



Teaching
Regulation
Agency

Ms Alexandra Zbanca: Professional conduct panel hearing outcome

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

January 2025

Contents

| | |
|--|----|
| Introduction | 3 |
| Allegations | 4 |
| Preliminary applications | 4 |
| Summary of evidence | 6 |
| Documents | 6 |
| Witnesses | 6 |
| Decision and reasons | 6 |
| Findings of fact | 7 |
| Panel's recommendation to the Secretary of State | 16 |
| Decision and reasons on behalf of the Secretary of State | 19 |

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

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| Teacher: | Ms Alexandra Zbanca |
| Teacher ref number: | 1334684 |
| Teacher date of birth: | 7 December 1983 |
| TRA reference: | 21555 |
| Date of determination: | 29 January 2025 |
| Former employer: | Pentland Field School ('the School') via Tempest Resourcing agency |

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 28 to 29 January 2025 by way of a virtual hearing, to consider the case of Ms Zbanca.

The panel members were Mr Ian McKim (lay panellist – in the chair), Ms Katie Dent (lay panellist) and Mrs Julie Wells (teacher panellist).

The legal adviser to the panel was Ms Lara Small of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Aleksandra Manning-Rees of 5 St Andrew's Hill Chambers.

Ms Zbanca was not present and was not represented.

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

Allegations

The panel considered the allegations set out in the notice of proceedings dated 11 September 2024.

It was alleged that Ms Zbanca had been convicted of a relevant offence, namely:

1. On or around 20 June 2022, she was convicted of:
 - a. Being in charge of a mechanically propelled vehicle whilst unfit through drink or drugs (drink) on 26 May 2022, contrary to section 4(2) of the Road Traffic Act 1988;
 - b. Being drunk while in charge of a child on 26 May 2022, contrary to section 2 of the Licensing Act 1902.

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

2. Whilst working as a SEN teacher at the School on or around 10 February 2023, she:
 - a. Consumed alcohol on the School premises;
 - b. Was under the influence of alcohol whilst at work, and
3. Whilst working for Tempest Resourcing and/or as a SEN teacher at the School between approximately May 2022 and February 2023, she:
 - a. Was unable to safeguard and/or care for Child A and/or Child B, children in her care;
 - b. Did not demonstrate sufficient understanding of the risk posed to Child A and/or Child B.

Ms Zbanca made no admission of fact in respect of the allegations.

Preliminary applications

Application to proceed in the absence of the teacher

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

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

The panel was satisfied that the Notice of Proceedings had been sent to Ms Zbanca in accordance with the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession May 2020 (the 'Procedures').

The panel noted that Ms Zbanca had engaged in correspondence with the TRA and that on 15 August 2024 she had confirmed her availability for the dates of the hearing. The panel concluded that Ms Zbanca's absence was voluntary and that she was aware that the matter would proceed in her absence.

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

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

Consideration of whether parts of the hearing should be heard in private

The panel considered on its own initiative that parts of the hearing [REDACTED] should be heard in private.

The presenting officer did not have an objection to this. The presenting officer submitted to the panel that, as a way of minimising the parts of the hearing to be heard in private, only the evidence relating to certain of the allegations needed to be heard in private. [REDACTED].

The panel agreed with the presenting officer in this respect. The panel considered it was not contrary to the public interest for this part of the hearing to be heard in private.

The panel considered that the areas under consideration legitimately related to aspects of certain individuals' [REDACTED] private life and there was no contrary public interest in those areas being discussed in public. The hearing was still being

held in public and these were discrete and limited areas which would not undermine the public's ability to otherwise understand the case, in particular because these individuals' names were already anonymised [REDACTED]. The panel therefore decided to proceed on this basis.

Summary of evidence

Documents

In advance of the hearing, the panel received a service bundle of documents of 22 pages in length and a hearing bundle of documents which included:

- Section 1: Chronology and list of key people – pages 3 to 6
- Section 2: Notice of hearing and response to notice of hearing – pages 7 to 19
- Section 3: TRA witness statements – pages 20 to 28
- Section 4: TRA documents – pages 29 to 175

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing.

