



Teaching
Regulation
Agency

Ms Kate Barnes-Kidd: Professional conduct panel hearing 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 Kate Barnes-Kidd
Teacher ref number:	1085089
Teacher date of birth:	16 June 1990
TRA reference:	21944
Date of determination:	13 November 2024
Former employer:	Queen Anne Royal Free Church of England First School, Windsor

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 11 to 13 November 2024 by way of a virtual hearing, to consider the case of Ms Kate Barnes-Kidd.

The panel members were Mr Ian Hylan (teacher panellist – in the chair), Mrs Bev Williams (teacher panellist) and Ms Emma Garrett (lay panellist).

The legal adviser to the panel was Mrs Samantha Cass of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Matilda Heselton of Browne Jacobson solicitors.

Ms Barnes-Kidd was not present and was not represented.

The hearing took place by way of a virtual hearing in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 27 August 2024 as amended at the start of the hearing.

You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

1. Whilst applying for the role of SENCO at the Queen Anne Royal Free Church of England First School and/or following your appointment, you:
 - a. Provided an email address purporting to be for the headteacher at Alexander First School for the purpose of your job application which was false and was an account that you controlled yourself;
 - b. Submitted a false reference using the e-mail account at 1a when the Queen Anne Royal Free Church of England First School requested a reference.
2. Whilst employed at the Alexander First School you provided false information in order to obtain paid leave by:
 - a. Stating that Individual A had left you and that you would need time off for Individual A to collect belongings from the property;
 - b. Stating that Individual B was receiving [REDACTED] treatment and had been [REDACTED];
 - c. Providing false letters to the school in regard to your [REDACTED].
3. Your conduct as may be found proven at 1 and/or 2 above lacked integrity and/or was dishonest.

The panel noted that Ms Barnes-Kidd admitted allegations 1(a), 1(b), 2(a), 2(b), 2(c) and 3, and further admitted that her conduct amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute, as set out in the response to the notice of proceedings, signed by Ms Barnes-Kidd on 23 September 2024.

Preliminary applications

Application to proceed in the absence of the teacher

Ms Barnes-Kidd was not present at the hearing nor was she represented. The presenting officer made an application to proceed in the absence of Ms Barnes-Kidd.

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

The panel was satisfied that the notice of proceedings had been sent to Ms Barnes-Kidd in accordance with the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020 (the '2020 Procedures').

The panel concluded that Ms Barnes-Kidd's absence was voluntary and that she was aware that the matter would proceed in her absence.

The panel noted that Ms Barnes-Kidd had not sought an adjournment to the hearing and the panel did not consider that an adjournment would procure her attendance at a hearing. There was no medical evidence before the panel that Ms Barnes-Kidd was unfit to attend the hearing. The panel considered that it was in the public interest for the hearing to take place. It also considered the effect on the witnesses of any delay.

The panel noted that Ms Barnes-Kidd had not completed a Statement of Agreed Facts in advance of this hearing. However, the panel considered that Ms Barnes-Kidd had received the notice of proceedings and notice of hearing within the requisite timeframe in advance of the hearing and the fact that she had not engaged with the TRA save for completing and returning the notice of proceedings.

The panel noted that within the completed notice of proceedings signed and dated by Ms Barnes-Kidd on 23 September 2024 she had answered yes to the question as to whether she admitted the allegations and the panel also noted the fact that she had been given a copy of the allegations and advance notice that the hearing was taking place. As such, the panel was satisfied that Ms Barnes-Kidd had been given ample opportunity to engage in the hearing process and that it was therefore appropriate to proceed in her absence.

Having decided that it was appropriate to proceed, the panel agreed to seek to ensure that the proceedings were as fair as possible in the circumstances, bearing in mind that Ms Barnes-Kidd was neither present nor represented.

Application for part of the hearing to be heard in private

The panel considered an application from the presenting officer that part of the hearing - [REDACTED] - should be heard in private.

The panel granted the application. The panel considered it was not contrary to the public interest for the part of the hearing, which was the subject of the application, to be heard in private.

The panel considered that the areas covered in the application legitimately related to aspects of Ms Barnes-Kidd's private life and there was no contrary public interest in those areas being discussed in public. The hearing was still being held in public and these were discrete and limited areas which would not undermine the public's ability to otherwise understand the case.

The panel therefore granted the application.

