



Teaching
Regulation
Agency

Mrs Justine Drury - 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:	Mrs Justine Drury
Teacher ref number:	9657268
Teacher date of birth:	13 September 1972
TRA reference:	17748
Date of determination:	29 November 2024
Former employer:	CP Riverside School (formerly Channeling Positivity), Nottingham

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 25 November 2024 to 29 November 2024 to consider the case of Mrs Drury.

The panel members were Ms Jo Palmer-Tweed (teacher panellist – in the chair), Mrs Patricia Hunt (former teacher panellist) and Mr Paul Millett (lay panellist).

The legal adviser to the panel was Miss Elizabeth Gilbert of Eversheds Sutherland (International) LLP solicitors.

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

Mrs Drury was not present at the hearing. Mrs Drury was represented by Mr Andrew Faux of the Reflective Practice at the case management hearing on 3 June 2024, but she was not represented at the professional misconduct panel hearing.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 11 July 2024.

It was alleged that Mrs Drury was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, whilst a teacher at Channeling Positivity (“the School”):

1. In advance of a residential ski trip which began on or about 29 January 2017 and ended on or about 4 February 2017, Mrs Drury did not:
 - a) obtain written parental consent from all participating pupils;
 - b) liaise sufficiently with the Local Authority and/or schools whose pupils attended the trip;
 - c) undertake sufficient risk assessment;
 - d) ensure appropriate staff to pupil ratios.
2. During a residential ski trip which began on or about 29 January 2017 and ended on or about 4 February 2017, Mrs Drury did not take sufficient steps to reduce the risk of inappropriate behaviour by pupils, including to seek to prevent:
 - a) one or more pupils from engaging in sexual activity;
 - b) one or more pupils from filming their engagement in sexual activity;
 - c) one or more pupils from possessing knives;
 - d) one or more pupils from shoplifting;
 - e) one or more pupils from stealing alcohol;
 - f) one or more pupils from consuming alcohol;
 - g) one or more pupils from attending nightclubs unsupervised by an adult;
 - h) an adult teacher sharing a room with a minor.
3. When made aware of sexual activity involving Pupil A during a residential ski trip on or about 29 January 2017, Mrs Drury failed to:
 - a) address adequately safeguarding risks to Pupil A;
 - b) take effective action to prevent further instances of sexual activity involving Pupil A during the trip.
4. After a residential ski trip which began on or about 29 January 2017 and ended on or about 4 February 2017, Mrs Drury did not disclose the seriousness of incidents occurring on the trip to:
 - a) the School trustees,
 - b) the Local Authority and/ or schools whose pupils were participating in the trip,

- c) the Local Authority Designated Officer (LADO).
5. By Mrs Drury's conduct set out in paragraph 1 and/or 2 above she failed to adequately safeguard one or more of the pupils attending the residential ski trip:
 6. By Mrs Drury's conduct set out in paragraph 4, she failed to act with integrity.

Mrs Drury's representative informed the TRA on 10 September 2024 and 22 November 2024 that Mrs Drury would not be engaging with the proceedings. As such, Mrs Drury has neither admitted nor denied the facts of allegations 1 to 6 nor whether the facts of the allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. As Mrs Drury did not attend the hearing the allegations were treated as not admitted.

Preliminary applications

The panel noted the previous decision at a case management hearing (the "CMH") which convened remotely on 3 June 2024. The CMH concerned an application made on behalf of Mrs Drury for discontinuance of proceedings. The panel noted that the application was rejected, however, the delay in the proceedings had been unacceptable and that a breach of Mrs Drury's right to a fair hearing within a reasonable time pursuant to Article 6 of the European Convention of Human Rights ("ECHR") had occurred.

The panel considered the following preliminary applications:

Application to proceed in absence

The panel considered an application from the presenting officer to proceed in the absence of Mrs Drury.

The panel considered whether the hearing should continue in the absence of Mrs Drury.

The panel was satisfied that the TRA had complied with the service requirements of paragraph 19(1)(a) to (c) of the Teachers' Disciplinary (England) Regulations 2012 (the "Regulations").

The panel noted that the provisions contained within the 'Teacher misconduct: disciplinary procedures for the teaching profession' updated in April 2018 (the "2018 Procedures") apply to this case, given that those provisions applied when the referral was made. Although the panel has the power to direct that the 'Teacher misconduct: disciplinary procedures for the teaching profession' updated in May 2020' (the "2020 Procedures") should apply in the interests of justice or the public interest, the panel had received no representations that this should be the case. For the avoidance of doubt, therefore, the panel confirmed that it had applied the 2018 Procedures in this case.

The panel noted that the Notice of Proceedings referred to certain provisions in the 2020 Procedures, rather than the 2018 provisions which apply in this case. The panel heard

submissions from the presenting officer that the relevant provisions in the 2020 Procedures were substantially the same in content as the corresponding 2018 Procedures. Whilst the paragraph references within the Notice of Proceedings were incorrect, the information provided to Mrs Drury regarding the timescales for submitting any document relied upon; that the parties should seek to agree a bundle; and the timescales for providing the agreed bundle all accorded with the requirements set out in the 2018 Procedures. The Notice of Proceedings also explained that documents submitted outside the requisite timescales could only be considered with the permission of the panel. This also accorded with the requirements of the 2018 Procedures.

The panel was therefore satisfied that the Notice of Proceedings complied with the requirements of 4.12 of the 2018 Procedures.

The panel took as its starting point the principle from *R v Jones* [2003], that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one. In considering the question of fairness, the panel recognised that fairness to the professional is of prime importance but that it also encompasses the fair, economic, expeditious and efficient disposal of allegations against the professional, as was explained in *GMC v Adeogba & Visvardis* [2016].

In making its decision, the panel noted that Mrs Drury may waive her right to participate in the hearing. The panel firstly took account of the various factors drawn to its attention from the case of *R v Jones* [2003].

Mrs Drury's representative informed the TRA by email on 10 September 2024 that Mrs Drury would not be attending the hearing nor "cooperating further with the process in any way". Further on 22 November 2024, Mrs Drury's representative stated in an email to the TRA that "Mrs Drury is no longer engaged with these proceedings". The panel therefore considered that Mrs Drury had waived her right to be present at the hearing in the knowledge of when and where the hearing is taking place and with the benefit of legal representation.

There was no indication that Mrs Drury would attend if the hearing was adjourned and there was no indication that Mrs Drury intended to present any defence to the allegations, nor any mitigation.

The panel considered that the risk of reaching an improper conclusion about the absence of Mrs Drury was low, given the clear communication that she had declined to attend.

The panel recognised that the allegations against Mrs Drury were serious and that there was a real risk that if proven, the panel would be required to consider whether to recommend that she ought to be prohibited from teaching.

The panel recognised that the efficient disposal of allegations against teachers is required to ensure the protection of pupils and to maintain confidence in the profession.

Four witnesses were due to give evidence and therefore the effect of the delay on the memories of the witnesses is a factor to be taken into consideration in this case. However, the panel acknowledged the significant delay that has already taken place in bringing this case to a hearing. Further delay may, however, affect the witnesses' engagement in the proceedings, impacting on the quality of evidence available, and the ability to test that witness evidence.

The panel determined to exercise its discretion under paragraph 4.29 of the 2018 Procedures to proceed with the hearing in the absence of Mrs Drury. The panel considered that Mrs Drury had clearly waived her right to appear. On balance, these are serious allegations and the public interest in this hearing proceedings is in favour of the hearing continuing.

Application to admit hearsay evidence

The panel considered an application from the presenting officer to admit the following documents:

1. Witness statement of Individual A [REDACTED] dated 4 February 2021;
2. Exhibit GG1 – Investigation report prepared by Individual A with appendices;
3. Exhibit GG21 – Note of Individual A's interview with Individual E [REDACTED];
4. Exhibit GG22 – Note of Individual A's interview with Individual F [REDACTED];
5. Exhibit GG24 – Note of Individual A's interview with Individual G [REDACTED];
6. Exhibit GG25 – Note of Individual A's interview with Individual H [REDACTED];
7. Exhibit GG26 – Note of Individual A's interview with Individual I [REDACTED];
8. Exhibit GG27 – Note of Individual A's telephone interview with Individual J [REDACTED];
9. Exhibit GG28 – Email exchange between Individual A and Individual K [REDACTED];
10. Exhibit GG32 – Note of Individual A's interview with Individual L [REDACTED];
11. Exhibit GG33 – Note of Individual A's telephone Interview with Individual M [REDACTED];
12. Exhibit GG34 – Note of Individual A's interview with Individual N;
13. Witness statement of Individual B [REDACTED] dated 9 June 2022; and
14. Witness statement of Individual C [REDACTED] dated 22 June 2022.

The above documents 1 to 14 were provided to the panel as evidence ahead of the hearing, to be relied on by the presenting officer.

