



Teaching
Regulation
Agency

Ms Natalie Arcos-Diaz: Professional conduct panel hearing outcome

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

December 2024

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

Teacher:	Ms Natalie Arcos-Diaz
Teacher ref number:	0644520
Teacher date of birth:	03 April 1985
TRA reference:	19380
Date of determination:	13 December 2024
Former employer:	Eastfield Primary School, Leicester

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 9 to 13 December 2024, by virtual means, to consider the case of Ms Natalie Arcos-Diaz.

The panel members were Mrs Melissa West (teacher panellist – in the chair), Mr Duncan Tilley (lay panellist) and Ms Jo Palmer-Tweed (teacher panellist).

The legal adviser to the panel was Mrs Luisa Gibbons of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Mr Mark Millin of Kingsley Napley LLP solicitors.

Ms Arcos-Diaz was not in attendance and was not represented.

The hearing took place in public, save for sections relating to personal matters that were heard in private. The hearing was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 4 September 2024.

It was alleged that Ms Arcos-Diaz had been convicted of a relevant offence in that on or around 30 November 2018 she was convicted of:

1. Driving a motor vehicle with excess alcohol on 10 November 2018, contrary to the Road Traffic Act 1988 s5(1)(a).

It was also alleged that Ms Arcos-Diaz was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst a teacher at Eastfield Primary School she:

2. Did not declare to the Trust the conviction, outlined in Allegation 1 when completing an application form for the role of head teacher for Eastfield Primary School which was received by the Trust on 10 February 2020.
3. Attended Eastfield Primary School unfit for work due to alcohol and/or medication, on one or more occasions, including on:
 - a. 2 September 2019; and/or
 - b. 6 September 2019; and/or
 - c. 26 September 2019; and/or
 - d. 4 February 2020; and/or
 - e. 10 February 2020; and/or
 - f. 14 February 2020.
4. In or around May 2020, she inappropriately:
 - a. Shared the Trust's confidential investigation report and/or information form it with former Colleague A; and/or
 - b. Made contact with staff members via text and/or social medial.
5. Her conduct as set out at paragraph 2:
 - a. was dishonest; and/or
 - b. lacked integrity.

In the response to the notice of proceedings, Ms Arcos-Diaz's representative indicated that Ms Arcos-Diaz admitted the facts of allegation 1, but that the remainder of the allegations were denied. Given her non-attendance at the hearing, the panel proceeded on the basis that Ms Arcos-Diaz did not admit the allegations, and nor did she admit having been convicted of a relevant offence, that she was guilty of unacceptable professional conduct or conduct that may bring the profession into disrepute.

Preliminary applications

Admission of late documents

Ms Arcos-Diaz provided a witness statement for the panel's consideration, after the date documents relied upon by her were due pursuant to paragraph 5.37 of the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020 (the "Procedures"). The panel decided to exercise its discretion to admit the document. There was no objection by the presenting officer to its admission. The panel considered that the document was clearly relevant as it was Ms Arcos-Diaz's response to the allegations. The panel also considered it fair to admit the document so that the panel would be appraised of Ms Arcos-Diaz's defence, particularly in circumstances where Ms Arcos-Diaz was absent from the hearing.

Proceeding in absence

The presenting officer applied to proceed in the absence of Ms Arcos-Diaz.

The panel was informed that the notice of proceedings had been sent to Ms Arcos-Diaz by email. The panel therefore asked that enquiries be made as to whether Ms Arcos-Diaz's representative had requested that the notice be sent by email, since this was a requirement for effective service under the Teachers' Disciplinary (England) Regulations 2012 (the "Regulations"). The panel received confirmation from Ms Arcos-Diaz's representative that they had advised previously that all communication with her representative was to be by email. The panel was therefore satisfied that the TRA had complied with the service requirements set out in the Regulations.

The panel was also satisfied that the notice of proceedings complied with paragraphs 5.23 and 5.24 of the Procedures.

The panel determined to exercise its discretion under paragraph 5.47 of the Procedures to proceed with the hearing in the absence of the teacher.

The panel took as its starting point the principle from *R v Jones* 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 was of prime importance but that it also encompassed the fair, economic, expeditious and efficient disposal of allegations against the professional, as was explained in *GMC v Adeogba & Visvardis*.

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

The panel considered that Ms Arcos-Diaz was aware of the proceedings, since her representative responded with her response to the notice of proceedings, and a late witness statement by Ms Arcos-Diaz was provided. The statement set out that Ms Arcos-Diaz apologised for not having attended the hearing in person and for the late submission of her statement. She stated that the “whole ordeal of [her] suspension, the investigation and [her] dismissal [had] had a profound effect on [her] [REDACTED]...[She] would have liked to have attended the hearing but [she] feel[s] that the risk of the [REDACTED].” In light of the indication of [REDACTED], the panel asked that enquires be made as to whether Ms Arcos-Diaz was aware that she could apply for the hearing to be postponed on [REDACTED], or otherwise. Her representative confirmed that she was aware of this but confirmed that no such application was to be made, as further delay would be counter-productive to Ms Arcos-Diaz’s [REDACTED]. The panel therefore considered that the teacher has waived her right to be present at the hearing in the knowledge of when and where the hearing is taking place.

Given the above response from Ms Arcos-Diaz’s representative the panel did not consider it likely that Ms Arcos-Diaz would attend if the hearing was adjourned.

The response to the notice of proceedings indicated that Ms Arcos-Diaz would not be in attendance, but that her representative would. However, this was clarified by her representative on 3 December 2024 in an email which stated that since Ms Arcos-Diaz would not be attending, her representative would also not be attending the hearing.

The panel had the benefit of a statement made by the teacher and was able to ascertain the lines of defence. It also referred to her points in mitigation and the panel was able to take this into account at the relevant stage. The panel noted that four witnesses relied upon were to be called to give evidence and the panel could test their evidence in questioning those witnesses, considering such points as were favourable to the teacher, as were reasonably available on the evidence. The panel was also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher’s account.

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

The panel also recognised that the efficient disposal of allegations against teachers is required to ensure the protection of pupils and to maintain confidence in the profession. The conduct alleged is said to have taken place whilst the teacher was employed at the Eastfield Primary (“the School”). The School will have an interest in this hearing taking place in order to move forwards.