Witnesses

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

- Witness A, [REDACTED]
- Witness B, [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 25 May 2022, Ms Zbanca started a placement at Pield Heath House School as a SEN teacher via Tempest Resourcing agency.

On 20 June 2022, Ms Zbanca was convicted of the offence of being drunk on a highway whilst in charge of a child under the age of [REDACTED].

On 4 July 2022, Ms Zbanca ended her placement at Field Heath House School.

On 12 September 2022, Ms Zbanca was sentenced at Willesden Magistrates' Court, which imposed a Community Order and Rehabilitation Activity.

On 21 November 2022, Ms Zbanca commenced employment as a SEN teacher at the School via Tempest Resourcing agency.

On 10 February 2023, Ms Zbanca allegedly attended work at the School under the influence of alcohol.

On 28 February 2023, a referral was made to the TRA.

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. On or around 20 June 2022, you were convicted of:

- a. Being in charge of a mechanically propelled vehicle whilst unfit through drink or drugs (drink) on 26 May 2022, contrary to section 4(2) of the Road Traffic Act 1988;**
- b. Being drunk while in charge of child on 26 May 2022, contrary to section 2 of the Licensing Act 1902.**

The panel noted page 8 of the Teacher Misconduct: The Prohibition of Teachers ('the Advice'), which states that where there has been a conviction at any time, of a criminal offence, the panel will accept the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction, unless exceptional circumstances apply. The panel did not find that any exceptional circumstances applied in this case.

The panel had been provided with a copy of the certificate of conviction from Willesden Magistrates' Court, dated 26 July 2022, which set out that Ms Zbanca pleaded guilty and was convicted of (1) being in charge of a mechanically propelled vehicle whilst unfit to drive through drink on 26 May 2022, and (2) being found drunk on a highway on 26 May 2022 while having the charge of a child under the age of [REDACTED].

In respect of the conviction, Ms Zbanca was sentenced to a community order; 10 penalty points on her driving record; rehabilitation activity; to pay a surcharge of £95 and to pay costs to the crown prosecution service of £85.

On examination of the documents before the panel, the panel was satisfied that allegations 1(a) and 1(b) were proven.

2. Whilst working as a SEN teacher at Pentland Field ('the School') on or around 10 February 2023, you:

b. Were under the influence of alcohol whilst at work

The panel considered the oral evidence and written statement of Witness A, who stated that at around lunchtime on 10 February 2023, he received a report from a colleague raising concerns about Ms Zbanca's behaviour. Witness A stated that he went to the classroom where Ms Zbanca was supposed to be teaching but she was absent. Witness A was informed by a colleague that Ms Zbanca had left the room and she was described as being "*inconsolable*".

Witness A stated that he found Ms Zbanca and asked her to come to the assistant head's office with him. He stated that as they walked along the corridor, he noticed that Ms Zbanca was not walking in a straight line and was gravitating towards the wall to provide herself with stability. In his oral evidence, Witness A confirmed that Ms Zbanca had been unsteady on her feet and that she was not herself that day.

Witness A stated that he and his colleague, Individual C, became concerned about Ms Zbanca's presentation in the assistant head's office, as she was struggling to maintain her balance whilst sitting on the office chair, she was clearly upset, had been crying and had difficulty sitting upright.

Witness A stated that he asked Ms Zbanca directly if she had been drinking alcohol and Ms Zbanca confirmed that she had.

Witness A stated that Individual D had gathered Ms Zbanca's belongings and said that her bag was heavy and they could hear bottles clinking. He stated that Ms Zbanca insisted on showing them what was in her bag. When bending over to empty the bag, she lost her balance and fell off the chair completely, and she had not realised that her dress had ridden up considerably. Witness A stated that female staff pointed this out to her, and her lack of balance meant that she found it difficult to straighten her attire.

Witness A stated that in Ms Zbanca's bag were two unsealed bottles of wine and a water bottle that smelled of wine when opened. He stated that Ms Zbanca told Individual D that this was because she had been drinking in a pub before coming onto

the School's site that day and that when she left the pub, she had emptied the contents of her drink into her water bottle.