Application to amend allegations

The presenting officer made an application to amend the allegations to change the reference from "*Queen Anne School (Windsor)*" to "*Queen Anne Royal Free Church of England Free School*" and to change the word "*on*" within allegation 1(a) to "*for the purpose of*".

The panel noted that Ms Barnes-Kidd had been informed of the proposed changes to the allegations albeit not in the requisite timeframe under the Procedures in advance of the hearing. However, the panel did note that Ms Barnes-Kidd had been given ample opportunity to engage in the proceedings, that she had been sent a copy of the allegations and the amended allegations and had chosen to have limited engagement in the proceedings. Further, the panel noted that the amendments did not impact the substance of the allegations.

The panel was advised that it had the power to amend allegations in accordance with paragraph 5.83 of the 2020 Procedures.

The panel considered that the proposed amendments would not change the nature and scope of the allegations in that the allegations would remain the same. As such, the panel considered that the proposed amendments did not amount to a material change to the allegations.

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

The panel was also of the view that Ms Barnes-Kidd had been given the opportunity to respond to the original and the amended allegations.

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

Application to admit additional documents

The panel considered an application from the presenting officer at the start of the hearing to admit a supplementary applications bundle and a separate application on day two of the hearing for the admission of additional documents.

The application at the start of the hearing was to admit a document containing the presenting officer's applications for procedural matters relating to the hearing.

The application made on day two of the hearing was in relation to the presenting officer's documents which were correspondence between Ms Barnes-Kidd and Queen Anne Royal Free CE First School ("QA School") regarding the email address provided for Ms Barnes-Kidd's reference which the panel had requested from the presenting officer.

The documents subject to the application had not been served in accordance with the requirements of paragraph 5.37 of the 2020 Procedures. Therefore, the panel was required to decide whether the documents should be admitted under paragraph 5.34 of the 2020 Procedures.

The panel heard representations from the presenting officer in respect of the application.

The panel considered the additional documents were relevant. Accordingly, the documents were added to the bundle.

Summary of evidence

Documents

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

- Section 1: Chronology – page 4
- Section 2: Notice of referral and notice of proceedings – pages 6 to 43
- Section 3: TRA witness statements – pages 45 to 113
- Section 4: TRA documents – pages 115 to 143

In addition, the panel agreed to accept the following:

- Supplementary applications bundle – pages 144 to 154
- Email correspondence between Ms Barnes-Kidd and QA School - pages 155 to 159

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

Witnesses

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

- Witness A – [REDACTED]
- Witness B – [REDACTED]
- Witness C – [REDACTED]
- Witness D – [REDACTED]
- Witness E – [REDACTED]
- Witness F – [REDACTED]

Decision and reasons

The panel announced its decision and reasons as follows:

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

On 2 January 2021, Ms Barnes-Kidd disclosed to Witness D before starting work with AF School that [REDACTED] she may need some time off for him to collect things from her property.

On 4 January 2021, Ms Barnes-Kidd started working at AF School.

On 11 January 2021, Ms Barnes-Kidd disclosed that Individual B was receiving [REDACTED] treatment and had been [REDACTED]. She stated that she was concerned that by being in school she may be exposed to Covid-19, and that [REDACTED].

On 1 January 2023, Ms Barnes-Kidd commenced employment at QA School.

On 3 January 2023, Witness D, [REDACTED], contacted [REDACTED] and confirmed that she had not provided a reference for Ms Barnes-Kidd and that she had never had or used a Gmail account.

Findings of fact

The findings of fact are as follows:

1. Whilst applying for the role of SENCO at the Queen Anne Royal Free Church of England First School and/or following your appointment, you:

- a. Provided an email address purporting to be for the headteacher at Alexander First School on your job application which was false and was an account that you yourself controlled;**

The panel noted that Ms Barnes-Kidd admitted allegation 1(a) in the response to the notice of proceedings, signed by her on 23 September 2024.

The panel considered the oral evidence and written statement of Witness A who confirmed that he recalled having seen the email which contained a Gmail email address for Witness D.

The panel considered the additional document provided by the presenting officer which confirmed that Ms Barnes-Kidd had sent an email on 3 November 2022 to Witness C providing a Gmail email address for Witness D [REDACTED] along with an explanation that Witness D was “*having problems with her work email so has provided a personal one*” and then stating that she was looking forward to starting at QA School.