The panel also noted that there were four witnesses who were prepared to give evidence, and that it would be inconvenient and potentially distressing for this to have to be re-arranged to a future hearing slot. Delaying the case may impact upon the memories of those witnesses, or lead them to disengage from the proceedings.

The panel decided to proceed with the hearing in the absence of the teacher. The panel considered that Ms Arcos-Diaz had waived her right to appear, and that an adjournment would not secure her attendance, nor would it be in her interests. By taking such measures referred to above to address any unfairness insofar as was possible, the panel considered that the public interest in this hearing proceeding within a reasonable time was in favour of the hearing continuing, particularly given that the witnesses were available to be questioned, and delay could impact on the quality of evidence available.

Application to admit hearsay evidence

The presenting officer applied to admit the evidence of staff members and those associated with the School who were interviewed as part of the School's investigation. Notes of their interviews were appended to the School's investigation report. The panel understood that no objection had been made to the inclusion of their interview notes within the hearing bundle. Save for Witness E [REDACTED], it was apparent to Ms Arcos-Diaz and her representative that these individuals were not to be called as witnesses as they were not named in the notice of proceedings as attending to give oral evidence.

The notice of proceedings had indicated that Witness E was to be called to give evidence but by the time of the hearing, Witness E had stopped engaging with the process. The panel asked that Ms Arcos-Diaz's representative be made aware that Witness E was no longer to be called, and for it to be ascertained whether there was any objection to his evidence being admitted. It was explained that Witness E did not want to be part of the proceedings as he has a new career, and that he had stopped replying to the presenting officer's firm. Ms Arcos-Diaz's representative responded to state that Ms Arcos-Diaz opposed the application to rely upon his evidence, and that his evidence should be discounted in its entirety.

The panel did not consider any of the interview notes were the sole and decisive evidence in support of any allegation, but were relevant as they formed part of the factual matrix.

The central question for the panel was whether it was fair in the circumstances to allow evidence to be put forward by the presenting officer without the opportunity for their evidence to be tested by the panel. Given Ms Arcos-Diaz's absence from the hearing, and having no representation at the hearing, cross-examination of the witnesses would not have been possible in any event.

The panel took account of the efforts that had been made to secure the attendance of Witness E, although he had disengaged with the proceedings. Although there was no indication that the other individuals had been contacted with a view to being called as witnesses, the panel appreciated that a proportionate approach had been adopted given the number of potential witnesses, and that witnesses whose evidence formed a critical part of the evidence against Ms Arcos-Diaz were being called.

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

In the circumstances, and given that none of the individuals provided sole and decisive evidence in support of any allegation, the panel decided that there were sufficient safeguards to protect the teacher against any unfairness caused by the panel being unable to test the evidence of the individuals. The panel understood that it would be provided with a hearsay warning in due course, and the panel will determine what weight if any it should attach to the evidence.

The panel decided that the evidence was relevant, and that it was fair for it to be admitted. The panel considered that it would be helpful to be appraised of the complete picture, so that it could examine the consistency of accounts, and assess any possibility of collusion or rumour affecting the evidence. Although Ms Arcos-Diaz objected to the admission of Witness E's evidence, the panel considered that evidence should also be included since if the jigsaw of available evidence was not complete, the panel considered that it could affect its ability to make that appraisal.

Summary of evidence

Documents

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

Section 1: Chronology and list of key people – pages 6 to 9

Section 2: Notice of proceedings and response – pages 10 to 23

Section 3: Teaching Regulation Agency witness statements and appendices– pages 24 to 166

Section 4: Teaching Regulation Agency documents – pages 167 to 548

In addition, the panel agreed to accept the following:

Witness statement of Ms Arcos-Diaz – 4 pages

Proceeding in absence bundle – 20 pages

Skeleton submissions by the presenting officer – 23 pages

Email chain between the presenting officer's firm and Ms Arcos-Diaz's representative regarding membership of the panel – 4 pages

Email from Ms Arcos-Diaz's representative confirming non-attendance – 1 page

Two emails from Ms Arcos-Diaz's representative regarding service of the notice of proceedings, whether any postponement application was to be made and that Witness E would not be giving oral evidence - 9 pages.

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

Witnesses

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

Witness A – [REDACTED]

Witness B – [REDACTED]

Witness C – [REDACTED]

Witness D – [REDACTED]

Decision and reasons

The panel announced its decision and reasons as follows:

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

On 23 August 2018, Ms Arcos-Diaz commenced employment as deputy headteacher at the School. On 1 January 2020, she commenced a role as acting headteacher at the School. On 10 February 2020, Ms Arcos-Diaz applied for the substantive role of headteacher at the School. On 24 February 2020, she was suspended pending an internal investigation. A disciplinary hearing was convened on 13 May 2020 which resulted in Ms Arcos-Diaz ceasing to be employed. On 24 June 2020, Ms Arcos-Diaz appealed the disciplinary decision. On 1 July 2020, Ms Arcos-Diaz was referred to the TRA. On 24 July 2020, her appeal was determined.

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:

It was alleged that you been convicted of a relevant offence in that on or around 30 November 2018 you were convicted of:

- 1. Driving a motor vehicle with excess alcohol on 10 November 2018, contrary to the Road Traffic Act 1988 s5(1)(a).**

On 6 September 2024, Ms Arcos-Diaz's representative completed a form in response to the notice of proceedings. This confirmed that Ms Arcos-Diaz admitted this allegation.

The panel has seen a print of the PNC record which confirmed that Ms Arcos-Diaz had been convicted on 30 November 2018 of the alleged offence. The PNC record stated that Ms Arcos-Diaz was ordered to pay a fine of £1,765, costs of £170 and a victim surcharge of £85. She was disqualified from driving for 28 months which was subsequently reduced by 30 weeks following her completion of a course.

During the School's investigation, the notes of an interview with Ms Arcos-Diaz state that Ms Arcos-Diaz provided information regarding the incident that had led to the conviction and the sentence imposed.

Ms Arcos-Diaz's witness statement for these proceedings also provided information regarding the background to the conviction and her completion of a drink driving course.

Although no certificate of conviction was adduced, given Ms Arcos-Diaz's admission, her confirmation of the conviction during the School's investigation and the contents of her witness statement, also corroborated by the PNC Record, the panel found this allegation proven.

