings to a substantial degree.

Before the panel were character references which spoke of Ms Flowers' abilities as a senior member of the profession. For example, a former staff member and staff governor remarked that:

"In all my time of knowing Sharon she has always worked with great ethic with the best interests of both the children and her staff at all times, which I have witness first hand on many occasions."

Another former member of staff, who had been a Teaching Assistant for 20 years at the School said:

"I eventually became a Teaching Assistant at Bramingham Primary School with Sharon's encouragement [following joining the School's Parent Teacher Association]. I doubted that I could do the role initially but I remember so clearly that it was Sharon's belief in me that gave me the strength and confidence to go for it. I saw over the years how she always encouraged people to go for their goals exactly how she did with me, she loved to see people to succeed."

In her communications with the TRA, the panel considered there was a clear level of contrition and remorse regarding the circumstances of this case.

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.

In coming to that conclusion, the panel took into account several factors that were particular to this case. The local authority's investigation revealed safer recruitment issues with only three members of staff, over a significant period of years, in a School with over 100 staff members. There was a clear theme between Person A, Person B and Person C, in that all were previous members of staff at the School and all known to Ms Flowers. The evidence showed that Ms Flowers had placed an over reliance on her own knowledge and trust of the staff when they were re-recruited. Whilst this demonstrated significantly poor judgement on the part of Ms Flowers, it could not be fairly described as a complete disregard or wholesale failure to adhere to the appropriate safeguarding procedures. There was no suggestion in the evidence that Ms Flowers' actions were in any way surreptitious or that she sought to hide the truth of the actions she took.

Accordingly, whilst any purposeful breach of safeguarding provisions is inherently serious, on the possible spectrum of breaches, Ms Flowers' actions did not fall at the very top end.

There was no evidence before the panel of a particularly developed insight on the part of Ms Flowers in regard to the potential safeguarding risks presented by her actions. However, the panel was satisfied that the publication of these adverse findings would suitably ameliorate any material risk of such misconduct reoccurring, by alerting potential future employers as to the potential risk. The panel did not assess the risk to pupils as being so high that it necessitated direct restrictive action on Ms Flowers' ability to continue in the profession.

Given that the nature and severity of the behaviour were not at the top 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 further 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 and maintaining confidence in it.

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven, I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Ms Sharon Flowers 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 Ms Flowers 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, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Ms Flowers, involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE).

The panel finds that the conduct of Ms Flowers 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 Ms Flowers, 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 Ms Flowers, which involved a disregard of safeguarding procedures, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils." A prohibition order would therefore prevent such a risk from being present in the future. However, the panel went on to say "the panel noted there was no evidence that the misconduct had any, let alone a serious, effect on pupils."

I have also taken into account the panel's comments on insight or remorse, which the panel sets out as follows, "In her communications with the TRA, the panel considered there was a clear level of contrition and remorse regarding the circumstances of this case" I have therefore given this element some 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, "Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Flowers 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 Ms Flowers was outside that which could reasonably be tolerated."

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

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

I have also considered the impact of a prohibition order on Ms Flowers herself and the panel commented "The panel took into account that throughout Ms Flowers' decades long career, she has not been subject to any previous regulatory findings. Additionally, although not present at this hearing, she had still engaged with these proceedings to a substantial degree."

“Before the panel were character references which spoke of Ms Flowers’ abilities as a senior member of the profession.”

A prohibition order would prevent Ms Flowers 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 finding of the panel that “The evidence showed that Ms Flowers had placed an over reliance on her own knowledge and trust of the staff when they were re-recruited. Whilst this demonstrated significantly poor judgement on the part of Ms Flowers, it could not be fairly described as a complete disregard or wholesale failure to adhere to the appropriate safeguarding procedures. There was no suggestion in the evidence that Ms Flowers’ actions were in anyway surreptitious or that she sought to hide the truth of the actions she took.”

I have also placed considerable weight on the panel’s finding that, “There was no evidence before the panel of a particularly developed insight on the part of Ms Flowers in regard to the potential safeguarding risks presented by her actions. However, the panel was satisfied that the publication of these adverse findings would suitably ameliorate any material risk of such misconduct reoccurring, by alerting potential future employers as to the potential risk. The panel did not assess the risk to pupils as being so high that it necessitated direct restrictive action on Ms Flowers’ ability to continue in the profession.”

I have given weight in my consideration of sanction therefore, to the contribution that Ms Flowers has made to the profession, supported by positive character references.

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.



Decision maker: Sarah Buxcey

Date: 21 November 2024

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