The panel were also provided the following documents 15 to 17 as evidence ahead of the hearing. The presenting officer submitted that document 15 did not form part of the application due to the witness statement's lack of relevance to the case, and that he no

longer sought to rely on this evidence. The panel noted that documents 16 and 17 also did not form part of the application despite containing hearsay evidence. Documents 15 to 17 were therefore not considered as part of the application, and not admitted as evidence:

15. Witness statement of Individual D [REDACTED].

16. Exhibit EH1/GG4 - Crime synopsis: record of victim account given to police by Pupil A dated 1 February 2017; and

17. Exhibit EH2/GG4 - Police investigation case summary.

The panel further considered that none of the pupils that attended the ski trip were to appear as witnesses in the hearing, and neither were any formal written statements provided by the pupils. As such, the hearsay evidence of the pupils in attendance on the ski trip was contained within the evidence of others. In light of this, the panel also determined to consider the admissibility of this evidence.

The panel heard submissions from the presenting officer as to why documents 1 to 14 should be admitted.

Under paragraph 4.18 of the 2018 Procedures, the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

Documents 1 to 12 refers to the evidence before the independent investigation, including policies, procedures, correspondence and interviews with key people relating to the events that took place in relation to the allegations against Mrs Drury. Documents 13 and 14 relate to the knowledge of the commissioning schools in relation to Pupil B and Pupil K's attendance on the ski trip which is the subject of the allegations against Mrs Drury. Additionally, any hearsay evidence of pupils which is contained in the evidence of others is relevant as to the context of the events that took place on the trip. The panel was therefore satisfied that the documents may reasonably be considered to be relevant to the case.

The central question for the panel was whether it is fair in the circumstances to allow evidence to be put forward by the presenting officer without the panel having the opportunity to test the evidence. In considering this issue, the panel considered the principles regarding the admission of statements of absent witnesses set out in the case of *Thorneycroft v NMC* [2014].

The panel did not see evidence in relation to the efforts made to secure the attendance of the witnesses but heard from the presenting officer that this had not been possible as the witnesses were not willing to attend. The panel considered that no further reason was provided for their non-attendance. The panel noted that the *Thorneycroft v NMC* [2014] case stated that the absence of a good reason does not automatically result in the exclusion of evidence.

The panel had regard to the seriousness of the allegations in this case, and that it is open to the panel to recommend prohibition in this case if the allegations are found proven.

The panel also considered the importance of the evidence and whether it constituted a critical part of the evidence against Mrs Drury and weighed this against fairness to Mrs Drury. The panel concluded that inclusion of the evidence would not materially affect its decision making but would provide additional contextual knowledge and understanding of the allegations and the factual background. The witnesses being called to give evidence were those who could speak directly to the allegations and their evidence could be tested by the panel.

Whilst hearsay evidence of pupils might provide helpful context as to the events that took place, the panel determined that the allegations before it were in respect of Mrs Drury's actions to prepare and manage a residential ski trip, rather than in relation to whether or not pupils did or did not engage in inappropriate behaviour. To that end, the individual's that worked alongside Mrs Drury in a professional capacity would provide evidence which was critical, but which the pupils' hearsay evidence could corroborate.

The panel decided that there were sufficient safeguards to protect Mrs Drury against any unfairness caused by being unable to cross-examine the evidence proposed to be admitted as hearsay. As referred to above, the panel could cross-examine those witnesses who were to be called to give oral evidence to assess the extent to which the hearsay evidence was corroborated. The panel will be provided with a hearsay warning in due course, and the panel will determine what weight, if any it should attach to the hearsay evidence. The panel understood that the absence of the witnesses could be reflected in the weight to be attached to their evidence, but did not consider that this was a significant factor in its decision as to whether the evidence is admissible.

The panel considered that admitting the evidence proposed by the presenting officer would assist the panel. The information could be put to the witnesses in circumstances where the information may not have already been considered in their written evidence. In light of the significant amount of other evidence, which was before it, the panel determined that there were sufficient means of testing the reliability of the hearsay evidence and provided the panel the opportunity to corroborate consistent information.

With regard to the overall question of fairness, the panel considered a letter sent by the presenting officer's firm to Mrs Drury's representative dated 7 October 2024 which requested that any objection to the hearsay application to be provided as soon as possible, and by no later than 14 October 2024. However, no response was received by this time.

Whilst Mrs Drury's representative stated that the bundle of documents was not agreed by way of email to the TRA on 22 November 2024, the presenting officer submitted that no specific reason was provided to object to the admission of the evidence.

Given the absence of Mrs Drury, the panel considered whether she had received the documents and had sufficient opportunities to make representations about it. In light of the aforementioned correspondence, the panel was satisfied that Mrs Drury was provided the opportunity to make representations but did not provide any specific objections to the inclusion of documents, other than reminding the panel that admissibility should be considered according to the principles from *Thorneycroft v NMC* [2014]. No suggestion was made that the witnesses had any reason to fabricate their evidence.

The panel acknowledged that the email from Mrs Drury's representative to the TRA on 22 November 2024 made reference to certain cases to be considered in light of the bundle not being agreed. The panel therefore had regard to these cases, which included:

- *Enemuwe v Nursing and Midwifery Council (NMC)* [2015]; and
- *Thorneycroft v NMC* [2014].

The panel acknowledged that documents 1 to 12 relate to an investigation undertaken prior to the hearing which considered and made findings in relation to the same issues that the panel had to consider. The panel had regard to the case of *Enemuwe v Nursing and Midwifery Council (NMC)* [2015], which made clear that the panel may take into consideration evidence before a prior investigation, but that the outcome should not be determinative of the facts before the panel. The panel was satisfied that their experience meant that they could put any reference to previous findings out of their mind, and to continue to hear the matter fairly.

By reason of the above, the panel decided to admit:

- documents 1 to 14 noted above; and
- any evidence from pupils that attended the ski trip which is contained as hearsay evidence within an admitted witness statement,

save for any reference to previous findings of the investigation undertaken by Individual A.

Summary of evidence

Documents

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

Section 1: Chronology, anonymised pupil list and key people list – pages 9 to 15

Section 2: Notice of proceedings and response – pages 16 to 28

Section 3: Teaching Regulation Agency witness statements – pages 29 to 118

Section 4: Teaching Regulation Agency documents – pages 119 to 1076

Section 5: Teacher documents – page 1077

In addition, the panel agreed to accept the following:

- Bundle of documents relating to service of the proceedings, including correspondence between the TRA, Mrs Drury, Mrs Drury's representative and the presenting officer's firm between 13 July 2023 and 7 October 2024;
- Email from Mrs Drury's representative to the TRA dated 22 November 2024; and
- Schedule of evidence provided by the presenting officer to assist the panel with the consideration of evidence.

The panel members confirmed they read all of the documents in advance of the hearing. The panel admitted the bundle of documents relating to service of the proceedings, since it was relevant to the application to proceed in Mrs Drury's absence. It was fair to admit those documents in order to properly and fairly determine the application. As the email from Mrs Drury's representative and the schedule of evidence contained representations rather than evidence it was unnecessary for the panel to determine their admissibility.

Witnesses

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

- Witness A [REDACTED];
- Witness B [REDACTED];
- Witness C [REDACTED]; and
- Witness D [REDACTED].

The panel did not hear oral evidence from Mrs Drury given that she was not in attendance.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mrs Drury was employed as principal at the School from 1 September 2015. The School provides alternative education provision for children between the ages of 13 and 16 with behaviour or social issues requiring specialist support. Many of the pupils at the School are commissioned by other local schools or the Local Authority to attend in circumstances where mainstream education is not appropriate.

The allegations relate to a ski trip that Mrs Drury organised to Switzerland, which was attended by 12 pupils of the School in January 2017 and February 2017. A number of incidents are alleged to have taken place during the ski trip in relation to behaviour of the pupils.

A referral was submitted to the [REDACTED] in November 2017 in relation to allegations against Mrs Drury arising from the ski trip. The matter was thereafter referred by [REDACTED] to the TRA on 1 December 2018.

Findings of fact

The findings of fact are as follows:

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

1. In advance of a residential ski trip which began on or about 29 January 2017 and ended on or about 4 February 2017, you did not:

a) obtain written parental consent from all participating pupils;

The allegation was not admitted by Mrs Drury.

The panel considered the 'Learning Outside the Classroom, Offsite Visits & Residential Policy' (the "LOTC Policy") dated 5 May 2015, which was exhibited to the witness statements of Witness A, Witness B and Individual A. Witness A stated in oral evidence that he understood the LOTC Policy applied at the time of the ski trip, which took place between 29 January 2017 and 4 February 2017.