Whilst a teacher at Eastfield Primary School you:

- 2. Did not declare to the Trust the conviction, outlined in Allegation 1 when completing an application form for the role of head teacher for Eastfield Primary School which was received by the Trust on 10 February 2020.**

Witness A stated in her witness statement for these proceedings that Ms Arcos-Diaz applied for the substantive position as headteacher in February 2020. The previous headteacher had retired, and had put in place an arrangement for Ms Arcos-Diaz to take over as acting headteacher.

Witness A exhibited an email from Ms Arcos-Diaz of 10 February 2020 enclosing the application form and a covering letter. That application form included a question "Do you have any convictions, cautions, reprimands or final warning that are not 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013) by SI 2013 1998 available at www.gov.uk". Ms Arcos-Diaz highlighted

the response “No” to indicate her answer. The form stated that if the applicant responded “yes”, “please provide the details in a sealed envelope and attach to your form including date, court and nature of offence.” No reference was made to the conviction in the covering letter provided by Ms Arcos-Diaz.

The form also required a declaration stating “I have read and understood the above statement. If I have any convictions or cautions to declare I will supply written details of them in a separate envelope marked ‘Private and Confidential’ with this application. I also understand that if I am called to interview, I will be required to discuss my caution/ conviction so that the Trust can make an assessment as to whether a risk assessment can be put in place to enable employment or not”. That declaration was not completed by Ms Arcos-Diaz. The form called for signatures in other sections, and none of these were completed by Ms Arcos-Diaz, nor did her covering letter bear a signature. Nevertheless the panel saw the covering email from Ms Arcos-Diaz submitting the application form.

The panel noted that the form stated that “as this post is defined under Safeguarding Vulnerable Groups Act 2006 as a ‘regulated activity’ we will require the successful candidate to produce either an appropriate enhanced criminal record certificate or apply to the Disclosure and Barring Service for an enhanced check for a regulated activity”.

Witness A stated that she first became aware that Ms Arcos-Diaz had a conviction on the 24 February 2020 during a meeting in which Ms Arcos-Diaz was suspended from her duties. Witness A stated that she had attended a meeting with Ms Arcos-Diaz and the director of schools. The director of schools had been informed by the acting deputy headteacher at the School that Ms Arcos-Diaz had a conviction a week or so before the meeting. Witness A stated that the director of schools asked Ms Arcos-Diaz directly if she had a conviction in relation to drink driving, and Ms Arcos-Diaz confirmed that she had.

Since, Ms Arcos-Diaz highlighted “no” to indicate she had no convictions, the panel found it proven that she had not declared her conviction when she completed her application form.

The panel found this allegation proven.

3. Attended Eastfield Primary School unfit for work due to alcohol and/or medication, on one or more occasions, including on:

a. 2 September 2019; and/or

Witness B exhibited a contemporaneous log of incidents she had observed. She explained in oral evidence that she had typed a note of each incident at the end of the day when she returned home from School. This log included an entry for 2 September 2019 which stated that Ms Arcos-Diaz had arrived at work and was “very loud, slurring her words and her eyes began to roll.” The log stated that this was also noticed by the other acting deputy headteacher who spoke with former Colleague A (then the headteacher) about their concerns. The log records that former Colleague A had asked

Witness B to speak with him, and she discussed what she had noticed and told him of her suspicion that Ms Arcos-Diaz was intoxicated. The panel noted from the log that this had not been the first occasion that Witness B had suspected that Ms Arcos-Diaz might have been intoxicated, and Witness B explained in oral evidence that she had kept the log in case she needed to evidence matters that she had reported.

Witness B's witness statement and interview notes for the School's investigation both stated that on this date, former Colleague A had been on a residential trip and Ms Arcos-Diaz had been in charge of the school, given that she was, at the time, the deputy headteacher. Witness B also stated that she could not recall if Ms Arcos-Diaz had smelt of alcohol, but if she had, she expected that she would have included it in her contemporaneous log of incidents.

The panel asked Witness B about whether there had been talk amongst the staff about Ms Arcos-Diaz's behaviour. Witness B stated that there had been "grumbings" about Ms Arcos-Diaz's behaviour but she was very conscious that she could only report behaviour that she had observed, or which had been reported to her by others who had observed behaviour of concern. The panel considered that Witness B had been very careful to separate rumour from behaviours that could be evidenced.

The panel also noted that Witness B had reservations when Ms Arcos-Diaz became acting headteacher but that there had been a period of improvement, and that she gave credit to Ms Arcos-Diaz for "stepping up to the plate" and that "she had been putting her mark on the school". There did not appear to be any ill-will towards Ms Arcos-Diaz.

Witness E, who was not called to give evidence, also produced a handwritten statement for the School's investigation which stated that "During the school residential to Wales in September 2019, [he] noticed that Natalie had come into school slurring words and smelling of alcohol."

The panel noted that the other acting deputy headteacher had been interviewed as part of the School's investigation. The notes of that interview stated that there had been an arrangement whereby she was expected to check on Ms Arcos-Diaz from a welfare point of view in the mornings. She stated that this had been put in place following an incident in September 2019. She stated that former Colleague A had been away on a residential trip to Wales and Ms Arcos-Diaz had taken assembly. During that assembly, she said that Ms Arcos-Diaz was "staggering a fair bit and was slightly incoherent and slurring her words". She stated that she called former Colleague A and he said that he would speak with her. She stated that on this day she had managed to get Ms Arcos-Diaz to go home.

Former Colleague A's statement in support of Ms Arcos-Diaz stated that in September 2019, whilst on the residential course, he received a call from the other acting deputy headteacher expressing concern about drinking by Ms Arcos-Diaz. He stated that he spoke with a few members of staff including senior leadership team members. He stated that there had been no evidence of alcohol and Witness B, who gave a lift to Ms Arcos-

Diaz to work most days had not smelt alcohol. He stated that he spoke with Ms Arcos-Diaz who provided evidence of [REDACTED]. He therefore decided to put her on an informal support plan.

Ms Arcos-Diaz did not comment on this specific incident in her statement. She stated that since this and other incidents (save for that on 14 February 2020) were never raised with her, she could not comment. [REDACTED] She also stated that she had informed former Colleague A (so prior to 31 December 2019) [REDACTED] and that he was very supportive, permitting her to come in later, after she had more sleep and felt able to function. She confirmed that the two other senior leaders (which would have included Witness B) had been made aware of the arrangement and they were both supportive.