The panel considered the oral evidence of Witness B which was that Ms Barnes-Kidd had provided her colleague, Witness C, with a Gmail email address for her to request a reference from Witness D. During a meeting Witness B challenged Ms Barnes-Kidd about the reference that Witness D had denied sending for Ms Barnes-Kidd. She stated that Ms Barnes-Kidd had appeared shaken and upset during the meeting and how she had responded to Witness C’s questions regarding this by saying she did not have a good relationship with Witness D.

The panel considered the oral evidence of Witness C who stated that she believed from her email exchange with the email address [REDACTED] that she was emailing Witness D, and that Ms Barnes-Kidd had provided her with this email address for obtaining an additional reference from the headteacher as Ms Barnes-Kidd’s previous employer.

The panel considered the oral evidence of Witness D which the panel found very clear, consistent, and credible. Witness D stated that she had never had a Gmail account for personal or work purposes and that she had never used a personal email address for any work-related matters because she liked to keep the two completely separate. The panel also considered Witness B’s evidence which was that her view of Witness D was that she was professional and positive. The panel considered Witness D’s clear response to being asked if she had sent or seen the reference for Ms Barnes-Kidd and to which she stated,

“absolutely not” and how she was *“shocked”* to read the *“factually inaccurate representation of her experience, knowledge and time”* at AF School.

The panel therefore found, on the balance of probabilities, that Ms Barnes-Kidd had provided an email address purporting to be for Witness D on her job application for QA School which was false and that she was more likely than not to have controlled the email account used for this purpose in order to secure the role of SENCO at QA School. The panel considered it unlikely that anyone else would have a reason to control a false email account for Witness D or who would seek to provide a false email address in the circumstances.

The panel found allegation 1(a) proved.

b. Submitted a false reference using the e-mail account at 1a when the Queen Anne Royal Free Church of England First School requested a reference.

The panel noted that Ms Barnes-Kidd admitted allegation 1(b) in the response to the notice of proceedings, signed by her on 23 September 2024.

The panel considered the email purporting to be from Witness D sent on 10 November 2022 from a Gmail email address with Witness D’s name in it thanking Witness C at the QA School for the reference request for Ms Barnes-Kidd and attaching a completed reference request form.

The panel also considered the email chain between Witness C and Ms Barnes-Kidd regarding her requesting additional reference information from Ms Barnes-Kidd.

The panel considered the chronology document created by Witness D.

The panel considered the oral evidence and written statement of Witness A who confirmed that he considered the reference purporting to be from Witness D as part of his investigation into the issues raised by QA School regarding the legitimacy of Ms Barnes-Kidd’s reference information. Witness A recalled having spoken to Witness D at the time who denied having ever sent a reference for Ms Barnes-Kidd for AF School.

The panel considered the oral evidence and written statement of Witness B. She stated that during the reference and background checking process for Ms Barnes-Kidd, [REDACTED] at the time, Witness C, stated that Ms Barnes-Kidd had provided details of two referees neither of which was the headteacher. She noted this was highly unusual and had to chase Ms Barnes-Kidd for the headteacher’s reference details. When the headteacher reference contact details were then provided Witness C was then told by Ms Barnes-Kidd that there was something wrong with the system at AF School. She then stated that the headteacher had told her to use her Gmail account which was the headteacher’s personal email address and that she had been given this by Witness D.

Witness B stated that on 4 January 2023 she received a call from Witness D, and that it became apparent that someone had told her they had a new SENCO with the last name Barnes-Kidd. She stated that Witness D was surprised that she had not been told about this, and so she told Witness D that she had received a reference from her, to which Witness D informed her that she had not provided a reference.

Witness B submitted that she opened her laptop to double check that the reference they had received was from Witness D. She stated that Witness D told her that she had not received a reference request for Ms Barnes-Kidd, had not sent a reference for her and Witness D did not have a Gmail email address.

Witness B stated that she had a meeting with Witness C and Ms Barnes-Kidd, and they informed Ms Barnes-Kidd that there was some confusion regarding her reference. She stated that Ms Barnes-Kidd was shaking and said that she did not know why there would be confusion regarding the reference, and she was confused herself. Witness B submitted that Ms Barnes-Kidd stated that she was given the email address when she started working with Witness D.

Witness B stated that during this part of the conversation Ms Barnes-Kidd said very little and there were a lot of silences.

Witness B submitted that she contacted the chair of governors who appointed Witness A as the investigating officer. She stated that Ms Barnes-Kidd responded to an email about the investigation with her resignation stating that she did not want to work at a school that behaved in this manner.