The panel noted the LADO meeting minutes dated 24 February 2023 which stated *“Alex said the outcome of the conference upset her which led to her drinking alcohol – she acknowledged using alcohol when under extreme stress – she admitted she then went to the school...Everyone agreed that the evidence is that Alex did attend the school under the influence of alcohol and also took alcohol onto school site – Alex doesn't deny this.”*

The panel considered that, based on the evidence above, on the balance of probabilities it was more likely than not that Ms Zbanca was under the influence of alcohol whilst at work at the School on 10 February 2023.

The panel was therefore satisfied that allegation 2(b) was proven.

3. Whilst working for Tempest Resourcing and/or as a SEN teacher at the School between approximately May 2022 and February 2023, you:

a. Were unable to safeguard and/or care for Child A and/or Child B, children in your care;

The panel considered the Social Worker's Conference Report dated 8 February 2023. In particular, the report explained that *“The event that led to Children's Social Services' involvement with the children...was related to the police referral dated on 26th of May 2022 when Ms Zbanca was involved in a Road Traffic collision whilst under the influence of alcohol and she chose to drink and drive with [Child B] in the passenger seat.”*

The panel considered the child protection conference minutes dated 20 July 2022, in which it stated as follows: *“The children have been neglected.”; “The case fits emotional harm, physical harm and neglect. We will go for the overall category of neglect.”; “the threshold for likely significant harm has met and therefore [Child B] and [Child A] will be made subject to a Child Protection Plan under the category of neglect.”* The panel also noted that the multi-disciplinary team at this child protection conference unanimously agreed that the case fell into the category of neglect, and the children were placed on the safety scale at 2 (where 10 means child is safe, and 0 means child is not at all safe and should not be in the home).

In the summary notes of this conference, the professionals were worried about the following factors:

- *“We are worried that Ms Zbanca disregarded the safety of [Child B] when she drove the car while intoxicated.”; “The concern is very serious and severe. Severe negligence on Ms Zbanca’s part – having a child in her car and driving under the influence of alcohol. This could have ended up in a tragedy.”*
- *“Inside one of the children’s nappy bags was two empty wine bottles....it is likely that Ms Zbanca was concealing her drinking.”*
- *“We are worried that the school has raised concerns regarding Child A’s welfare as he is reported to sometimes attend school smelling of urine and without underwear.”* Whilst Ms Zbanca reported in this conference that *“it is a type of gel to moisturise his hair that can smell of urine”* the panel was not convinced by this, and noted the School’s response that Child A *“had a distinct smell of urine, not from hair.”*
- *“Ms Zbanca has declined support for her alcohol misuse.”*

The panel considered the written statement and oral evidence of Witness B, who explained that a child protection plan is only put in place where a child or children are considered by the relevant professionals to be at significant risk of harm.

The panel considered the child protection conference notes dated 18 October 2022. The panel noted that Child A and Child B remained subject to the child protection plan at this point.

The panel also considered the child protection conference report dated 8 February 2023, in which the recommendation was as follows: *“Given that no evidence was gathered in the last 6 months to suggest that the children continue to suffer significant harm [REDACTED], consideration should be given for the children’s names to be removed from the child protection register.”*

The panel noted the minutes of the child protection meeting on 10 February 2023, in which the professionals unanimously agreed that the children should be supported by a Child in Need Plan, reflecting that the threshold for significant harm is no longer met. However, the minutes also reflected that Ms Zbanca appeared hostile and later was verbally abusive to the chair.

The panel considered the oral evidence and written statement of Witness A, who stated that in the meeting that took place at the School on 10 February 2023, he and Individual C asked Ms Zbanca how she intended to get home and who would collect Child A as they were concerned with her presentation and her admission that she had been drinking. Witness A stated that Ms Zbanca informed them that she would take the train to collect her car and would then drive to the school to collect Child A.