Witness B was the only witness to this incident who gave oral evidence, and specified this having happened on 2 September 2019. Whilst the panel could not attribute significant weight to the notes of interviews with other staff members or the statement of former Colleague A, the panel noted that their evidence corroborated the evidence of Witness B that there had been an incident whilst former Colleague A was away on a residential trip that had given cause for concern, and resulted in an informal support plan being put in place.

The panel found it more likely than not that Ms Arcos-Diaz had attended the School unfit for work due to alcohol and/or medication on this occasion.

b. 6 September 2019; and/or

Witness B's contemporaneous log stated that she had asked to speak with former Colleague A on this date as she had heard other staff members commenting on Ms Arcos-Diaz's behaviour and questioning whether she was under the influence of alcohol. The log records that during that discussion Ms Arcos-Diaz had entered the office, and it had been "blatantly apparent" that Ms Arcos-Diaz was intoxicated as her speech was very slurred, her eyes were rolling and she smelt of alcohol. The log records that former Colleague A asked to speak with Ms Arcos-Diaz privately and he later reported back to Witness B that he had discussed the matter with Ms Arcos-Diaz and that her behaviour had been due to [REDACTED].

Witness C, who also gave oral evidence, provided an account of an incident in September, although she did not recall the exact date. The panel considered this more likely was the incident on 6 September 2019 given Witness B's log that referred to her having been aware of comments of other staff members. Witness C stated that she smelt alcohol on Ms Arcos-Diaz when she walked past Witness C in the classroom. She described that Ms Arcos-Diaz was being erratic, meaning that she was "louder, chattier and more bubbly than normal". She confirmed that she had passed her concerns to Witness B.

Witness C also provided positive comments regarding Ms Arcos-Diaz's performance, saying that she was a very good deputy head, that she did her job well, that she had a good rapport with parents, although she did not witness her classroom practice.

Witness B and Witness C both witnessed Ms Arcos-Diaz's behaviour on this date, and both were concerned about it. Both witnesses attended the hearing for their evidence to be tested, and neither appeared to have any malicious intent towards Ms Arcos-Diaz. The panel accepted their evidence and considered that it was more likely than not that Ms Arcos-Diaz had attended the School unfit for work due to alcohol and/or medication on this occasion.

c. 26 September 2019; and/or

Witness B also recorded concerns in her log on this date. The entry states that during a senior leadership team meeting, Ms Arcos-Diaz "once again" appeared to be intoxicated. The log referred to her behaviour being erratic, that Ms Arcos-Diaz was slurring her words and her eyes were rolling. She stated that she discussed her concerns with the other acting deputy head, who was also concerned, and who rang former Colleague A to discuss the situation. The log also recorded that after school, another staff member had asked to speak with her as she was concerned about Ms Arcos-Diaz's behaviour as when Ms Arcos-Diaz had sat down next to her, when the member of staff was listening to a child read, she could smell alcohol on Ms Arcos-Diaz's breath.

The notes of the interview with that staff member stated that there had been an incident in around September/ October that she had reported to Witness B. She stated that she had been with a child outside the classroom doing some reading, and that Ms Arcos-Diaz had come at the side of the child and the staff member noticed the smell of alcohol on her breath.

It appears that this incident was reported to the chair of the local advisory board who was also interviewed as part of the School's investigation. He referred to having made an entry in his diary that former Colleague A had contacted him to tell him that a staff member had called to say that Ms Arcos-Diaz was slurring her words and had a "smell of drink on her". He stated that he and former Colleague A discussed the situation and former Colleague A was to discuss it with Ms Arcos-Diaz. He stated that former Colleague A had reported back that Ms Arcos-Diaz was [REDACTED] which had affected her at work the next day.

Witness D, who gave oral evidence, provided a copy of an email he had sent to former Colleague A on 26 September 2019. He stated that he had sat next to Ms Arcos-Diaz at breaktime and she was "slurring her words, appeared drunk and smelt strongly of alcohol". At lunch time he stated that he felt she was still unsteady on her feet, her speech was abnormal and her eyes glazed. He stated that Ms Arcos-Diaz had accompanied a child at approximately 1:15pm and was very wobbly, smelt of alcohol and was not talking as she normally would. Witness D's email stated that he appreciated that

it was a difficult situation and his email was as much out of concern for Ms Arcos-Diaz's wellbeing as it was to report it. In oral evidence, Witness D stated that breaktime had been at about 10:30, and he had reported the concern since, as the day went on, Ms Arcos-Diaz had appeared more incapacitated than earlier in the day. He stated that he had had suspicions regarding Ms Arcos-Diaz's behaviour on two or three occasions previously, but, on this particular day, "it was too apparent to ignore".

Witness D did not appear to have any malicious motive for raising this issue. This was apparent from the email he sent, but also in oral evidence he recognised that Ms Arcos-Diaz had been doing well at the School when she first started, that she was part of the team, that she was well liked within the School and the children liked her as well.

Although the panel could not place significant weight on the evidence of those not called to give evidence it corroborated the evidence of those whose evidence was tested by the panel that there had been concerns about Ms Arcos-Diaz's behaviour on this particular day. The panel accepted their evidence and considered that it was more likely than not that Ms Arcos-Diaz had attended the School unfit for work due to alcohol and/or medication on this occasion.

e. 10 February 2020; and/or

When Witness D was interviewed as part of the School's investigation, he provided a note listing concerns he had had on other occasions. This included an incident on 10 February 2020. The note stated that Ms Arcos-Diaz "appeared drunk, smelt of alcohol and was slurring her words." In his witness statement, Witness D explained that Ms Arcos-Diaz had been in charge of the Monday morning assembly. He stated that he observed that Ms Arcos-Diaz was slurring her words and, as he was close to her, he believed she smelt of alcohol. He stated that following the assembly he made his concerns known to the other acting deputy headteacher.

The interview notes with the other acting deputy headteacher did not appear to reference this incident.

The panel asked Witness D about this incident and he stated that he remembered Ms Arcos-Diaz smelling of alcohol and slurring "really badly" in front of the assembly. He stated that she was not speaking coherently, and he believed that she was "wobbly" but it was more a concern that her speech was "not normal".

The panel considered that Witness D's account had been consistent throughout the School's investigation, his witness statement and his oral evidence. The panel therefore considered that it was more likely than not that Ms Arcos-Diaz had attended the School unfit for work due to alcohol and/or medication on this occasion.

f. 14 February 2020.