The panel considered the oral evidence and written statement of Witness C, who stated that she believed that Ms Barnes-Kidd was interviewed for the SENCO role in late September 2022 and subsequently was offered the position subject to satisfactory references.

Witness C submitted that she looked at the two references given by Ms Barnes-Kidd, one was a former colleague, and one was the SENCO at the QA School. She stated that this was unusual as it is usually the headteacher at the last school who is put as a reference.

Witness C stated that she sent the reference requests off to the referees and when the SENCO one came back it did not have all the information she needed. She stated that she spoke with Witness B, and she confirmed that they should obtain a reference from the headteacher.

Witness C stated that she emailed Ms Barnes-Kidd and told her that she needed the reference from the headteacher, and she emailed back querying it. She stated that she told her they needed the reference to confirm how long she had been there and the pay grade. Witness C stated that it is normal procedure to request a reference from a headteacher, and she chased Ms Barnes-Kidd again after half term. She stated that

around five days later from chasing her, Ms Barnes-Kidd provided a personal email for the headteacher at her previous school, Witness D. Witness C submitted that she went to speak with Witness B and informed her that they received a personal email address of the headteacher and she sent the reference request off to this email and received a reference back which all seemed fine.

Witness C submitted that, during the first week of January in 2023, she was told by Witness B that during a telephone call with Witness D, she had been informed about a few concerns. She stated that Witness B told her that Witness D had said that she had not given any reference.

Witness C stated that she called Ms Barnes-Kidd into the office and Witness B explained that there was an issue where the former headteacher at AF School said that she hadn't provided a reference and there was a query with the email provided for the reference. She stated that Ms Barnes-Kidd looked startled about this and said that the headteacher never liked her and it was the email she used when she first started. Witness C stated that Ms Barnes-Kidd became completely defensive and blamed the headteacher and it just did not feel natural.

Witness C submitted that she had another conversation with HR and was informed that Ms Barnes-Kidd would need to be suspended. She stated that the chair of governors was informed, and Ms Barnes-Kidd responded to this with her resignation and told them that she had been treated badly and therefore did not want to work with at the QA School.

The panel considered the oral evidence and written statement of Witness D, who stated that she found out that the QA School had employed someone with the surname Barnes-Kidd, and she recognised the name, although she had only known Ms Barnes-Kidd as Ms Barnes. She stated that she called Witness B to speak about another matter but said that she had heard they had a new SENCO, to which she was informed that the new SENCO's name was Kate. Witness D submitted that she asked where she had come from and that Witness B said, "*it's your Kate.*" She stated that she told Witness B it was not the same surname, and she had not given a reference, to which Witness B asked her what she meant by this, so she confirmed that she had never submitted a reference for Ms Barnes-Kidd. Witness D stated that Witness B said that she needed to double check something and then said that she was holding a reference from her, and so she told her that she did not give a reference, and only knew Ms Barnes-Kidd as "*Kate Barnes*" not "*Kate Barnes-Kidd.*"

Witness D submitted that around two days later she was asked to confirm what email accounts she has, and which was her own work account and own personal email account. She stated that she was asked by Witness B if she had a Gmail account, and she stated that she had never had a Gmail account in her life.

The panel considered the oral evidence of Witness D which the panel found to be very clear, consistent, persuasive, and credible. The panel also considered that Witness A corroborated Witness D's evidence which was that she had never seen the reference which she was alleged to have provided for Ms Barnes-Kidd.

The panel found allegation 1(b) proved.

2. Whilst employed at the Alexander First School you provided false information in order to obtain paid leave by:

a. Stating that your Individual A had left you and that you would need time off for Individual A to collect belongings from the property.

The panel noted that Ms Barnes-Kidd admitted allegation 2(a) in the response to the notice of proceedings, signed by her on 23 September 2024.

The panel considered the oral evidence and written statement of Witness D, who stated that when Ms Barnes-Kidd started in January 2021, she sent her an unusual message on WhatsApp on 2 January 2021, stating that Individual A had walked out and ended things and that she had no idea that this would happen. Witness D responded stating that she was sorry to hear that and to let her know if she needed anything. Witness D submitted that she spoke to Ms Barnes-Kidd in person, and she said that she might need some time out for Individual A to gather his belongings, so Witness D gave Ms Barnes-Kidd time off.