The panel noted that the date of the ski trip and the attendance of 12 pupils is not disputed. The relevant dates were corroborated in Mrs Drury's investigation interview on 9 May 2017 undertaken by Individual A and Individual A's written evidence. The panel noted that 4 pupils returned home earlier, with the remaining 8 pupils returning home on 4 February 2017.

The panel noted the LOTC Policy sets out the requirements in relation to any off site visit. The LOTC Policy requires the principal to ensure that "parents have signed consent forms" in relation to any offsite visits and that parents and carers of pupils should be given a letter prior to any off site visit which includes, amongst other things, "what they will be asked to consent to".

Mrs Drury stated in her investigation interview that Witness C was organising parental consents. Witness C confirmed in oral evidence that Mrs Drury asked her to collate all information relating to consent into a spreadsheet prior to the ski trip but had not asked her to gather the consents directly from the parents and/or carers. The panel considered that whilst Mrs Drury may have delegated the organisation of the parental consents to Witness C, the LOTC Policy was clear that the principal is responsible for ensuring

parental consent has been received for each pupil. The panel therefore rejected the notion that Witness C had responsibility for obtaining the parental consents required for each pupil attending the ski trip.

The panel noted that nine signed parental consent forms, in respect of Pupil A, Pupil B, Pupil G, Pupil H, Pupil F, Pupil K, Pupil J, Pupil L and Pupil E had been received ahead of the trip and were exhibited to the witness statements of Witness B, Witness C and Individual A.

Mrs Drury stated in her investigation interview that the School had “consent for all the students from all the parents” and that she did not know that not all written consents were provided. Mrs Drury further stated that she was “led to believe” that the School had written consent for all the students and “all the parents were very involved in the whole process”.

Witness C referred in her oral evidence to a handwritten note exhibited to Witness B, Witness C and Individual A’s witness statements, which stated “missing” in relation to parental consents for Pupil C, Pupil D and Pupil I. Witness C confirmed in oral evidence that the note was handwritten by her and provided to Mrs Drury to inform her prior to the ski trip that 3 parental consent forms were missing. Witness C could not recall in oral evidence the date that she provided the note to Mrs Drury although she stated this was “probably a week or so before the trip”. However, Witness C was certain that the note was provided to Mrs Drury prior to the start of the ski trip. Witness C also recalled that Mrs Drury replied verbally to the note, stating that she would speak to the relevant parents regarding consent. Subsequently, Witness C stated that a further handwritten note stating “verbal consent given by parents” for Pupil C, Pupil D and Pupil I was written after Mrs Drury had told her that she had received verbal consent from the relevant parents, which was exhibited to her statement.

The panel considered that the LOTC Policy is clear that Mrs Drury was responsible for obtaining written parental consent for each pupil ahead of the ski trip. However, the panel saw no evidence that written parental consent was provided in respect of Pupil C, Pupil D or Pupil I, notwithstanding that verbal consent may have been obtained.

The panel therefore found allegation 1(a) proved.

b) liaise sufficiently with the Local Authority and/ or schools whose pupils attended the trip;

The allegation was not admitted by Mrs Drury.

The panel noted the LOTC Policy does not outline a procedure for informing commissioning schools or the Local Authority in relation to the ski trip, as only correspondence with parents was required. However, the panel also had regard to Witness B’s evidence which stated that “information sharing is to safeguard children and the lack of any specific mention to it does not mean it should not take place”.

The panel heard oral evidence from Witness D that Nottinghamshire County Council (the "Council") commissioned Pupil A to attend the School as they were responsible for the provision of Pupil A's education outside of a mainstream setting. As such, the Council retained responsibility over Pupil A. Witness D noted that she attended the School every half-term to visit Pupil A and monitor the education provision being offered. Witness D noted in written evidence that "no one at the Council was informed that the ski trip was going to take place, or that Pupil A would be attending, prior to the trip taking place". The panel noted that, if the ski trip had been arranged over a 12 month period, as is required by the LOTC Policy, Witness D would have likely obtained information when making regular visits to see Pupil A but this was not the case.

When questioned by the panel, Witness D confirmed that the Council would not normally permit someone in the circumstances of Pupil A to attend a residential school trip because Pupil A was known to engage in high risk behaviours, such as [REDACTED]. In light of these high risk behaviours, a significant level of control would be required to supervise and safeguard Pupil A in a residential setting with other young people, which is difficult to provide. As such, if the School was intending to take Pupil A on a trip, the Council would have expected to liaise with the School and ensure adequate measures were in place to safeguard Pupil A. Whilst Witness D noted this expectation would have been set out in the service level agreement between the School and the Council, a copy of this could not be located.

Specifically, the panel had regard to Witness D's evidence that the School was required to obtain approval from the Council by logging on to the Council's online trip system in line with the Council's 'Visits Guidance for Children and Young People' exhibited to her statement. However, approval was not provided via this system and the panel saw no evidence to the contrary. The panel determined Witness D's evidence to be clear and credible regarding the Council's knowledge of Pupil A attending the ski trip.

The panel considered Mrs Drury's comments in her investigation interview that stated she "had explicit conversations with the host schools, apart from Pupil A". The panel was therefore satisfied based on this evidence, and the clear evidence from Witness D, that the Council was not informed or consulted at all regarding Pupil A's attendance on the ski trip.

The panel also considered the witness statement of Individual B which stated that School A [REDACTED] the commissioning school for Pupil B, was not made aware that Pupil B was attending the ski trip, or that the ski trip was taking place. Individual C stated in his written evidence that School B [REDACTED], the commissioning school for Pupil K, was aware that there were plans for a ski trip, although details of the trip were not known. The panel noted that both the written statements of Individual B and Individual C were hearsay, and therefore carried less weight than evidence which had been tested, especially as their positions were in contradiction to the position set out by Mrs Drury.

Whilst the panel saw some evidence in relation to the information provided to the commissioning schools for Pupil B and Pupil K, the panel was satisfied that there had been no liaison with the Council in relation to Pupil A attending the ski trip. Notwithstanding that the LOTC Policy does not specifically require information to be shared, in light of the specific circumstances surrounding Pupil A's vulnerability and the responsibility retained by the Council, the panel determined that the Council should have been informed that Pupil A was attending the ski trip at the very least.

The panel therefore found allegation 1(b) proved.

c) undertake sufficient risk assessment;

The allegation was not admitted by Mrs Drury.

The panel considered the LOTC policy which stated that the principal should ensure "the risk assessment is complete and that it is safe to make the visit" and that a "formal assessment of the risks should have the aim of preventing the risks to reducing them to an acceptable level". The panel noted that the LOTC policy does not specify that individual risk assessments should be carried out in relation to each pupil. Mrs Drury also stated in her investigation interview that individual risk assessments for each pupil were not carried out as that was not in the School's policy.

The panel saw evidence that Mrs Drury had completed a document entitled 'Ski Trip Scenario and Risk Assessment' which was exhibited to Witness A, Witness B and Individual A's written statement. The panel considered this document to be insufficient in assessing the risks of the ski trip in light of the history and various needs of the pupils attending the ski trip, as no consideration was given to, for example, the possibility of sexual activity despite the School being aware that some of the pupils were sexually active. In this regard, the panel considered Individual A's written statement which stated that "of the twelve pupils on the trip, ten had Special Educational Needs ("SEN"), eight were known to be sexually active, seven were known to have substance misuse problems and three had current justice system involvement". This position was corroborated by Witness A who stated in written evidence that Pupil F, Pupil G and Pupil I had been involved in a serious violent incident on 19 January 2017 just 2 weeks before the ski trip and were all known to use illegal substances. Additionally, Witness B's evidence stated that Pupil J had significant [REDACTED] and [REDACTED].

At her investigation interview, Mrs Drury stated that individual risk assessments would "just be putting on paper" what she already knew. The panel considered Mrs Drury's position to be irresponsible, as the risk assessments are not only in place to protect the pupils but also to protect teachers and the reputation of the School. It is not sufficient for this information to be retained only in Mrs Drury's knowledge as this information needs to be recorded and shared with others in case of unforeseen events.

The panel determined that, notwithstanding that individual risk assessments were not specifically required by the LOTR Policy, the pupils attending the ski trip were known to

be high risk and therefore individual risk assessments should have been carried out and documented. It was not sufficient for individuals with a significant history of high risk behaviour to not be assessed individually. The panel noted that a risk assessment, which is exhibited to Witness D's written statement, was completed by the Council in relation to Pupil A's attendance at the School. This risk assessment could have easily been replicated by Mrs Drury for the ski trip, yet this was not done.

In the panel's view, certain pupils would have likely been identified as unsuitable for attending the ski trip if individual assessments had taken place, which was a professional view shared by Witness B and Witness D. The panel determined that in the circumstances the 'Ski Trip Scenario and Risk Assessment' was insufficient in identifying the relevant risks and individual risk assessments should have been in place.