Witness A [REDACTED]. Witness A explained in his oral evidence that he had asked Ms Zbanca to tell him the name of the school that Child A attended, so that he could contact the school as he had safeguarding concerns about the welfare of Child A. Witness A stated that Ms Zbanca was not forthcoming in providing information about Child A's school, that at first she stated she could not remember the name of the school, and then she said [REDACTED] that it had the word [REDACTED] in the name of the school.

Witness A stated that he left the room and tried to contact the school that Child A attended but could not locate the correct school based on the information Ms Zbanca had provided.

Witness A stated that Ms Zbanca [REDACTED] disclosed that Child A was on a child protection plan, and that she had attended a meeting about it earlier that morning. Witness A explained that they called the police [REDACTED].

Witness A stated that the police asked Ms Zbanca to call the social worker allocated to Child A, but she refused so Individual D made this call.

Based on the evidence provided and summarised above, the panel considered that there were a number of separate occasions between May 2022 and February 2023 when Ms Zbanca was unable to safeguard and/or care for Child A and/or Child B.

The panel was therefore satisfied that allegation 3(a) was proven.

3. Whilst working for Tempest Resourcing and/or as a SEN teacher at the School between approximately May 2022 and February 2023, you:

b. Did not demonstrate sufficient understanding of the risk posed to Child A and/or Child B.

The panel considered the child protection conference minutes dated 20 July 2022, in which it stated that the Health Visitor raised concerns that Ms Zbanca "*appeared to minimise the concerns*" relating to Child B.

The panel considered the Social Worker's Conference Report dated 8 February 2023. In particular, it stated that the social worker professionals in this conference "*are worried that Ms Zbanca disregarded the safety of (Child B) [REDACTED] when she drove the car whilst under the influence of alcohol (on 26 May 2022).*"

The panel noted that Ms Zbanca had [REDACTED], and it was acknowledged that despite her other commitments Ms Zbanca had made efforts to attend Core Group

meetings and make herself available for meetings with professionals as part of the Child Protection process.

However, the panel considered the Child Protection Conference minutes dated 10 February 2023, from the meeting Ms Zbanca had attended earlier that day in relation to Child A and Child B. In the minutes it stated that *“unless accept fully that incident led to this referral was very serious and children services’ concerns were very valid, there remains a risk of disguised compliance....According to professionals Ms Zbanca is now engaging and believed to be transparent. However, there remains a defensive side to Ms Zbanca.”*

The panel considered the oral evidence and written statement of Witness A, who stated that on 10 February 2023 Ms Zbanca did not seem to understand why he was concerned about her collecting Child A in her car, after she had admitted to him that she had been drinking that day. In his oral evidence, Witness A explained that at the time he had the impression that Ms Zbanca was trying to evade providing him with information about Child A’s school.

Based on the evidence provided and summarised above, the panel concluded that at various points between May 2022 and February 2023 Ms Zbanca did not demonstrate sufficient understanding of the risks and the associated safeguarding concerns relating to Child A and Child B.

The panel was therefore satisfied that allegation 3(b) was proven.

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

2. Whilst working as a SEN teacher at Pentland Field (‘the School’) on or around 10 February 2023, you:

a. Consumed alcohol on the School premises

The panel noted that in Witness A witness statement, he stated that in the meeting with Ms Zbanca at the School on 10 February 2023, Ms Zbanca had emptied the contents of her bag, and that this had included two unsealed wine bottles containing red/dark liquid and a water bottle that smelled of wine when opened.

The panel considered the oral evidence of Witness A who stated that, at the time, he and his colleagues believed that Ms Zbanca had been drinking whilst on the School site because Ms Zbanca had told them in the meeting that she had been drinking at the pub earlier that morning and that she had transferred the contents of her wine

bottle from the pub into her water bottle. Witness A stated that it was clear that she had alcohol in her water bottle because you could smell it.

In his oral evidence, Witness A stated that he was not aware of any member of staff witnessing Ms Zbanca drinking from her water bottle.

On examination of the evidence, the panel concluded that there was no direct evidence that Ms Zbanca actually consumed alcohol (whether from her water bottle or otherwise) on the School premises on or around 10 February 2023.