The panel considered the chronology document created by Witness D within which she referenced the WhatsApp exchange from 2 January 2021 where Ms Barnes-Kidd told her that Individual A had left her and that she may need time off. The panel also had sight of the WhatsApp messages in the bundle.

The panel considered the oral evidence of Witness D which was that Ms Barnes-Kidd had said that she needed to be open and honest about the situation with Individual A and was very specific in stating that she had spent Christmas alone.

The panel noted that Witness D had recalled having given Ms Barnes-Kidd paid time off totalling one day which was made up of two half days for this purpose.

The panel also considered Witness D's oral evidence which was that she recalled some staff having visited Ms Barnes-Kidd's home to collect some furniture to donate during the period where she claimed to have been separated from Individual A. She stated that Ms Barnes-Kidd would not let them into the property and that it had appeared to them that she was living with someone at the time.

Witness D submitted that she visited the Homer First School where [REDACTED] Individual C was employed. During a conversation, following a question, Witness D was informed by the headteacher that Ms Barnes-Kidd was still with Individual A.

The panel considered the oral evidence from Witness F and Witness E who noted that [REDACTED] Individual C had referred to Ms Barnes-Kidd having [REDACTED] but had not having ever mentioned that Ms Barnes-Kidd had split from Individual A despite having always been very open in discussing personal matters.

The panel considered that, on the balance of probabilities, Ms Barnes-Kidd was more likely than not to have provided false information in order to obtain paid leave by stating that Individual A had left her, and she would need time off for him to collect his belongings.

The panel found allegation 2(a) proved.

b. Stating that Individual B was receiving [REDACTED] treatment and had been [REDACTED];

The panel noted that Ms Barnes-Kidd admitted allegation 2(b) in the response to the notice of proceedings, signed by her on 23 September 2024.

The panel considered the letter from Witness F and Witness E stating that [REDACTED] Individual C was employed at Homer First School and that they have not received any information from her regarding [REDACTED].

The panel noted that in Witness E and Witness F's oral evidence they had both always found [REDACTED] Individual C to be very open in sharing her own and her family's personal and medical needs [REDACTED]. Both Witness E and Witness F were unable to recall [REDACTED] Individual C ever having mentioned [REDACTED] and that she had worked throughout the Covid-19 pandemic suggesting that she was not shielding.

The panel considered the oral evidence and written statement of Witness D, who stated that Ms Barnes-Kidd came to her one or two months after starting work [REDACTED]. Witness D stated that even the dog walker does not come into the house, and that if there was a Covid-19 outbreak she would need be aware of this as it would impact her seeing her family [REDACTED]. She stated that Ms Barnes-Kidd told her that neither of [REDACTED] were working. Witness D submitted that she told Ms Barnes-Kidd to let her know the dates that she should need time off and she would be as accommodating as possible.

Witness D submitted that [REDACTED] Individual C [REDACTED] and was in full time employment for the duration of 2021 [REDACTED].

Witness D submitted that she visited the Homer First School where [REDACTED] Individual C was working and saw Individual C doing lunchtime duty. She stated that she mentioned to the headteacher that she was surprised to see her there because she was in a Covid-19 bubble with Individual B.

The panel considered the oral evidence and written statement of Witness E, who stated that [REDACTED] Individual C, [REDACTED], is employed as a [REDACTED] and commenced this role on [REDACTED]. The panel noted that Witness F gave oral evidence and provided a written statement that attested to the same.

The panel found Witness D, Witness E and Witness F to be reliable, consistent, and credible witnesses in their recollections of events regarding Ms Barnes-Kidd and Individual C's disclosure of personal and health related matters.

The panel considered that, on the balance of probabilities, Ms Barnes-Kidd was more likely than not to have provided false information regarding Individual B receiving [REDACTED] treatment and [REDACTED] which resulted in her benefitting from paid leave.

The panel found allegation 2(b) proved.

c. Providing false letters to the school in regard to your [REDACTED];

The panel noted that Ms Barnes-Kidd admitted allegation 2(c) in the response to the notice of proceedings, signed by her on 23 September 2024.

The panel considered the email from Individual D to Individual E stating that they have been unable to locate any documentation [REDACTED].

The panel considered the oral evidence and written statement of Witness D, who stated that Ms Barnes-Kidd had several days off [REDACTED] and then presented some medical letters. She stated that each of the letters had different typing fonts and different letters with different dates on them. [REDACTED].