The panel therefore found allegation 1(c) proved.

d) ensure appropriate staff to pupil ratios.

The allegation was not admitted by Mrs Drury.

The panel considered the LOTC Policy, which stated the following in relation to staff to pupil ratios:

- "The principal will ensure all supervisors on the visit are appropriate people to supervise students and have appropriate clearance";
- "Ratios for each visit will be assessed individually through the risk assessment procedure"; and
- "All supervisors should be aware of any students who may require closer supervision, such as those with special education needs or those with behavioural difficulties".

Notwithstanding the above LOTC Policy, the panel noted that it saw no evidence in the 'Ski Trip Scenario and Risk Assessment' of any ratios being assessed through the risk assessment procedure.

The panel saw evidence that Mrs Drury had completed a document entitled 'Form B', an information document exhibited to Witness A and Individual A's written statement, which noted the number of staff to be "3+2". Mrs Drury stated in her investigation interview, which is corroborated by Witness A in his written statement, that this included 3 members of staff (Mrs Drury, Witness A and Individual F) and an additional 2 supervisors in the form of ski instructors who were attending the trip. Mrs Drury stated in her investigation interview that she thought the staff to pupil ratio was "sufficient".

Whilst the panel acknowledged that Individual F was a member of staff as he was an apprentice, the panel rejected that he could be included in the staff to student ratio in light of him [REDACTED]. Additionally, the panel rejected that Mrs Drury was entitled to rely on the supervision of the ski instructors in the assessment of the staff to pupil ratio as they would not play any role in supervision within the hotel and neither did they have

obligations to the School. Therefore, Mrs Drury had effectively planned for 2 members of staff to supervise 12 pupils with various additional needs at a residential ski trip abroad.

Whilst Witness A stated in written evidence that he could “not say what the optimal ratio would have been as this would require a detailed assessment of all the factors outlined”, he later stated in oral evidence that an optimal ratio would likely be 4 to 5 staff members in relation to the 12 pupils attending. This position was also supported by Witness B in her written evidence.

From a practical perspective, the panel drew on its professional experience and considered that 2 members of staff were insufficient in order to cater for the various circumstances that may arise. For example, if the female member of staff was to become unwell there would be no other female member of staff available to assist with supervision of the female pupils. Additionally, with only 2 members of staff they did not have the capacity for 24 hour monitoring should that become necessary.

The panel noted in particular that Mrs Drury had failed to provide Pupil J with one to one supervision given the pupil’s significant [REDACTED], including a diagnosis of [REDACTED] as detailed in written evidence provided by Witness B.

The panel considered the ratio of staff to pupils on the ski trip to be insufficient even in a scenario with a regular risk profile. Therefore, in these circumstances, where the pupils attending displayed a particularly high risk profile with specific education and supervision needs, the staff to pupil ratio was entirely inappropriate.

The panel therefore found allegation 1(d) proved.

2. During a residential ski trip which began on or about 29 January 2017 and ended on or about 4 February 2017, you did not take sufficient steps to reduce the risk of inappropriate behaviour by pupils, including to seek to prevent:

a) one or more pupil from engaging in sexual activity;

The allegation was not admitted by Mrs Drury.

The panel considered the Outdoor Education Advisers’ Panel (“OEAP”) guidance entitled ‘How do I manage a residential visit when I know some participants are in a sexual relationship?’, exhibited to Witness B’s written statement, which stated the following:

“If it is known or suspected that young people under 16 are in, or are developing, a sexual relationship (whether heterosexual or homosexual), they should be accommodated in separate areas and appropriate expectations and supervision arrangements should be put in place.”

Witness D stated in oral evidence that Mrs Drury would have been aware that Pupil A was sexually active, as “displaying sexually inappropriate behaviour” was outlined as a risk factor within Pupil A’s referral form for alternative provision dated 5 July 2016, which

was exhibited to Witness D's witness statement. Additionally, both Witness A's evidence and Individual A's investigation report dated 22 May 2017 referred to the School being aware of 8 pupils on the ski trip being sexually active. The panel was therefore satisfied that Mrs Drury would or should have been aware that one or more pupils on the ski trip were sexually active. Therefore, the panel determined that steps such as those recommended in the above guidance were required throughout the ski trip to reduce the risk of sexual activity.

The panel considered that Mrs Drury did take steps to accommodate individuals that may engage in sexual activity in separate areas, as [REDACTED] of the female pupils shared a room on one floor of the hotel whilst the ten male pupils were allocated in rooms across a different floor of the hotel. Mrs Drury allocated herself a room on the same floor as the female pupils for supervision, whilst Witness A was allocated a room on the same floor as the male pupils for their supervision. The aforementioned steps taken by Mrs Drury are evidenced by Witness A's written statement, Individual F's investigation interview and Mrs Drury's investigation interview. The panel therefore acknowledged that some steps had been taken by Mrs Drury to reduce the risk of pupils engaging in sexual activity.

The panel was satisfied that sexual activity had more than likely taken place throughout the course of the ski trip by pupils based on the following evidence:

- Mrs Drury stated in her investigation interview that Pupil A disclosed to her on the first day whilst intoxicated "that she had sex with a boy"; and
- Witness A confirmed in written evidence that he overheard a conversation between 2 pupils on the first day of the ski trip in which they said that Pupil A had sex with another pupil in her room. Witness A also found Pupil A on the second night in a male pupil's bed and she had disclosed to him that she had sex with 3 of the male pupils. Additionally, Pupil A disclosed to Witness A on the third day that Pupil B had sex with Pupil I the night before in exchange for £30.

Whilst the panel noted some of the above evidence was hearsay and carried less weight than evidence such as Witness A's which had been tested, the panel considered the volume of corroborating evidence confirmed that sexual activity more than likely occurred on the ski trip between one or more pupils.

The panel considered the OEAP guidance entitled 'Ratios and Effective supervision' exhibited to Witness B's written statement, which stated "the responsibility for supervision is continuous, 24 hours a day", "clear and understandable guidelines will be set for the group, including physical and behavioural parameters" and that there should be "strict guidelines for behaviour in bedrooms and dormitories".

The panel further considered the timeline of events provided by Witness A, exhibited to his witness statement, which outlined that the pupils were provided with significant periods of time with "no direct supervision" as the staff were located in the communal areas of the hotel. For example, the pupils were unsupervised between 15:30pm and

18:30pm and again following dinner at 19:30pm on the first day of the ski trip. The panel determined that insufficient steps were taken to supervise the pupils during this time in line with the OEAP guidance. Additionally, the panel saw limited evidence that Mrs Drury had placed strict guidelines in relation to behaviours in bedrooms. The pupils were left unsupervised within their bedrooms leaving them vulnerable to engaging in sexual activity.

Notwithstanding Pupil A's disclosure to Mrs Drury, as outlined in Mrs Drury's investigation interview, regarding potential non-consensual sexual activity on the first day of the ski trip, the panel saw no evidence of Mrs Drury taking specific steps to prevent the risk of sexual activity occurring again, other than conversations taking place with Pupil A to discuss the incident as was stated in Witness A's evidence. The panel noted from Mrs Drury's investigation interview and Witness A's evidence, that the pupils were sent out to ski the following morning whilst they investigated circumstances around the theft of alcohol and damage, but no steps were taken in relation to the alleged non-consensual sexual activity.

As a result of the limited steps being taken to reduce sexual activity on the second day of the ski trip, the panel noted that further incidents of sexual activity occurred between Pupil A and other pupils on the second day of the trip, as noted above. As such, the panel determined that it was evident insufficient steps had been taken to reduce the risk of sexual activity as this likely took place on multiple occasions despite Mrs Drury being aware of the risk of repetition.

The panel considered that the most appropriate action following the disclosure of the potential non-consensual sexual activity on the first day would be to discontinue the ski trip and to notify the police, the relevant parents and/or carers, the trustees of the School and the Council of the incident. The panel noted that Mrs Drury regarded it as "too soon" to send all the pupils home at this stage as she wanted to give the pupils the "opportunity to prove themselves" as outlined in her investigation interview. Additionally, Mrs Drury stated in her investigation interview that ending the trip "would have penalised the other students who had got it right". The panel considered that Mrs Drury pursued the riskiest route forward and placed the pupils in potential harm's way. The panel noted that the risk of any further incidents occurring thereafter would have been eradicated if Mrs Drury had taken the decision to send all pupils home on the second day.

If the trip was to continue, the panel noted that a number of other steps were available to Mrs Drury to reduce the risk of repetition, such as:

- i. Investigating the alleged activity, either independently or via the police;
- ii. Instructing further staff from the School to attend the ski trip to assist with supervision;
- iii. Reporting the matter to the relevant parents and/or carers;

- iv. Removing all unsupervised time for the pupils during the remainder of the ski trip; and
- v. Prohibiting any interaction between the male and female pupils on the trip.