Witness B stated that on this date, she gave Ms Arcos-Diaz a lift to school, and she noticed that when Ms Arcos-Diaz got into the car, her eyes were rolling, she was slurring her words and she could not communicate very well. She stated that she could smell stale alcohol on her breath. In the notes of Witness B's interview as part of the School's investigation, she stated that Ms Arcos-Diaz had asked her to drop her at the supermarket to get cakes for everyone before half term. She stated that whilst Ms Arcos-Diaz was in the shop she had called the other acting deputy head to inform her, and was told to drive to School and to see what she was like when they arrived.

Witness B then referred to a further incident that day when Ms Arcos-Diaz had come to speak to children in her class. She stated that the children were getting changed for PE and Ms Arcos-Diaz had asked them whether they were having a Christmas dinner that day.

That account was corroborated by Witness C who also gave oral evidence to the panel. Witness C stated that Ms Arcos-Diaz had appeared tired and had "bags under her eyes". She stated that there was nothing else out of the ordinary in terms of her appearance. She stated that she smelt alcohol on her breath, and in oral evidence clarified that it smelt quite strongly of "wine". She stated that she had had to pull her head away. She stated that Ms Arcos-Diaz had asked her a question and referred to having been up all night [REDACTED] She stated that she followed Ms Arcos-Diaz into the classroom where the pupils were getting dressed for PE. She stated that Ms Arcos-Diaz had said to the children that she was going to cook them all Christmas dinner, and that it was Christmas dinner day at [REDACTED] school. She stated that the pupils were confused as to why Ms Arcos-Diaz was saying that, since it was Valentine's Day, not Christmas. The panel clarified with Witness C as to who had introduced the topic of Christmas dinner, and Witness C confirmed that it had been Ms Arcos-Diaz rather than the pupils.

Witness D stated that he spoke to Ms Arcos-Diaz on the morning of 14 February 2020 and had significant concerns about how she was presenting. He spoke with her at approximately 8:30/8:45am and believed that she was "drunk", since he could smell alcohol on her and her speech was unclear. He decided, at that point, that he needed to report the concerns to the chair of the local advisory board, having been unaware that the other acting deputy headteacher had already contacted the director of schools who had come to the site.

The panel recognised that there had been a half term break before the School commenced its investigation into this incident, and there was the possibility of staff members talking about the incident in the interim, particularly since there had been no instruction to staff members not to do so.

However, the panel noted that Ms Arcos-Diaz's statement confirmed that she had attended work on that date not in a fit state [REDACTED].

The panel considered that it was more probable than not that Ms Arcos-Diaz had attended the School unfit for work due to alcohol and/or medication on this occasion.

4. In or around May 2020, you inappropriately:

b. made contact with staff members via text and/or social media.

Witness A stated that she became aware that staff members (including Witness B and Witness E) had reported that Ms Arcos-Diaz had contacted them.

Witness A exhibited a screen shot of a messages purportedly from Ms Arcos-Diaz to Witness E dated 23 May 2020 which stated “Cheers for being a mate” with an emoji face.

Witness B exhibited a screen shot of an exchange between Ms Arcos-Diaz and Witness B on 21 May 2020. One of the messages stated “Outcome wasn’t about that day was about me not declaring my drink driving to BEP so nothing to do with anyone. I was hurt by what you said as I was honest with you.” It was apparent from this screen shot that Ms Arcos-Diaz had made contact with Witness B, and her message concerned matters that had been the subject of investigation.

Witness A exhibited a copy of the letter dated 24 February 2020 suspending Ms Arcos-Diaz. In the suspension letter it stated “if you wish to communicate with any of your colleagues, members of the governing body, Trust, parents or students then please contact me directly for authorisation to do so,” Witness A confirmed that Ms Arcos-Diaz had not sought authorisation from herself or the director of schools before contacting the members of staff.

Even though the disciplinary hearing had taken place at the time of the exchanges referred to above, the appeals process had not been completed. The panel considered that any contact, therefore, would have been inappropriate.

In light of the screen shots confirming that contact had been made by Ms Arcos-Diaz with her colleagues, despite having been instructed not to communicate with them, the panel found this allegation proven.

5. Your conduct as set out at paragraph 2:

a. was dishonest; and/or

The panel understood that the post for which Ms Arcos-Diaz was applying would have required her to disclose the conviction even though it would have been considered spent under the Rehabilitation of Offenders Act 1974. This was indicated in the application form making clear that an enhanced criminal record check would be required.

The panel saw a certificate confirming that Ms Arcos-Diaz had completed a safer recruitment course on 11 November 2019 delivered by Witness A. She therefore would have known the importance of full disclosure when applying for the post.

The panel noted that in the investigation meeting with Ms Arcos-Diaz she stated that “because this was a driving offence and she didn’t think needed to declare it” and that she “had sent [a] message for [former Colleague A] to ask if she needed to declare and he had said no”. She went on to state that, in hindsight, “this was an oversight and she didn’t realise she would need to declare”. She confirmed that she understood “why such questions are asked to new and existing employees.” She was asked if she had read the declaration on the application form and Ms Arcos-Diaz confirmed that she did, “but she just didn’t think and [former Colleague A] had already advised her”. The panel noted that former Colleague A had not been employed by the Trust since 31 December 2019.

The panel saw a screenshot from Ms Arcos-Diaz to former Colleague A on 10 February 2020 timed at 11:50am. It was apparent that the application form had already been submitted by Ms Arcos-Diaz at that stage, since the message referred to there having been only two persons who had applied. Ms Arcos-Diaz’s message stated “Just had a horrible thought. Did I need to declare my driving thing on the application [sic]”. Former Colleague A replied “I think the form just asks for criminal convictions not driving.”

The panel considered that in light of her recent training, Ms Arcos-Diaz would have known that she was required to declare her conviction. There was evidence from the screenshot that she recognised that it may be an issue. In light of the response she received from former Colleague A she was on notice to check whether the form required driving convictions to be declared. If she was still unsure, she should have raised it with someone within the Trust. She did not do so, indicating that when she completed the form she had intended to deceive the Trust as to the true position.

The panel considered that the ordinary, honest person would have expected Ms Arcos-Diaz to have declared her conviction. The panel therefore found that Ms Arcos-Diaz’s failure to declare her conviction on the application form was dishonest.

The panel found this allegation proven.

b. lacked integrity.