Witness D stated that, having presented the letters to the business manager, Ms Barnes-Kidd insisted on the letters being returned. The AF School then gave her days off [REDACTED].

The panel considered Witness D's oral evidence which was that Ms Barnes-Kidd had refused to allow Witness D to take copies of the letters [REDACTED] when she asked to do so. In Witness D's oral evidence, she recalled Ms Barnes-Kidd having provided around four to five letters over a period of two to two and a half months and that when she asked for copies of these Ms Barnes-Kidd said that this was a deeply personal and confidential matter and therefore she didn't want Witness D to take copies. Witness D

also recalled having discussed this with human resources at the Local Authority at the time who told her not to push for this and to “*stay in her lane.*”

The panel found Witness D, to be a reliable, consistent, and credible witness in her recollection of events regarding Ms Barnes-Kidd’s [REDACTED] and provision of letters regarding this.

The panel considered that, on the balance of probabilities, Ms Barnes-Kidd was more likely than not to have provided false information and letters [REDACTED] which resulted in her benefitting from paid leave.

The panel found allegation 2(c) proved.

3. Your conduct as may be found proven at 1 and/or 2 above lacked integrity and/or was dishonest.

The panel noted that Ms Barnes-Kidd admitted allegation 3 in the response to the notice of proceedings, signed by her on 23 September 2024.

The panel firstly considered whether Ms Barnes-Kidd had failed to act with integrity in relation to the proven facts of allegations 1 and 2.

The panel considered the case of *Wingate & Anor v The Solicitors Regulation Authority*. The panel considered that Ms Barnes-Kidd had failed to act within the higher standards expected of a teacher by creating an email account and submitting a false reference using the email account, and by providing false information to benefit from paid leave.

The panel was mindful that pre-employment checks are an important part of the process in the education sector, particularly from a safeguarding perspective. A genuine reference was something that should have been provided to the QA School. The panel further considered that Ms Barnes-Kidd had provided false information to the QA School to benefit from paid leave, and that as a teacher Ms Barnes-Kidd was placed in a position of trust.

The panel found that Ms Barnes-Kidd had not acted with integrity by deliberately submitting a false reference using an email address she had created herself, and by providing false information to the AF School to benefit from paid leave.

The panel went on to consider whether Ms Barnes-Kidd had acted dishonestly in relation to the proven facts of allegations 1 and 2. In reaching its decision on this, the panel considered the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockford*.

The panel firstly sought to ascertain the actual state of Ms Barnes-Kidd’s knowledge or belief as to the facts. The panel considered, that by her own admission, Ms Barnes-Kidd had knowingly provided a false reference to the QA School using an email address she had created herself. The panel also noted that Ms Barnes-Kidd had submitted false

information regarding needing time off to collect things from the property after Individual A had left her; stating that Individual B was receiving [REDACTED] treatment and had been [REDACTED] and providing false letters to the AF School regarding [REDACTED].

The panel considered whether Ms Barnes-Kidd's conduct was dishonest by the standards of ordinary decent people. The panel found that Ms Barnes-Kidd was objectively dishonest by creating a false email address and providing a false reference to the QA School and by providing false information in order to benefit from paid leave.

The panel found that Ms Barnes-Kidd was dishonest by deliberately providing a false reference and providing false information to the AF School in order to benefit from paid leave. The panel noted that it would have been known to Ms Barnes-Kidd that she should not provide false information or false references in order to benefit from paid leave or to gain employment or for any reason.

The panel found allegation 3 proved.

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

Having found 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 Barnes-Kidd, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Ms Barnes-Kidd was in breach of the following standards:

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

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

The panel also considered whether Ms Barnes-Kidd conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

The panel found that the offence of fraud or serious dishonesty was relevant. The Advice indicates that where behaviours associated with such an offence exist, a panel is more likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

Accordingly, the panel was satisfied that Ms Barnes-Kidd was guilty of unacceptable professional conduct.

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

The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

The panel therefore found that Ms Barnes-Kidd actions constituted conduct that may bring the profession into disrepute.