Whilst the panel noted from Witness A's evidence that the 2 female pupils were put under 'room arrest' on the third day and steps were taken to return Pupil A home, these were clearly steps that should have been taken earlier in the trip to reduce the risk of the sexual activity.

The panel therefore found allegation 2(a) proved.

b) one or more pupils from filming their engagement in sexual activity;

The allegation was not admitted by Mrs Drury.

The panel considered evidence from Witness A, that Pupil A had disclosed to him on the third day of the ski trip that her sexual activity with another pupil had been filmed on a mobile phone by another pupil, who was now using the recording to blackmail her into having sex with him. The panel noted from Witness A's investigation interview that he took the phone from Pupil I, who was thought to be the pupil that had videoed the sexual activity. Pupil I was questioned by Witness A whether "there was anything on it that was going to get him in trouble". Witness A further told Pupil A that the incident needed to be reported to the police but he "couldn't do much from Switzerland". In Witness A's oral evidence, he stated that the phone was returned to Pupil I as he was unable to gain access to it.

The panel considered that Mrs Drury stated in her investigation interview that she "found out later" that sexual activity had been videoed and that she was "picking up a vibe that Pupil I had recorded some footage" as she was "capturing snippets of information from the students". Whilst it was unclear to the panel when Mrs Drury became aware of the incident, the panel determined that Mrs Drury's had responsibility to know that such an incident had occurred as the trip leader and principal of the School and exhibited sufficient suspicions that should have been acted on during the trip.

The panel would have expected Mrs Drury to confiscate each pupil's phone, undertake an informal investigation into her suspicions or to report the matter to the police who would have been able to check each phone, which was a view shared by Witness B in her evidence.

The panel saw no evidence that Mrs Drury had taken any steps to prevent the incident from occurring or further measures to protect the students following suspicions that filming of sexual activity had occurred. As outlined under allegation 2(a), the pupils were unsupervised for a period of time and allowed to socialise in their hotel rooms which presented a serious risk in relation to sexual activity, and therefore the filming of sexual activity.

The panel therefore found allegation 2(b) proved.

c) one or more pupils from possessing knives;

The allegation was not admitted by Mrs Drury.

The panel considered Witness A's evidence that he received a telephone call from staff at the School on the third day informing him that Pupil B had disclosed that she had a knife and that she was threatening to [REDACTED]. Witness A stated that he "immediately went to Pupil B's room to speak to her", following information that she had a knife and that Pupil B had [REDACTED].

Witness A recalls retrieving a knife from behind the radiator in the bathroom and 2 other knives from the top of the table. However, no further searches were undertaken. Witness A understood the pupils to have obtained the knives from the hotel kitchen which should have been locked away. Witness A's log of concerns, exhibited to his statement, stated that he had a conversation with Mrs Drury about an incident involving a pupil and a knife.

Mrs Drury stated in her investigation interview that she does "not recall an incident with a knife" or recall "being given a knife". However, Mrs Drury stated that she remembered "there was an incident with Pupil B" and that "Pupil B likes to draw attention to herself", for instance, when she [REDACTED].

Whilst the panel saw conflicting evidence in relation to whether Mrs Drury was aware that Pupil B possessed a knife, the panel considered that Mrs Drury's had responsibility to know that such inappropriate behaviour had occurred as the trip leader and principal of the School, especially in light of her prior knowledge that Pupil B had previously made disclosures in relation to [REDACTED].

As above, the panel had regard to the OEAP guidance entitled 'Ratios and Effective supervision' exhibited to Witness B's written statement, which stated "the responsibility for supervision is continuous, 24 hours a day", "clear and understandable guidelines will be set for the group, including physical and behavioural parameters" and that there should be "strict guidelines for behaviour in bedrooms and dormitories". The possession of a knife would be less likely to occur if closer supervision had taken place.

As the incident in relation to the possession of a knife likely occurred on the third day of the trip, the panel noted that the incident would not have occurred if Mrs Drury had taken the decision to send all pupils home on the second day, as the panel saw this to be the appropriate step at that time. As such, a pupil was put at risk of harm directly as a result of Mrs Drury's decision not to send the pupils home on the second day. As an alternative, Mrs Drury should at the very least have taken some of the steps outlined by the panel at (i) to (v) above to mitigate the risk of further inappropriate behaviour.

The panel therefore found allegation 2(c) proved.

d) one or more pupils from shoplifting;

The allegation was not admitted by Mrs Drury.

The panel considered the following evidence in relation to instances of shoplifting on the ski trip:

- Witness A's written evidence stated that Pupil B phoned him to say that "three other pupils had gone to the shop near the Hotel and that they had stolen several items" on the third day of the trip; and
- Mrs Drury stated in her investigation interview that 3 pupils were reprimanded by the police on the ski trip in relation to accusations of shoplifting, although "they all denied shoplifting".

Witness A stated in his written evidence that he "immediately informed Mrs Drury and headed to the shop" following a disclosure by Pupil B regarding shoplifting. He further stated that there "would have been conversations" with Mrs Drury about these pupils' behaviour but he could not remember what action was taken.

The panel noted that Mrs Drury referred in her investigation interview to the fact that they could "deal with it when we got home" following a discussion in relation to the accusations of shoplifting. The panel considered that it was not appropriate to defer dealing with a serious incident to a later date.

As outlined above, the panel determined that closer supervision would have made shoplifting less likely to occur.

The panel considered that the above incidents would not have occurred if Mrs Drury had taken the decision to send all pupils home on the second day, as the panel saw this to be the appropriate step at that time. As an alternative, Mrs Drury should at the very least have taken some of the steps outlined by the panel at (i) to (v) above.

The panel therefore found allegation 2(d) proved.

e) one or more pupils from stealing alcohol;

The allegation was not admitted by Mrs Drury.

Mrs Drury stated in her investigation interview that she was told by the hotel owner on the second day of the trip that pupils had got up "in the early hours", broken the door of the restaurant in the hotel and taken "about 10 bottles of spirits". Mrs Drury stated that "all the bottles were retrieved" and that "the majority of the students were involved in some way".

Mrs Drury further stated in her investigation interview that she "had to establish the facts" and therefore "needed to get the students skiing". Mrs Drury did room checks during the

time the pupils were skiing and had a “debrief” with the hotel manager and a meeting with the pupils. Mrs Drury also checked in with the School’s development team.

Mrs Drury further noted that she was “concerned” that she could not manage the situation away from home, but she decided it was “too soon” for the trip to be discontinued.

The panel saw evidence that Mrs Drury had taken some steps in relation to the pupils stealing alcohol, as she gathered information from them and appeared to make clear that it was not appropriate behaviour given Mrs Drury further stated in her interview that the pupils were apologetic. However, the panel determined that this was insufficient and that greater supervision had been required to reduce the risk of stealing alcohol.

The panel therefore found allegation 2(e) proved.

f) one or more pupils from consuming alcohol;

The allegation was not admitted by Mrs Drury.

The panel was satisfied that one or more pupils had more than likely consumed alcohol during the ski trip based on the following evidence:

- Mrs Drury stated in her investigation interview that Pupil A was intoxicated on the first day of the ski trip, albeit that she had “no idea” how Pupil A obtained the alcohol;
- Witness A’s written evidence stated that alcohol was taken from the hotel bar on the first day by the pupils; and
- Individual F’s investigation interview refers to the pupils being entitled to a “supervised drink” if they were to give the staff all of their alcohol. Additionally, the pupils were purchasing alcohol when attending a nightclub during the trip but “never drank in the hotel”.

The panel noted that Mrs Drury did room checks upstairs, whilst Witness A and Individual F did room checks downstairs and the pupils stated that they did not have alcohol. Mrs Drury further noted that “no other student got intoxicated as Pupil A did”.

The panel again considered the OEAP guidance which sets out that pupils should be appropriately supervised. The panel noted the level of supervision was plainly insufficient given that pupils had the ability to obtain alcohol during the evening of the first day, obtained this from the hotel bar and later again at the nightclub.

The panel noted that Mrs Drury took no further action in relation to alcohol consumption other than room checks. The panel again noted that in light of the circumstances, repeated incidents of alcohol consumption would not have occurred if the ski trip was discontinued on the second day. As a minimum, the panel would have expected Mrs Drury to implement one or more of the measures outlined at (i) to (v) above, but she did not do so.

The panel therefore found allegation 2(f) proved.

g) one or more pupils from attending nightclubs unsupervised by an adult;

The allegation was not admitted by Mrs Drury.

Witness A stated in evidence that he was informed by Mrs Drury about an underage disco taking place on the third night of the ski trip, to which she arranged for Individual F to take the pupils. Witness A stated that he was not aware the pupils would be going to a nightclub prior to them attending it. Witness A further stated that he could not say for certain what the conversation was between him and Mrs Drury at the time, however he believed the motivation behind the pupils attending the underage disco was to provide the pupils with entertainment.

