



Teaching
Regulation
Agency

Miss Rachel Claire McMaster: Professional conduct panel outcome

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

January 2025

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

Teacher: Miss Rachel Claire McMaster

TRA reference: 18908

Date of determination: 24 January 2025

Former employer: Holywell Middle School, Cranfield

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 20 – 24 January 2025 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Miss Rachel Claire McMaster.

The panel members were Mr Stephen Chappell (lay panellist – in the chair) Mrs Louisa Munton (teacher panellist) and Mrs Emma Hendry (lay panellist).

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

The presenting officer for the TRA was Miss Leah Redden of Brown Jacobson LLP solicitors.

Miss McMaster was present and was represented by Mr Jonathan Storey of Cornwall Street Barristers.

The hearing took place in public save for matters relating to health and private life that were heard in private. The hearing was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 3 September 2024.

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

1. Miss McMaster failed to take appropriate action and/or ensure appropriate action was taken to safeguard Pupil A despite being informed of a disclosure that Pupil A was being sexually abused by [REDACTED], in that;

a. Miss McMaster allowed Pupil A to return home;

i. when Miss McMaster knew she felt unsafe;

ii. when Miss McMaster knew that [REDACTED] and therefore ought to have known that Pupil A would be at risk of further abuse;

b. Miss McMaster failed to report the disclosure to the Police and/or Children Services;

c. Miss McMaster failed to check whether Pupil A had told [REDACTED] as discussed with Miss McMaster and/or failed to otherwise check what had happened following the disclosure;

d. Miss McMaster failed to share Pupil A's safeguarding file / paperwork with her new school after she left in or around July 2012, which resulted in the school not being aware of Pupil A's previous safeguarding disclosures;

2. Miss McMaster's failure(s) as may be proven at 1 above were serious failures and represented one or more missed opportunities to protect Pupil A from further sexual abuse.

Miss McMaster submitted that she denied the allegations in their entirety specifically stating that she could not recall being informed of any disclosure having been made as referred in allegation 1 and denies unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

The panel noted that the incorrect version of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession was referred to in the notice of proceedings dated 3 September 2024. The panel asked the parties to provide representations in relation to which version of the procedures should apply to the conduct of the hearing. Miss Redden submitted that the 2018 procedures were applicable in this case given that

the TRA referral was on 22 November 2019. Mr Storey agreed with Miss Redden's submission.

The panel considered whether the teacher would suffer any prejudice by reason of the 2018 procedures being used and concluded that she would not. Any further reference to the Procedures refers to the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession dated April 2018 ("the Procedures").

Application regarding admissibility of hearsay evidence in the hearing bundle

The presenting officer applied to admit the hearsay evidence contained within the bundle. This consisted of a statement of Person 1 [REDACTED]; the notes of a disciplinary interview with Person 2 [REDACTED]; MG11 statement of Person 2; MG11 statement of Person 4 – a friend of Pupil A; and the MG11 statement of Pupil A.

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

The panel was satisfied that the documents may reasonably be considered to be relevant to the case. Person 1 gave evidence as to whether any external agencies were aware of Pupil A's disclosure in 2011; Person 2 was the member of staff to which Pupil A made the disclosure; Person 3 took over as Deputy Headteacher and Designated Safeguarding Lead after Miss McMaster left Holywell School, and provided an account of safeguarding culture and practices when she arrived; and locating the file pertaining to Pupil A after Pupil A had provided a statement to the police in around 2017; Person 4 was present at the time the disclosure was made by Pupil A in 2011; and Pupil A provided an account of what she remembered regarding the disclosure she made in 2011 and the events that followed.

The central question for the panel was whether it was fair in the circumstances to allow this evidence to be put forward by the presenting officer without the opportunity for these witnesses to be cross-examined by the teacher.

The panel noted that both parties had agreed the content of the bundle and that Miss McMaster's representative did not object to admission of the statements and documents.

The panel took account of the efforts made to secure the attendance of the witnesses and concluded that it understood that requiring Pupil A to attend would be difficult after having already participated in criminal investigations. In addition Person 2 and Person 4 having already participated in criminal investigations and so the panel understood that these witnesses may not want to revisit their evidence. It was understood that Person 2 declined to attend [REDACTED] following the criminal trial.

The panel also 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.

The panel considered the importance of the evidence and whether it constituted a critical part of the evidence against the teacher. The panel considered that the documents and statements provided helpful narrative and it was important to see the contemporaneous documents that provided insight into the chronology of events.

Miss McMaster had advance notice that the presenting officer sought to include the evidence without the witnesses being called, and had no objection to the evidence being admitted.

With regard to the overall question of fairness the panel was satisfied that it would have the opportunity to test the live evidence of Witness 1 [REDACTED] who conducted a disciplinary investigation around the actions of Person 2, which included interviewing Person 2 and Person 3. The evidence of Witness 2 [REDACTED] was also to be called to give oral evidence, and could be questioned on her evidence of Chiltern Learning Trust's investigation of Miss McMaster.

In the circumstances, the panel has decided that there are a sufficient safeguards to protect the teacher against any unfairness caused by being unable to cross-examine the witnesses. The panel were aware that they would be provided with a hearsay warning in due course, and the panel would determine what weight, if any it should attach to the evidence. By reason of the above, the panel decided to admit each of the documents that were already included within the bundle that contain hearsay evidence.

Application to Admit Video Evidence

The panel considered an application by Miss McMaster that the evidence of Witness 5 - [REDACTED] be given by video link. This was due to work commitments and distance and also submissions were provided that Witness 5's evidence was that of the character of Miss McMaster rather than evidence of fact.