Therefore, the panel concluded that allegation 2(a) was not proven.

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

Having found allegations 1, 2(b) and 3 proved, the panel went on to consider whether the facts of those allegations amount to:

- In respect of allegation 1, conviction of a relevant offence; and
- In respect of allegations 2(b) and 3, 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 Zbanca, in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Ms Zbanca 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. The panel noted the contents of the Tempest Resourcing agency's Candidate Good Code of Conduct signed by Ms Zbanca on 10 September 2021 which required her to adhere to the following:

- *“as a representative of Tempest Resourcing Ltd you are always to uphold the utmost professionalism”*
- *“I agree to be respectful and treat all...staff with respect.”*
- *“I will always try to set a positive and professional example of behaviour which can be copied by pupils.”*
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

Conviction of a relevant offence

In respect of allegation 1, the panel was satisfied that the conduct of Ms Zbanca fell significantly short of the standards expected of the profession.

The panel considered that Ms Zbanca’s actions were relevant to teaching, working with children and/or working in an education setting, because her conviction on 20 June 2022 involved a drink driving incident with a child in the car. The panel considered that Ms Zbanca’s behaviour could have had a significant impact on the safety and security of members of the public.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Ms Zbanca’s behaviour in committing these offences could undoubtedly affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community. Her conduct ran counter to what should have been at the very core of her practice as a teacher with a duty of care towards children.

This was a case concerning offences which involved (i) a serious driving offence, particularly those involving alcohol and/or (ii) a serious offence involving alcohol, each of which the Advice states is more likely to be considered a relevant offence.

The panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Ms Zbanca’s ongoing suitability to teach. The panel considered that a finding that these convictions were for relevant offences was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

The panel therefore concluded that allegations 1(a) and 1(b) amounted to convictions of relevant offences.

Unacceptable professional conduct and/or conduct that may bring the profession into disrepute

In respect of allegations 2(b) and 3, the panel was satisfied that the conduct of Ms Zbanca amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

In respect of allegation 2(b), the panel noted the LADO meeting minutes dated 24 February 2023 which stated that *“Alex is a teacher and was due to lead the class (on 10 February 2023) – the feeling from [REDACTED] is that Alex would have attempted to teach the class if others hadn’t intervened, and this would have placed vulnerable students at risk.”*

The panel also considered whether Ms Zbanca’s conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

In respect of allegation 3(a), the panel found that the offence of child neglect was relevant. The Advice indicates that where behaviours associated with such an offence exist, a panel is more likely to conclude that an individual’s conduct would amount to unacceptable professional conduct.

The panel noted that some of allegation 3 took place outside the education setting. However, Ms Zbanca’s role involved working with vulnerable pupils and this was raised as a concern in the Child Protection conference that took place on 20 July 2022. It appears there may have been some discussion with the LADO at around this time, although it is not clear exactly what took place. However, Witness A evidence was that if he had been fully aware of the circumstances, the School would have been able to conduct a risk assessment and establish whether that teacher could continue their duties in a face-to-face role. Therefore, the panel considered that this allegation was relevant to Ms Zbanca’s role as a teacher.

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

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

The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual’s status as a teacher, potentially damaging the public perception. The panel noted the Chair’s comments in the Child Protection conference of 20 July 2022 which stated *“When it comes to people working in the kind*

of environment where you have interaction with other people's children it is a worry. It compromises your profession and safety of others around you."

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

Having found the facts of allegations 2(b) and 3 proved, the panel further found that Ms Zbanca'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, conduct that may bring the profession into disrepute and convictions of relevant offences, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

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

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

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

In light of the panel's findings against Ms Zbanca, which involved being convicted of a serious driving offence involving alcohol, being under the influence of alcohol whilst at work at the School, being unable to safeguard and/or care for Child A and/or Child B and not demonstrating sufficient understanding of the risk posed to the children, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public.