Mrs Drury stated in her interview that Individual F went to a “school disco” with some pupils to “relax and have fun”. Mrs Drury acknowledged that the venue “turns into a nightclub for adults later in the evening” and that Individual F “was the most obvious person to go” with the pupils. Additionally, Mrs Drury stated that it was a “sensible decision” and enabled the pupils to mix with other pupils from different cultures. Mrs Drury also noted that staff from other schools were in attendance.

In his investigation interview with Individual A, Individual F stated that he “had 5 or 6 students to supervise” when attending a “little club” that was “open from 8 to 10 every night”. Whilst the panel noted the evidence to be hearsay, the evidence was consistent with the account of events provided by Witness A and Mrs Drury in her investigation interview.

The panel considered that Mrs Drury explicitly permitted Individual F to take pupils to an underage disco, in the knowledge that the venue later turned into a nightclub. Whilst Mrs Drury stated in her investigation interview that the nightclub was not selling alcohol, the panel determined that Mrs Drury was aware or should have been aware of the risk of pupils obtaining alcohol at the venue as she “texted parents and asked them to remind” the pupils about not drinking alcohol. This risk was especially evident given the prior instances of alcohol consumption by the pupils in the previous days of the ski trip.

The panel disagreed with Mrs Drury’s view that Individual F was the most obvious person to go, or that it was a sensible decision, given that Individual F was under the age of 18 at the time and could not be responsible for supervising the pupils, especially as he was not sufficiently trained in child safeguarding as noted by Witness B in her written evidence. The panel further noted that Witness B stated in oral evidence that Individual F was on bail for weapons related offences at the time the ski trip had taken place.

Notwithstanding the incidents that had already occurred on the ski trip involving alcohol, the panel is satisfied that Mrs Drury gave permission for the pupils to attend a disco in a venue that potentially sold alcohol without any adult supervision. The panel determined Mrs Drury’s actions to be irresponsible. Not only did Mrs Drury fail to take any steps to

reduce the risk of inappropriate behaviour, such as the consumption of alcohol, but she actively placed the pupils in a high risk scenario.

The panel therefore found allegation 2(g) proved.

3. When made aware of sexual activity involving Pupil A during a residential ski trip on or about 29 January 2017, you failed to:

- a) address adequately safeguarding risks to Pupil A;**
- b) take effective action to prevent further instances of sexual activity involving Pupil A during the trip.**

The allegations were not admitted by Mrs Drury.

The panel had regard to the same evidence as set out in allegation 2(a) and was satisfied that Mrs Drury was made aware of sexual activity involving Pupil A on the first day of the ski trip, due to Pupil A's disclosure. Additionally, sexual activity was reported to Mrs Drury by Witness A after he overheard conversations suggesting Pupil A had engaged in sexual activity on the first day.

For the same reasons as detailed in relation to allegation 2(a), the panel considered that Mrs Drury did not take any specific action to safeguard Pupil A following her disclosure despite the obvious risk to her of repeated sexual activity. The panel saw no evidence that further measures were implemented by Mrs Drury on the second day of the trip to protect Pupil A.

The panel noted that further instances of sexual activity would not have occurred if Mrs Drury had taken the decision to send Pupil A home following her disclosure of sexual activity on the first day, as the panel saw this to be the appropriate step at that time. As an alternative, Mrs Drury should at the very least have taken the steps outlined by the panel at (i) to (v) above.

The panel therefore found allegation 3(a) and (b) proved.

4. After a residential ski trip which began on or about 29 January 2017 and ended on or about 4 February 2017, you did not disclose the seriousness of incidents occurring on the trip to:

- a) the School trustees,**
- b) the Local Authority and/ or schools whose pupils were participating in the trip,**

The allegation was not admitted by Mrs Drury.

The panel considered Witness A's written evidence that the procedure for reporting safeguarding incidents to the School's trustees was that the concern would be communicated to the trustees as part of the "Head Teacher's report to the Trustees".

The panel had regard to the requirement to inform schools and the Local Authority as set out in 'Keeping Children Safe in Education' which states "all professionals share appropriate information in a timely way and can discuss any concerns about an individual child with colleagues and local authority children's social care".

As referred to in consideration of allegation 1(b), the Council commissioned Pupil A to attend the School as they were responsible for the provision of Pupil A's education outside of a mainstream setting. The panel considered Witness D's evidence that the Council only became aware of the incidents that had occurred on the trip following information provided by Pupil A's parent on 3 February 2017.

Thereafter, Witness D stated that Mrs Drury contacted her on 7 February 2017 stating that Pupil A had "found herself in a very difficult position having behaved so recklessly that she may not be able to return to the School due to her gross misconduct and reckless behaviour". When Witness D queried why the Council had not been informed of the incidents relating to Pupil A, Mrs Drury stated that "she could not be expected to do everything and that communication was a two way process".

Witness A stated in his written statement that he was "not aware" of Mrs Drury notifying the School trustees, the schools whose pupils were participating in the trip or the local authority about the events of the trip.

Mrs Drury stated in her investigation interview that there was a trustee meeting a week after the ski trip where she "gave verbal feedback" and said that the trip had "been eventful". Mrs Drury noted that she was not questioned about all the events at this meeting and she does not recall if she told them about the police involvement.

The panel considered a document titled 'Ski Residential Report' prepared by Mrs Drury and sent to the trustees of the School. Within this document, Mrs Drury outlined the extreme behaviour of 3 pupils that took place on the ski trip, which consisted of damage, theft of alcohol and sexual activity. The panel was of the view that, in light of the evidence before it, this report did not detail the full extent of the incidents which had occurred. This view was shared by Witness B, as noted in her witness statement.

The panel also considered an exclusion report completed by Mrs Drury in relation to Pupil A, which is exhibited to Witness D's written statement. The panel noted that this report stated that Mrs Drury had failed to outline that Pupil A was involved in incidents relating to sexual activity.

The panel also considered the reports to commissioning schools prepared by Mrs Drury, in relation to Pupil I and Pupil F. However, the panel noted that this evidence did not carry much weight given it was provided as part of Individual A's evidence which was hearsay as she was not called to give evidence.

In light of the above evidence, the panel was satisfied that Mrs Drury did not disclose the incidents that took place to the School trustees or the Council (being the Local Authority)

at all during the duration of the ski trip or shortly after. Even when Mrs Drury made disclosures thereafter, she did not provide sufficient information to enable the relevant parties to be fully aware of the extent of the incidents and how they impacted the pupils. As such, the relevant parties were unable to take effective measures to mitigate the harm that was caused.

The panel therefore found allegation 4(a) and (b) proved.

5. By your conduct set out in paragraph 1 and/ or 2 above you failed to adequately safeguard one or more of the pupils attending the residential ski trip.

The allegation was not admitted by Mrs Drury.

The panel was satisfied that, in Mrs Drury's failure to adequately prepare for the ski trip and thereafter failing to ensure that appropriate measures were in place throughout the trip to manage the obvious risks that came to light, Mrs Drury fundamentally failed to safeguard one or more of the pupils attending the ski trip. The panel relied on the same evidence as referenced above.

The panel therefore found allegation 5 proved.

6. By your conduct set out in paragraph 4, you failed to act with integrity.

The allegation was not admitted by Mrs Drury.

The panel considered whether Mrs Drury had failed to act with integrity by her conduct in allegation 4. The panel considered the case of *Wingate & Anor v The Solicitors Regulation Authority* [2018]. The panel was mindful of the legal advice it received and that it is not possible to formulate an all-purpose comprehensive definition of integrity, but it implies adherence to the ethical standards of one's own profession. The panel noted that teachers are not expected to be paragons of virtue.

The panel was satisfied that Mrs Drury's failure to disclose the full scope of the incidents which took place on the trip fell far below the ethical standards expected of a teacher, particularly given her status as a head teacher.

Mrs Drury failed to put the interests of the School or pupils first and inhibited the effectiveness of measures which could have taken place shortly after the incidents to safeguard the pupils. The panel considered that, by reference to Part 2 of the Teachers' Standards, Mrs Drury was in breach of the following standards:

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

Mrs Drury's conduct also breached the following obligations in Keeping Children Safe in Education:

- If staff have any concerns about a child's welfare, they should act on them immediately; and
- If staff have a concern, they should follow their own organisation's child protection policy and speak to the designated safeguarding lead (or deputy).

The panel determined that Mrs Drury should have exhibited a high level of honesty and accountability given the responsibility that she had over 12 pupils during a residential trip abroad, but this did not occur.

The panel considered Mrs Drury's conduct as set out in allegation 4 to be very serious and noted Witness B's written evidence regarding the significant delay in the support that was provided to pupils following the safeguarding failures.