The panel noted that acting with integrity connotes adherence to the ethical standards of one’s own profession that involves more than mere honesty. The panel considered that it was an important tenet of the profession that teachers act with honesty, and that Ms Arcos-Diaz’s failure to do so in this case undermined the Trust’s Safer Recruitment procedures designed to safeguard pupils. Since safeguarding of children is fundamental to the teaching profession, the panel found that Ms Arcos-Diaz’s actions in failing to declare her conviction lacked integrity.

The panel found this allegation proven.

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

3. Attended Eastfield Primary School unfit for work due to alcohol and/or medication, on one or more occasions, including on:

d. 4 February 2020; and/or

Witness D gave evidence that he witnessed the aftermath of Ms Arcos-Diaz cleaning her grazed knees after an incident on 4 February 2020. He stated that a colleague had told him that she had seen Ms Arcos-Diaz falling over at approximately 4pm by the school gates. He stated that Ms Arcos-Diaz had told him that she had worn her high heels, and had got her heel caught in a grate, which was why she had fallen over. Witness D stated that the staff member who had seen her fall said that she had been wearing flat boots and he became suspicious as to why Ms Arcos-Diaz had told him that she was wearing high heels. In oral evidence, Witness D stated that Ms Arcos-Diaz had been wearing the flat boots when he saw her cleaning her knees and that he thought it unlikely she would have changed her footwear before administering first aid to herself. Witness D also stated that he checked by the main entrance door, as to whether there were any grates that could have caused Ms Arcos-Diaz to fall and there were none.

The staff member who saw Ms Arcos-Diaz fall did not give oral evidence although the panel had the note of the School's interview with her. This stated that the member of staff did not see the moment that Ms Arcos-Diaz fell, but saw her on the floor. The member of staff confirmed that Ms Arcos-Diaz had been wearing flat boots. The statement did not contain any reference to how Ms Arcos-Diaz had been presenting at the time.

In oral evidence Witness D stated that he also did not observe any behaviours of Ms Arcos-Diaz that might have indicated that she was unfit to work. Since no witnesses saw Ms Arcos-Diaz fall, nor did anyone observe behaviours that might indicate Ms Arcos-Diaz was unfit to work on that day, the panel did not find this allegation proven.

4. In or around May 2020, you inappropriately:

a. Shared the Trust's confidential investigation report and/or information from it with former Colleague A; and/or

Witness A stated that she had been contacted by members of staff who had informed her that former Colleague A had contacted them directly to provide comments on the content of the witness statements they had produced as part of the Trust's confidential investigation. Witness A stated that she was told that former Colleague A had reported to them that he had seen the Trust's investigation report. Witness A did not have a note of telephone calls with staff who had reported this, nor could she recall the identities of all of the members of staff who had raised this with her.

Witness A stated that she sent an email to former Colleague A on 15 May 2020 and he responded saying that he was not sure what Witness A was talking about, but that ex-colleagues and friends had a right to contact him on a social basis. A statement was provided by former Colleague A in support of Ms Arcos-Diaz for the appeal hearing. This stated that Ms Arcos-Diaz had not shown former Colleague A the investigation report.

Witness A stated that the investigation report and its appendices had been shared with Ms Arcos-Diaz on 28 April 2020, when she was invited to a disciplinary hearing. She stated that she could not recall whether Ms Arcos-Diaz was explicitly asked not to share the report.

The panel noted that the investigation report was not labelled as confidential. The panel noted that the letter dated 28 April 2020 inviting Ms Arcos-Diaz to a disciplinary hearing and providing her with the investigation report did not explain that the investigation report was to be kept confidential.

The panel has seen a screenshot of a message sent by former Colleague A to Witness B which stated “I wanted to ask you directly if you said something about me in relation to giving Nat a lift to work?”. There was no explicit reference to former Colleague A having seen the investigation report, and arguably, if he had seen it, he may not have needed to ask Witness B this question.

In those circumstances, the panel did not consider that it had been proven that it was more probable than not that Ms Arcos-Diaz had been told that the investigation report was confidential. The panel also did not consider that it had been proven that she had shared the report with former Colleague A. If she had, not having been told that it was confidential, the panel did not consider that it would have been inappropriate for her to do so.

The panel found this allegation not proven.

Findings as to conviction of a relevant offence and/or unacceptable professional conduct and/or conduct that may bring the profession into disrepute

Having found allegation 1. proved, the panel went on to consider whether the facts of that proved allegation amounted to a conviction, at any time, of a relevant offence.

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

The panel was satisfied that the conduct of Ms Arcos-Diaz in relation to the facts it found proved in respect of allegation 1, involved breaches of the Teachers’ Standards. The panel considered that by reference to Part 2, Ms Arcos-Diaz was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - not undermining fundamental British values, including ... the rule of law...

The panel noted that the individual's actions were relevant to teaching, working with children and working in an education setting. As a teacher, Ms Arcos-Diaz was expected to act as a role model in the way she behaved.

The panel noted that the behaviour involved in committing the offence would have been likely to have had an impact on the safety and/or security of pupils and/or members of the public. Ms Arcos-Diaz had been involved in a collision immediately prior to her arrest, and she posed a risk to other road-users.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Ms Arcos-Diaz's behaviour in committing the offence would be likely to affect public confidence in the teaching profession, if Ms Arcos-Diaz was allowed to continue teaching.

The panel noted that Ms Arcos-Diaz's behaviour did not lead to a sentence of imprisonment, so the sentence imposed was not one which the Advice states was likely to be considered "a relevant offence".

Nevertheless, this was a case concerning a serious driving offence, particularly given that it involved alcohol. The Advice indicates that a conviction for any offence that relates to or involves such offences is likely to be considered "a relevant offence".

The panel considered that the offence committed by Ms Arcos-Diaz was a serious one, given that Ms Arcos-Diaz stated in the School's investigatory interview that she had been found to be over the limit when breathalysed, having been involved in an accident on the motorway. Ms Arcos-Diaz stated that her breath test indicated a level of 113. Government information as to the alcohol limits for drivers was provided to the panel which indicated that this was over three times the legal limit.

The panel took into account evidence from witnesses as to Ms Arcos-Diaz's competence as a teacher. The panel also took into consideration Ms Arcos-Diaz's account of the emotional difficulties she described that she was suffering at the relevant time [REDACTED] not having yet developed the support network she had at her previous school and [REDACTED].