Having found the facts of allegations 1(a), 1(b), 2(a), 2(b), 2(c) and 3 proved, the panel further found that Ms Barnes-Kidd conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

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

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

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

safeguarding and wellbeing of pupils and the protection of other members of the public/the maintenance of public confidence in the profession/declaring and upholding proper standards of conduct; that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

With regards to the panel's findings against Ms Barnes-Kidd, the panel noted that Ms Barnes-Kidd had acted dishonestly by deliberately providing a false reference. Additionally, she had provided false information regarding both her own and [REDACTED] health matters which resulted in her benefitting from paid leave. The panel noted that it would have been known to Ms Barnes-Kidd that she should not provide false information or false references for any reason. The panel considered that this was a pattern of dishonest behaviour over a significant period of time and concluded that there was a strong public interest consideration in declaring and upholding proper standards of conduct. The panel particularly considered that there had been an escalation of seriousness with regards to the acts of dishonesty displayed by Ms Barnes-Kidd.

There was a strong public interest consideration in respect of the protection of pupils, given the serious nature of the findings, albeit that there was no evidence that Ms Barnes-Kidd's actions had impacted pupils directly. Nevertheless, the panel felt that this was of significant importance due to the potential impact of her actions on pupils having dishonestly applied for a role as a SENCO in addition to the expectations of a professional in complying with the reference requirements to ensure the safeguarding of pupils.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Barnes-Kidd was not treated with the utmost seriousness when regulating the conduct of the profession.

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

The panel decided that there was no evidence of a strong public interest consideration in retaining Ms Barnes-Kidd in the profession. No evidence was presented to show that Ms Barnes-Kidd's previous employment had been positive. Ms Barnes-Kidd did not provide any evidence as to her abilities as an educator and, in fact, Witness D had commented on the false reference and indicated that her performance was likely to be poor in many of the skill areas. There was therefore no evidence of Ms Barnes-Kidd being 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 Barnes-Kidd. The panel was mindful of

the need to strike the right balance between the rights of the teacher and the public interest.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Ms Barnes-Kidd. 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 well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests; and
- collusion or concealment including lying to prevent the identification of wrongdoing.

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

There was no evidence that Ms Barnes-Kidd's actions were not deliberate, indeed the evidence was to the contrary.

There was no evidence to suggest that Ms Barnes-Kidd was acting under extreme duress, and, in fact, the panel found Ms Barnes-Kidd's actions to be calculated, motivated and repetitive.

The panel did consider the comments made about Ms Barnes-Kidd by Homer First School during the hearing regarding her being pleasant and getting on well with colleagues albeit, this related to a period at the outset of her career, during a period of her training. There was no evidence before the panel that Ms Barnes-Kidd had demonstrated exceptionally high standards in both personal and professional conduct or had contributed significantly to the education sector.

The panel was not provided with any evidence of any insight and/or remorse on the part of Ms Barnes-Kidd. The panel further noted that Ms Barnes-Kidd had not made any meaningful attempt to engage with the initial school investigation, the regulator in respect

of these proceedings or to demonstrate any insight into her actions. The panel had little confidence that the risk of reoccurrence of Ms Barnes-Kidd's actions was low, indeed the panel was not assured that Ms Barnes-Kidd would not repeat dishonest behaviour in the future.

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, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Ms Barnes-Kidd of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Ms Barnes-Kidd. The panel's view about Ms Barnes-Kidd's serious dishonesty, risk of repetition and lack of insight into the seriousness of her actions were significant factors in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

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

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. One of these behaviours includes fraud or serious dishonesty. The panel found that Ms Barnes-Kidd was responsible for submitting a false reference using an email account she controlled purporting to be the headteacher of a previous employer and providing false information in order to benefit from paid leave.

The panel gave serious consideration as to whether it would be appropriate not to recommend a review period at all. In reaching its decision, the panel noted that Ms Barnes-Kidd's previous reference details were personal email addresses, albeit the panel was not required to consider historic referencing as part of this hearing. Further, the panel considered the repetitive pattern and increased severity of behaviour relevant to

the allegations before it for this hearing and the lack of insight shown by Ms Barnes-Kidd. Accordingly, the panel considered that there was an associated risk of repetition and that no less than 5 years would be an appropriate period of review.

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 all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Ms Kate Barnes-Kidd should be the subject of a prohibition order, with a review period of five years.

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

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

The panel finds that the conduct of Ms Barnes-Kidd fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include several instances of a teacher behaving dishonestly.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In assessing that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published

finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Ms Barnes-Kidd, and the impact that will have on the teacher, is proportionate and in the public interest.