For the reasons set out above, the panel found allegation 6 proven.

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

- 2. During a residential ski trip which began on or about 29 January 2017 and ended on or about 4 February 2017, you did not take sufficient steps to reduce the risk of inappropriate behaviour by pupils, including to seek to prevent:
h) an adult teacher sharing a room with a minor.**

The allegation was not admitted by Mrs Drury.

The panel considered oral and written evidence from Witness A which stated that Mrs Drury dealt with arranging how the group on the ski trip was split up and who would be sharing a room with each other. Witness A said that he was told upon arrival to the hotel in Switzerland that he was allocated a room with Individual F by Mrs Drury. Witness A further stated in oral evidence that it was a "failure on his part" to not raise an issue with him sharing a room with Individual F, who was a minor at the time.

Mrs Drury stated in her investigation interview that Witness A and Individual F "agreed that it was suitable for them to share a hotel room on the trip". This is consistent with the account provided by Witness A in oral evidence. Mrs Drury further stated in this interview that Individual F was "way beyond his chronological age".

The panel determined that it was not appropriate for Mrs Drury to allocate Witness A and Individual F to share a room on the ski trip, notwithstanding any maturity that may have been shown by the minor. The panel considered that steps should have been taken for Witness A and Individual F to have separate rooms on the ski trip. Sharing a room exposed both Witness A and Individual F to multiple risks associated with allegations of inappropriate behaviour between an adult and a minor.

The panel noted that allegation 2(h) refers to “sufficient steps to be taken to reduce the risk of inappropriate behaviour by pupils”. Whilst the panel acknowledged the risks Witness A and Individual F were exposed to as a result of Mrs Drury’s decision for them to share a room, neither individuals were pupils at the time. The panel saw no evidence to suggest that the risk of inappropriate behaviour by pupils was or would be impacted in any way by an adult teacher sharing a room with a minor. This being the case, it naturally follows that there were not any steps that should have been taken by Mrs Drury to reduce the risk of inappropriate behaviour by pupils.

The panel therefore found allegation 2(h) not proved.

4. After a residential ski trip which began on or about 29 January 2017 and ended on or about 4 February 2017, you did not disclose the seriousness of incidents occurring on the trip to:

c) the Local Authority Designated Officer (LADO).

The allegation was not admitted by Mrs Drury.

The panel saw no evidence of Mrs Drury disclosing the incidents which occurred on the ski trip to the LADO. The panel noted from Witness B’s evidence that the LADO became aware of the incidents on the ski trip following a referral from the police in February 2017 which was corroborated by Individual A’s investigation report.

Witness B stated that she had received a telephone call from Mrs Drury in or around March 2017 seeking further information on a complaint against her. Witness B stated that during this call Mrs Drury “thought that the local authority had no involvement with the School and that the LADO could not regulate the School”.

The panel considered the School’s ‘Child Protection Policy’ dated 20 October 2016, exhibited to Individual A’s witness statement, which set out that the Designated Safeguarding Lead (“DSL”) was responsible for referring concerns to the relevant agencies, including the LADO. This evidence was corroborated by Witness A’s evidence as he confirmed that he was the DSL at the School and was responsible for submitting concerns to the LADO. Witness A confirmed that he did not report what had happened on the ski trip to the LADO.

Witness B’s written evidence stated that she “would not have expected Mrs Drury to have made a referral to the LADO about what had taken place”.

The panel determined that there was no evidence to show that Mrs Drury had disclosed the seriousness of the incidents occurring on the ski trip to the LADO. However, the panel considered that it was Witness A’s responsibility to report the incidents to the LADO rather than Mrs Drury’s, as made clear by the School’s ‘Child Protection Policy’.

The panel therefore found allegation 4(c) 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”.

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position;
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions;
 - showing tolerance of and respect for the rights of others;
 - Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach; and
 - 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 Mrs Drury in relation to the facts found proved involved breaches of Keeping Children Safe In Education (“KCSIE”). The panel considered that Mrs Drury was in breach of the following provisions:

- All staff should know what to do if a child tells them he/she is being abused or neglected. Staff should know how to manage the requirement to maintain an appropriate level of confidentiality whilst at the same time liaising with relevant professionals such as the designated safeguarding lead and children’s social care. Staff should never promise a child that they will not tell anyone about an allegation, as this may ultimately not be in the best interests of the child;
- If a child is in immediate danger or is at risk of harm, a referral should be made to children’s social care and/or the police immediately;
- All concerns, discussions and decisions made and the reasons for those decisions should be recorded in writing. If in doubt about recording requirements, staff should discuss with the designated safeguarding lead;
- All staff should be aware that safeguarding issues can manifest themselves via peer on peer abuse. This is most likely to include, but may not be limited to, bullying (including cyberbullying), gender based violence/sexual assaults and sexting. Staff

should be clear as to the school or college's policy and procedures with regards to peer on peer abuse; and

- All staff should have an awareness of safeguarding issues. Staff should be aware that behaviours linked to the likes of drug taking, alcohol abuse, truanting and sexting put children in danger.

The panel was satisfied that the conduct of Mrs Drury in relation to the facts found proved, involved breaches of Working Together to Safeguard Children. The panel considered that Mrs Drury was in breach of the following provisions:

- All professionals share appropriate information in a timely way and can discuss any concerns about an individual child with colleagues and local authority children's social care;
- The child's needs are paramount, and the needs and wishes of each child, be they a baby or infant, or an older child, should be put first, so that every child receives the support they need before a problem escalates; and
- All professionals contribute to whatever actions are needed to safeguard and promote a child's welfare and take part in regularly reviewing the outcomes for the child against specific plans and outcomes.

The panel was satisfied that the conduct of Mrs Drury fell significantly short of the standard of behaviour expected of a teacher. Mrs Drury fundamentally failed to safeguard one or more pupils on the ski trip and acted in breach of a number of policies, procedures and guidance. The panel considered Mrs Drury's actions to be particularly serious given her position as principal and the significant harm which likely came to one or more pupils as a result of her failure to take appropriate measures to reduce the obvious risks. In short, the panel considered that Mrs Drury subordinated her teaching responsibilities to her ambition to provide the pupils with a "trip of a lifetime", as referred to in Witness A's written evidence.

The panel also considered whether Mrs Drury's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct. The panel found that none of these offences were relevant.

The panel noted that the advice is not intended to be exhaustive and there may be other behaviours that panels would consider amounting to "unacceptable professional conduct".

The panel considered the case In Attorney General's ref (No 2 of 2001) [2004] and that a breach of the right to a fair trial within a reasonable time pursuant to Article 6 of the ECHR must be afforded such remedy as may be just and appropriate. However, the

remedy will depend on the nature of the breach and all the circumstances, including, in particular, the state of the proceedings at the time when the breach was established.

The panel noted that a declaration was made at the CMH that there had been a breach, albeit that it was still possible for Mrs Drury to have a fair hearing and there was no other compelling reason as to why it would be unfair for the hearing to take place. This was not a case where a breach had been established, retrospectively, after there had been a hearing. Even if that had been the case the panel noted that the Attorney General's ref (No 2 of 2001) [2004] case stated that unless the hearing was unfair, or it was unfair to try the defendant at all, it would not be appropriate to quash any conviction, and the appropriate remedy may be a public acknowledgement of the breach or a reduction in the penalty imposed.

The panel had seen no further evidence to suggest that the hearing had not been fair, or that it had been unfair to try Mrs Drury at all. As such, given the allegations were found to be very serious by the panel, the public interest in a final determination means that, on balance, the panel was satisfied that a finding of unacceptable professional conduct was just and appropriate in all of the circumstances.

Accordingly, the panel was satisfied that Mrs Drury was guilty of unacceptable professional conduct.

The panel went on to consider whether Mrs Drury was guilty of conduct that may bring the profession into disrepute.

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

The panel also considered whether Mrs Drury's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to conduct that may bring the profession into disrepute. The panel found that none of these offences were relevant.

The panel noted that the advice is not intended to be exhaustive and there may be other behaviours that panels consider to be "conduct that may bring the profession into disrepute".

The panel considered that Mrs Drury's conduct could potentially damage the public's perception of a teacher. The panel determined that any ordinary person would view the number of incidents that took place, including sexual activity, criminal activity and

underage drinking, and the lack of measures Mrs Drury had in place to deal with such instances, to be completely unacceptable.

The panel noted that the School temporarily lost its [REDACTED] registration likely as a result of Mrs Drury's conduct, which had the potential to substantially damage the School's reputation.

Additionally, the panel found that Mrs Drury had completely disregarded her ongoing duty to safeguard the pupils on the ski trip, and sought for the pupils to prove that they could improve their behaviour rather than taking adequate measures to protect them.