Nevertheless, the panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Ms Arcos-Diaz's fitness to be a teacher. The panel considered that a finding that this conviction was for a relevant offence was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

The panel therefore found that Ms Arcos-Diaz had been convicted of a relevant offence.

Having found allegations 2., 3.a, b, c, e and f, 4.b, 5.a and b 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 Advice.

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - 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
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Ms Arcos-Diaz in relation to the facts found proved, involved breaches of Keeping Children Safe In Education ("KCSIE"). The panel considered that Ms Arcos-Diaz was in breach of the overarching requirement to safeguard and promote the welfare of children and that she undermined safer recruitment procedures.

[REDACTED]

The panel, therefore, considered whether Ms Arcos-Diaz's conduct could be considered to be reprehensible, morally culpable or disgraceful.

The panel noted Ms Arcos-Diaz's statement which stated that she had informed former Colleague A [REDACTED]. She stated that he was very supportive, and said that if there were occasions that she was feeling like that, she should phone him and come in later after she had more sleep and felt able to function. She stated that former Colleague A had also informed the two assistant headteachers of this arrangement and that they were both very supportive of this. In light of this statement, the panel considered that Ms Arcos-Diaz accepted that she was able to recognise occasions when she was not fit to work and had in place an arrangement to address this.

In a written statement provided by former Colleague A in June 2020, he referred to having put in place an informal support plan following concerns having been raised with him in September 2019, when he was away at a residential course with pupils. Details of

that support plan were not provided, and he indicated that she was taken off the support plan in December 2019.

Although former Colleague A had left the School at the end of 2019, since her colleagues were supportive of the arrangement that had been in place, there did not appear to the panel to be any reason why it could not continue. Ms Arcos-Diaz ought to have recognised on each occasion that she was not fit to attend School, and stayed at home. The panel considered that she was morally culpable for failing to do so.

There was no evidence that [REDACTED] affected her ability to honestly complete an application form, or would have led to her not understanding the instruction to not speak with members of staff.

The panel was satisfied that the conduct of Ms Arcos-Diaz fell significantly short of the standard of behaviour expected of a teacher.

The panel also considered whether Ms Arcos-Diaz'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 this list included "serious offences including alcohol". Whilst it was not apparent that any offence had been committed in respect of the allegations found proven, the panel considered Ms Arcos-Diaz's conduct to be serious. Being unfit for work could have posed a risk to both pupils and members of staff who expected to be in a safe environment; she undermined safer recruitment processes, and she acted contrary to instructions she had been provided with by contacting other staff members.

Accordingly, the panel was satisfied that Ms Arcos-Diaz was guilty of unacceptable professional conduct.

The panel went on to consider the issue of 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.

In considering the issue of disrepute, the panel also considered whether Ms Arcos-Diaz'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 noted that this list referred to “serious offences including alcohol”. Whilst it was not apparent that any offence had been committed in respect of the allegations found proven, the panel considered Ms Arcos-Diaz’s conduct may bring the profession into disrepute. There was some evidence of a parent having asked about Ms Arcos-Diaz following the half-term break in February 2020, having become aware of her conduct on the last day of term, and of becoming aware of this from three other parents. The panel considered that parents would be concerned about Ms Arcos-Diaz’s conduct, having entrusted the care of their children to the School under her leadership.

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

The panel considered that Ms Arcos-Diaz’s conduct could potentially damage the public’s perception of a teacher.

The panel therefore found that Ms Arcos-Diaz’s actions constituted conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of conviction of a relevant offence, 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 Ms Arcos-Diaz and whether a prohibition order is necessary and proportionate. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely, the safeguarding and wellbeing of pupils; the protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; the interest of retaining the teacher in the profession; and whether prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of attending the School unfit to work, and undermining safer recruitment procedures.

There was also a public interest consideration in respect of the protection of other members of the public, given that Ms Arcos-Diaz had been convicted of driving under the influence of alcohol, placing other road users at risk.

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

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

Whilst there is some evidence that Ms Arcos-Diaz had ability as an educator, the panel considered that the adverse public interest considerations above outweighed any interest in retaining Ms Arcos-Diaz in the profession, since her behaviour fundamentally breached the standard of conduct expected of a 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 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);
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests; and
- collusion or concealment including: any activity that involves knowingly substantiating another person's statements where they are known to be false; failure to challenge inappropriate actions, defending inappropriate actions or concealing inappropriate actions; encouraging others to break rules; lying to prevent the identification of wrongdoing.

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

The panel found Ms Arcos-Diaz to have acted dishonestly and her actions in failing to disclose her conviction were therefore deliberate. Her actions in sending messages to colleagues, having been instructed not to do so was a deliberate decision. An informal plan was put in place to allow Ms Arcos-Diaz to stay at home if she did not feel fit to work which indicated that she was able to recognise those situations. Regardless of whether that informal support plan had come to an end, Ms Arcos-Diaz knowingly chose to attend school in circumstances when she was unfit to do so.

There was no evidence to suggest that Ms Arcos-Diaz was acting under extreme duress, e.g. a physical threat or significant intimidation. [REDACTED] Ms Arcos-Diaz had no previous findings against her. However, there was no evidence that she had

demonstrated exceptionally high standards in both her personal and professional conduct or of having contributed significantly to the education sector.

Ms Arcos-Diaz did not produce any references for the purpose of this hearing attesting to her character or to her abilities as a teacher.

In oral evidence, as referred to above, Witness B stated that she had had reservations about Ms Arcos-Diaz becoming acting head teacher. Witness C spoke positively of Ms Arcos-Diaz referring to her as a very good deputy head, who did her job well and that she had a good rapport with parents, although she did not witness her classroom practice. Witness D stated, that Ms Arcos-Diaz had first started working at the School, she had been doing well, that she was part of the team, well-liked within the School and the children liked her. He couldn't recall specific interactions with parents, but did not believe there were any issues in that respect. This was reflected in the statement of former Colleague A produced in support of Ms Arcos-Diaz's appeal. He referred to Ms Arcos-Diaz having made an excellent start, and that she made "good partnerships with staff and parents". He stated that during the year, Ms Arcos-Diaz was "extremely efficient and achieved great results notably in attendance."

The panel noted that Ms Arcos-Diaz co-operated with the School's investigation in that she attended an interview, and she attended the disciplinary hearing, although she appealed the outcome.