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

“There was a strong public interest consideration in respect of the protection of pupils, given the serious nature of the findings, albeit that there was no evidence that Ms Barnes-Kidd’s actions had impacted pupils directly. Nevertheless, the panel felt that this was of significant importance due to the potential impact of her actions on pupils having dishonestly applied for a role as a SENCO in addition to the expectations of a professional in complying with the reference requirements to ensure the safeguarding of pupils.”

A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel’s comments on insight and remorse, which it sets out as follows:

“The panel was not provided with any evidence of any insight and/or remorse on the part of Ms Barnes-Kidd. The panel further noted that Ms Barnes-Kidd had not made any meaningful attempt to engage with the initial school investigation, the regulator in respect of these proceedings or to demonstrate any insight into her actions. The panel had little confidence that the risk of reoccurrence of Ms Barnes-Kidd’s actions was low, indeed the panel was not assured that Ms Barnes-Kidd would not repeat dishonest behaviour in the future.”

In my judgement, the lack of evidence that Ms Barnes-Kidd has attained any degree of insight and/or remorse means that I agree with the panel there is some risk of the repetition of this behaviour. 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 observes that:

“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.”

I am particularly mindful of the finding of dishonesty in this case and the negative impact that such a finding may have on the reputation of the profession.

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

I have considered whether the publication of a finding of unacceptable professional conduct and conduct 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 Barnes-Kidd herself. The panel records that:

“The panel did consider the comments made about Ms Barnes-Kidd by Homer First School during the hearing regarding her being pleasant and getting on well with colleagues albeit, this related to a period at the outset of her career, during a period of her training. There was no evidence before the panel that Ms Barnes-Kidd had demonstrated exceptionally high standards in both personal and professional conduct or had contributed significantly to the education sector.”

The panel also notes that:

“The panel decided that there was no evidence of a strong public interest consideration in retaining Ms Barnes-Kidd in the profession. No evidence was presented to show that Ms Barnes-Kidd’s previous employment had been positive. Ms Barnes-Kidd did not provide any evidence as to her abilities as an educator and, in fact, Witness D had commented on the false reference and indicated that her performance was likely to be poor in many of the skill areas. There was therefore no evidence of Ms Barnes-Kidd being able to make a valuable contribution to the profession.”

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

In this case, I have placed considerable weight on the panel’s comments concerning the lack of evidence of insight or remorse and the serious dishonesty displayed. I have also taken into account the following comments by the panel:

“The panel decided that the public interest considerations outweighed the interests of Ms Barnes-Kidd. The panel’s view about Ms Barnes-Kidd’s serious dishonesty, risk of

repetition and lack of insight into the seriousness of her actions were significant factors in forming that opinion.”

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

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

I have gone on to consider the matter of a review period. In this case, the panel has recommended a five-year review period. In doing so, it has made reference to the Advice which indicates that proven misconduct involving fraud or serious dishonesty may weigh in favour of a longer review period.

I have considered the panel’s concluding comments:

“The panel gave serious consideration as to whether it would be appropriate not to recommend a review period at all. In reaching its decision, the panel noted that Ms Barnes-Kidd’s previous reference details were personal email addresses, albeit the panel was not required to consider historic referencing as part of this hearing. Further, the panel considered the repetitive pattern and increased severity of behaviour relevant to the allegations before it for this hearing and the lack of insight shown by Ms Barnes-Kidd. Accordingly, the panel considered that there was an associated risk of repetition and that no less than 5 years would be an appropriate period of review.”

I have considered whether a five-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that in my judgment allowing a five-year review period is sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the serious dishonesty found, the lack of evidence of either insight or remorse, and the risk of repetition.

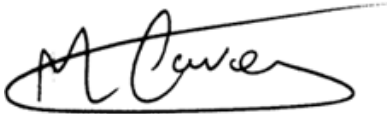
I consider therefore that a five-year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Ms Kate Barnes-Kidd is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children’s home in England. She may apply for the prohibition order to be set aside, but not until 20 November 2029, five years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel

will meet to consider whether the prohibition order should be set aside. Without a successful application, Ms Barnes-Kidd remains prohibited from teaching indefinitely.

This order takes effect from the date on which it is served on the teacher.

Ms Barnes-Kidd has a right of appeal to the King's Bench Division of the High Court within 28 days from the date she is given notice of this order.

A handwritten signature in black ink, appearing to read 'M. Cavey', with a long horizontal stroke extending to the right.

Decision maker: Marc Cavey

Date: 18 November 2024

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