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

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

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Ms Zbanca. The panel was mindful of the need to strike the right balance between the rights of the teacher and the public interest.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Ms Zbanca. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution;
- misconduct seriously affecting the education and/or 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;
- 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).

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

There was no evidence provided that Ms Zbanca's actions were not deliberate.

There was no evidence provided that Ms Zbanca was acting under extreme duress.

There was no evidence that Ms Zbanca demonstrated exceptionally high standards in both personal and professional conduct and has contributed significantly to the education sector.

The panel was not provided with any evidence of insight and remorse on the part of Ms Zbanca.

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 Zbanca 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 Zbanca. In particular, the panel considered that all of the public interest elements in the Advice were relevant to the facts proven and the seriousness of Ms Zbanca's behaviour given the factors identified above was significant 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, which may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would mitigate against the recommendation of a review period. One of these behaviours includes child neglect, although the panel did not consider the gravity of the behaviours in this particular case warranted a permanent prohibition; the neglect in question appeared to the panel to be a temporary consequence of particular circumstances in Ms Zbanca's life. The panel further noted that in the context of paragraph 50 of the Advice, the misconduct in this particular case did not appear to be as serious as the other factors listed.

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 of 5 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 Alexandra Zbanca should be the subject of a prohibition order, with a review period of five years.

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

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

The panel finds that the conduct of Ms Zbanca fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include a teacher being convicted of a driving offence involving alcohol, being under the influence of alcohol whilst at work, and being unable to safeguard and/or look after children in their care.

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, 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 Zbanca, 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 comments as follows:

“In light of the panel’s findings against Ms Zbanca, which involved being convicted of a serious driving offence involving alcohol, being under the influence of alcohol whilst at work at the School, being unable to safeguard and/or care for Child A and/or Child B and not demonstrating sufficient understanding of the risk posed to the children, there was a strong public interest consideration in the safeguarding and wellbeing of pupils and the protection of other members of the public.”

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

I have also taken into account the panel’s comments on insight and remorse, which it sets out as follows: “The panel was not provided with any evidence of insight and remorse on the part of Ms Zbanca.” In my judgement, the lack of evidence that Ms Zbanca has developed full insight into and remorse for 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 the following: “Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Zbanca was not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful

of the finding of a teacher attending work while under the influence of alcohol in this case and the negative impact that such a finding may have on the reputation of the profession.

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

I have considered whether the publication of the findings 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 Zbanca herself. The panel comments that: “There was no evidence that Ms Zbanca demonstrated exceptionally high standards in both personal and professional conduct and has contributed significantly to the education sector.”

A prohibition order would prevent Ms Zbanca 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, which put at risk the wellbeing of pupils, other children, and members of the public. I have also placed considerable weight on the panel’s remarks regarding the lack of evidence of insight and/or remorse.

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Zbanca 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 and insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

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

I have considered the panel's concluding comments:

“The Advice indicates that there are behaviours that, if proved, would mitigate against the recommendation of a review period. One of these behaviours includes child neglect, although the panel did not consider the gravity of the behaviours in this particular case warranted a permanent prohibition; the neglect in question appeared to the panel to be a temporary consequence of particular circumstances in Ms Zbanca's life. The panel further noted that in the context of paragraph 50 of the Advice, the misconduct in this particular case did not appear to be as serious as the other factors listed.

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 of 5 years.”

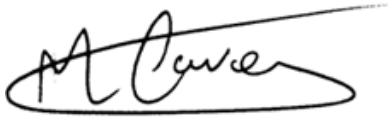
I have considered whether a five-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that I agree with the panel that such a period is both appropriate and proportionate. These elements are the serious nature of the misconduct found and the likely negative impact on the reputation of the profession, as well as the lack of evidence that Ms Zbanca has attained any degree of insight into and remorse for her actions and the unacceptable risk this raises of repetition.

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

This means that Ms Alexandra Zbanca 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 4 February 2030, five years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Ms Zbanca remains prohibited from teaching indefinitely.

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

Ms Zbanca 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', enclosed within a simple, hand-drawn oval border.

Decision maker: Marc Cavey

Date: 31 January 2025

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