The panel had specific regard to the statement that Ms Arcos-Diaz prepared on 6 December 2024, to assess her current level of insight and remorse. The panel noted that she continued to refute the allegations against her, save for allegation 1. [REDACTED] she continues to maintain that she never went to work under the influence of alcohol. The panel did not consider that Ms Arcos-Diaz appreciated that she was accountable for her actions, and still appears somewhat in a state of denial.

Ms Arcos-Diaz did not address in her statement the allegations relating to her failure to disclose her conviction on the application form, nor the contact she had had with colleagues contrary to the instructions she had been given.

Ms Arcos-Diaz stated that there were other dates referred to in the TRA papers, which the panel understood to mean those instances, other than 14 February 2020, when it was alleged she was unfit to work. She stated that since those were never raised with her, she could not comment on them. The panel considered that this was disingenuous; other instances had been raised with her, otherwise the informal support plan would not have been put in place. She had received the notice of proceedings and knew the allegations were made, and had the evidence relating to those incidents.

The panel noted that Ms Arcos-Diaz stated "how sincerely regretful I am off [sic] some extremely poor decisions that [she had] made that have undoubtedly led for [her] to be in this situation". Nevertheless she goes on to say that her conduct "may well have had a

negative impact on the school and wider communities which I regret”, without acknowledging that her conduct actually had that impact, that there was an impact on her colleagues, that she put pupils at risk and that her actions do affect confidence in the profession.

[REDACTED] She also referred to having attended the drink driving course, which allowed a reduction in the duration for which she was prohibited from driving. She stated that she learnt about the profound and devastating effects that drink driving can cause and that she is certain that she would never make the decision to drink and drive again.

The panel saw no independent evidence as to the efficacy of the measures Ms Arcos-Diaz has taken [REDACTED].

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Ms Arcos-Diaz of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Ms Arcos-Diaz. In particular, the panel did not consider that Ms Arcos-Diaz had demonstrated sufficient insight or accountability for her actions for the panel to be assured that repetition was unlikely. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. These cases include fraud or serious dishonesty. The panel did not consider that the dishonesty displayed by Ms Arcos-Diaz was of a level, in itself, to warrant a longer review period.

However, as referred to above the panel was greatly concerned that, even as recently as 6 December 2024, when Ms Arcos-Diaz prepared her statement, she had some way to go into developing the necessary insight and accountability to no longer pose a risk to the public interest. The panel saw no evidence that she has yet sufficiently developed and

tested strategies to manage the daily stress that comes with teaching in light of her previous challenges.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period after three years.

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/or conduct that may bring the profession into disrepute and/or a relevant conviction.

In this case, the panel has also found some of the allegations not proven I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Ms Natalie Arcos-Diaz should be the subject of a prohibition order, with a review period of three years.

In particular, the panel has found that Ms Arcos-Diaz 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
 - not undermining fundamental British values, including ... the rule of law...
- 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
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.

- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

The findings of misconduct are serious as they include a teacher receiving a conviction for driving with excess alcohol, attending school unfit to work, and displaying behaviour that was dishonest and/or lacked integrity.

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

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed that: "There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious findings of attending the School unfit to work, and undermining safer recruitment procedures." A prohibition order would therefore prevent such a risk from being present in the future.

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

"However, as referred to above the panel was greatly concerned that, even as recently as 6 December 2024, when Ms Arcos-Diaz prepared her statement, she had some way to go into developing the necessary insight and accountability to no longer pose a risk to the public interest. The panel saw no evidence that she has yet sufficiently developed and tested strategies to manage the daily stress that comes with teaching in light of her previous challenges."

In my judgement, the lack of evidence that Ms Arcos-Diaz has developed full insight into her behaviour means that there is some risk of repetition 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 records that: "Similarly, the panel considered that

public confidence in the profession could be seriously weakened if conduct such as that found against Ms Arcos-Diaz were not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of a teacher attending school unfit to work on multiple occasions in this case and the impact that such a finding may have on the reputation of the profession.

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

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

I have also considered the impact of a prohibition order on Ms Arcos Diaz herself. The panel notes that there was no evidence that she had demonstrated exceptionally high standards in both her personal and professional conduct or of having contributed significantly to the education sector. It also states that Ms Arcos-Diaz did not produce any references attesting to her character or to her abilities as a teacher. However, the panel does record hearing witness testimony to the effect that she did have a positive impact during her time at the School, including that she was “extremely efficient and achieved great results notably in attendance.” I also note that Ms Arcos-Diaz has sought treatment and support for her [REDACTED].

A prohibition order would prevent Ms Arcos-Diaz 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 serious nature of the misconduct found and panel’s comments concerning the lack of evidence that Ms Arcos-Diaz has developed full insight into her actions and the risks they presented.

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Arcos-Diaz 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 full remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

I have gone on to consider the matter of a review period. In this case, the panel has recommended a three-year review period.

In doing so, the panel has referred to the Advice as follows:

“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 a longer period before a review is considered appropriate. These cases include fraud or serious dishonesty. The panel did not consider that the dishonesty displayed by Ms Arcos-Diaz was of a level, in itself, to warrant a longer review period.”

In considering the matter of a review period I have returned to the panel’s comments regarding Ms Arcos-Diaz’s insight and remorse, and particularly the following remarks:

“The panel saw no evidence that she has yet sufficiently developed and tested strategies to manage the daily stress that comes with teaching in light of her previous challenges.”

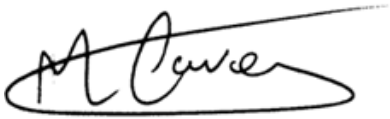
I have considered whether a three-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. I have also considered the mitigating evidence found by the panel, including that regarding Ms Arcos-Diaz’s personal circumstances when the misconduct occurred. In this case, factors mean that I agree with the panel that allowing a three-year review period is a sufficient and proportionate response to the misconduct found to achieve the aim of maintaining public confidence in the profession. These elements include not only the serious misconduct found but the need to ensure that Ms Arcos-Diaz takes the requisite time to develop the necessary insight in order to minimise the risk of repetition if she decides that she wishes to return to teaching in the future.

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

This means that Ms Natalie Arcos-Diaz 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 23 December 2027, three years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Ms Arcos-Diaz remains prohibited from teaching indefinitely.

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

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

A handwritten signature in black ink, appearing to read "Marc Cavey". The signature is written in a cursive style with a large, sweeping initial "M" and a long horizontal stroke extending to the right.

Decision maker: Marc Cavey

Date: 18 December 2024

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