As outlined above, the panel further considered the breach of Mrs Drury's right to a fair trial within a reasonable time in light of the case *In Attorney General's ref (No 2 of 2001) [2004]*. For the same reasons as set out above, the panel was satisfied that a finding of conduct that may bring the profession into disrepute was just and appropriate in all the circumstances.

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

Having found the facts of particulars 1(a) to (d), 2(a) to (g), 3(a) and (b), 4(a) and (b), 5 and 6 proved, the panel further found that Mrs Drury's 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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mrs Drury and whether a prohibition order is necessary and proportionate. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

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

- the safeguarding and wellbeing of pupils and the protection of other members of the public;
- the maintenance of public confidence in the profession;

- declaring and upholding proper standards of conduct; and
- the interest of retaining the teacher in the profession.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of failure by Mrs Drury to adequately safeguard a number of pupils in her care throughout the duration of a residential ski trip.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mrs Drury 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 Mrs Drury was outside that which could reasonably be tolerated.

The panel saw no evidence as to Mrs Drury's ability as an educator, although it noted that she had attained the position of head teacher. Therefore, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mrs Drury in the profession, since her behaviour fundamentally breached the standard of conduct expected of a teacher, particularly in her role as head teacher.

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

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

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- failure to act on evidence that indicated a child's welfare may have been at risk, e.g., failed to notify the designated safeguarding lead and/or make a referral to children's social care, the police or other relevant agencies when abuse, neglect and/or harmful cultural practices were identified;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE); and
- lack of integrity.

Even though the behaviour found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the

behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider whether there were mitigating circumstances.

Based on the evidence available, the panel found that Mrs Drury's actions in relation to the allegations found proven were deliberate and there was no evidence to suggest that Mrs Drury was acting under extreme duress. The panel was satisfied that Mrs Drury had multiple opportunities to take measures to reduce the risks that the pupils were exposed to, yet she decided to take an alternative approach which placed the pupils at further risk. For example, Mrs Drury stated that she believed it was too soon to discontinue the ski trip on the second day as she wanted the pupils to "prove themselves" as referred to in Mrs Drury's investigation interview.

The panel had no reason to doubt that Mrs Drury had a previously good history but saw no evidence to support this. The panel also saw no evidence to suggest that Mrs Drury was previously subject to disciplinary proceedings or warnings. Mrs Drury did not provide any statements from previous colleagues or representatives of the School, by way of example, attesting to her teaching ability. Therefore, there was no evidence of Mrs Drury having demonstrated exceptionally high standards in both her personal and professional conduct or of having made an exceptional contribution to the education sector.

The panel noted an aggravating factor in Mrs Drury's case was her lack of any insight or remorse for the incidents that took place as a result of her conduct. In this regard, the panel noted the following statements provided in evidence:

- Witness D's written evidence stated that Mrs Drury "took no responsibility for the vulnerable position that she had put Pupil A in, instead choosing to blame Pupil A for what had happened";
- Witness D's written evidence also stated that Mrs Drury said "I am the victim of this as much as Pupil A is" or words to that effect; and
- Witness B's written evidence stated that Mrs Drury "seemed to show no understanding of why her actions were not appropriate. Mrs Drury seemed to have limited concern for what the pupils on the trip had experienced and put them in harm's way as a result. Mrs Drury seemingly had no regard for anyone other than herself and has not learned from this experience".

In light of the above, and without any further evidence to the contrary, the panel determined that Mrs Drury had not taken accountability for her fundamental breach of safeguarding.

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 Mrs Drury of prohibition.

In the panel's experience, the nature and severity of Mrs Drury's behaviour was at the more serious end of the possible spectrum given her fundamental failure to follow policy, procedure and guidance prior to, during and after the ski trip which placed a number of pupils with diverse needs in highly vulnerable circumstances. Mrs Drury had a blatant disregard for her professional standards and the panel has seen no evidence to suggest that she has any remorse or that she has learnt from her errors.

The panel had regard to the cases of *In Attorney General's ref (No 2 of 2001) [2004]* and *Dr Bright Selvadurai Selverajan v GMC [2008]* given that there had been a breach to Mrs Drury's right to a hearing within a reasonable time pursuant to Article 6 of ECHR. In particular, the panel also noted that Mr Justice Blake stated the following in the judgement of *Dr Bright Selvadurai Selverajan v GMC [2008]*:

"no reason in logic, policy or common sense why any delay since the conduct was committed or notified to those in authority let alone unreasonable delay in prosecuting charges, should not be capable of mitigating the penalty"

The panel understood that the longer the threat of prohibition has been hanging over the head of a professional, the more severe and more punitive any sanction may appear to them even though the purpose of the sanction is not intended to be punitive.

The panel considered that Mrs Drury's representative stated in an email to the TRA on 22 November 2024 that she would not cooperate with the proceedings as a result of the breach to her Article 6 right pursuant to ECHR. Therefore, the panel determined that, but for the breach of Mrs Drury's right to a hearing within a reasonable time, the panel may have had the opportunity to hear oral evidence from her regarding her reflections upon her conduct. Whilst the panel could not be certain that Mrs Drury would have attended the hearing at an earlier date, it determined that this was a factor that should be considered in mitigation.

Nevertheless, 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 Mrs Drury. The number of incidents that took place in relation to pupils which were Mrs Drury's responsibility, the seriousness of those incidents and the likely harm that came to the pupils, including the exclusion of Pupil A from the School, as a result of inadequate supervision and safeguarding measures was a significant factor 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 panel considered the list of behaviours at paragraph 50 of the Advice. The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. The panel considered that child neglect was relevant in this case. Mrs Drury persistently failed to meet the needs of the pupils in her care prior to, during and after the ski trip, which likely resulted in harm to one or more pupils.

Given the serious nature of Mrs Drury's conduct, the panel considered that Mrs Drury's conduct in ordinary circumstances would indicate a situation in which a review period would not be appropriate or proportionate. However, the panel found that the breach of Mrs Drury's right to a hearing within a reasonable time (pursuant to Article 6 of ECHR) meant that it was just and appropriate in the circumstances to apply mitigation. As such, the findings indicated a situation in which a review period would be appropriate and that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a 5 year review period. That would continue to meet the public interest in safeguarding pupils, since Mrs Drury would need to make an application to set the prohibition aside and convince a panel that it is in the public interest for the prohibition order to be set aside.

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 Mrs Drury should be the subject of a prohibition order, with a review period of five years.

In particular, the panel has found that Mrs Drury is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
- showing tolerance of and respect for the rights of others;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach; and
- 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 Mrs Drury involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE) and/or involved breaches of Working Together to Safeguard Children.

The panel finds that the conduct of Mrs Drury fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of failure to follow policy, procedure and guidance prior to, during and after the ski trip which placed a number of pupils with diverse needs in highly vulnerable circumstances.

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 Mrs Drury, 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, "There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of failure by Mrs Drury to adequately safeguard a number of pupils in her care throughout the duration of a residential ski trip." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel noted an aggravating factor in Mrs Drury's case was her lack of any insight or remorse for the incidents that took place as a result of her

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

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mrs Drury were not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of a failure to adequately safeguard pupils in this case and the impact that such a finding has on the reputation of the profession.

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

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

I have also considered the impact of a prohibition order on Mrs Drury herself and the panel comment “The panel saw no evidence as to Mrs Drury’s ability as an educator, although it noted that she had attained the position of head teacher. Therefore, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mrs Drury in the profession, since her behaviour fundamentally breached the standard of conduct expected of a teacher, particularly in her role as head teacher.”

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

In this case, I have placed considerable weight on the panel’s comments concerning the lack of insight or remorse. The panel has said, “the panel determined that Mrs Drury had not taken accountability for her fundamental breach of safeguarding.”

I have also placed considerable weight on the finding that “In the panel’s experience, the nature and severity of Mrs Drury’s behaviour was at the more serious end of the possible spectrum given her fundamental failure to follow policy, procedure and guidance prior to, during and after the ski trip which placed a number of pupils with diverse needs in highly vulnerable circumstances. Mrs Drury had a blatant disregard for her professional standards and the panel has seen no evidence to suggest that she has any remorse or that she has learnt from her errors.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mrs Drury has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by 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 5 year review period.

I have considered the panel's comments "the findings indicated a situation in which a review period would be appropriate and that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a 5 year review period. That would continue to meet the public interest in safeguarding pupils, since Mrs Drury would need to make an application to set the prohibition aside and convince a panel that it is in the public interest for the prohibition order to be set aside."

In this case, factors mean that allowing a lesser review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the findings and the lack of either insight or remorse.

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

This means that Mrs Justine Drury 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 10 December 2029, 5 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, Mrs Drury remains prohibited from teaching indefinitely.

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

Mrs Justine Drury 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.



Decision maker: Sarah Buxcey

Date: 6 December 2024

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