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

The panel therefore considered that it had a discretion as to whether to allow Witness 5 to give evidence by video-link.

The panel considered its obligation to ensure that the teacher was not put at an unfair disadvantage, balanced against its duty in the public interest to investigate the allegations in so far as it is possible to do so consistent with fairness to Miss McMaster.

The panel was satisfied that there has been sufficient explanation as to how Witness 5's work commitments would be a barrier to them attending in person.

The panel took into account that there may be subtleties of tone or body language that may be lost via the medium of video link, but was satisfied that such factors could be

taken into account by the panel when assessing the weight it would attribute to such evidence.

The panel was satisfied that its duty to investigate the allegations is such that it directs that Witness 5 may give evidence by video link, if they so wish.

Application that part of the hearing be held in private

The panel considered an application from Miss McMaster that elements of the hearing that relate to her health should be held in private. It decided that it was in the public interest for the hearing to be held in public but decided it would hear evidence regarding Miss McMaster's health in private, save that two specified observers to the hearing (who Miss McMaster gave consent to be present during these private sessions) were permitted to be present.

Late admission of documentation

The presenting officer applied to admit 3 documents. The first, ("Document 1") was a document showing a cupboard in what would have been Miss McMaster's office when she was in post. The second ("Document 2") was a picture of the layout of what would have been Miss McMaster's office when she was in post and the third, ("Document 3") was a photograph of the original typed note of Witness 1 showing Miss McMaster's handwritten note at the end.

Under paragraph 4.18 of the Procedures, the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case. Those documents were not served in accordance with the requirements of paragraph 4.20 of the Procedures, and as such the panel was required to decide whether those documents should be admitted under paragraph 4.25 of the Procedures at the discretion of the panel. The panel also considered relevance and concluded that Documents 1 and 2 were relevant to assist the panel in understanding where the Child Protection File had been located and the access to this. Document 3 was relevant to the issue of whether it was possible that the typed note and handwritten note were separate documents, photocopied together. In considering the question of fairness, the panel took into account the representations from the presenting officer and that there were no objections raised by the teacher to the admission of the documents.

Although the documents were received late, the panel considered that it was fair for it to admit Document 1 and Document 2 for the panel to understand the layout of the room and the appearance of the cupboard, since Miss McMaster would have known these details and could make clear if there had been changes since she left the School. With regard to Document 3, a colour photograph of the document had been made available, and the teacher or her representative could have arranged to inspect the original pursuant to paragraph 4.24 of the Procedures.

Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – page 7

Section 2: Notice of proceedings and response – pages 9 to 15

Section 3: Teaching Regulation Agency witness statements – pages 17 to 133

Section 4: Teaching Regulation Agency documents – pages 135 to 183

Section 5: Teacher documents – pages 185 to 352

In addition, the panel agreed to accept the following:

The panel agreed to also add Supplemental Documents 1- 3 to the evidence,

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]

[Witness B]

[Witness C]

[Witness D]

[Witness E]

[Witness F]

Decision and reasons

The panel announced its decision and reasons as follows:

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

Miss McMaster was employed at the School from 1 September 2003 initially as assistant headteacher and then latterly as the deputy headteacher and was the designated

safeguarding lead until her employment ended on 31 December 2013. In 2017 Pupil A reported to authorities that they had been sexually abused by [REDACTED] and during the course of investigation Pupil A confirmed that they had disclosed the sexual abuse to the School whilst they were still a pupil of the school. Miss McMaster was, thereafter, subject to disciplinary proceedings by her then employer, Chiltern Learning Trust. Miss McMaster was dismissed from her role at Chiltern Learning Trust and was referred to the TRA in 2019.

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. Miss McMaster failed to take appropriate action and/or ensure appropriate action was taken to safeguard Pupil A despite being informed of a disclosure that Pupil A was being sexually abused by [REDACTED], in that;

b. Miss McMaster failed to report the disclosure to the Police and/or Children Services;

The panel considered first whether Miss McMaster had been informed of a disclosure that Pupil A was being sexually abused by [REDACTED] as alleged in allegation 1. In particular, the panel turned its mind to the events that are alleged to have occurred on 14 October 2011. First it was noted by the panel that there was evidence before the panel that Person 2 was approached by Pupil A and it became apparent to Person 2 that a disclosure was going to be made. This was the evidence of both Pupil A and Person 4. In addition, Miss McMaster gave oral evidence that she could recall that Person 2 had a conversation with Pupil A. Miss McMaster also accepted that Person 2 told her that a disclosure was about to take place and that Miss McMaster directed Person 2 to have said discussion with Pupil A.

Person 2's hearsay evidence indicates that they then 'immediately' typed up a note of the conversation with Pupil A which contained information pertaining to sexual abuse of Pupil A [REDACTED]. Person 2's hearsay evidence then states that the typed notes were passed to Miss McMaster on 14 October 2011 and that Person 2 had no further involvement in any next steps, but they understood that a call was made to Pupil A's home by Miss McMaster.

The panel found that there was insufficient evidence to pinpoint exactly when the typed note was passed to Miss McMaster. The panel carefully considered Document 3 which showed handwritten blue ink written onto the bottom of a black and white typed note. Miss McMaster confirmed in oral evidence that the handwriting found at the bottom of this note was hers.

On the balance or probabilities, the panel found that the handwritten note is indicative that Miss McMaster was handed the typed note and that she then added her own notes to this document. In addition, the panel noted that in Miss McMaster's police statement, Miss McMaster stated "*I do not recall why Pupil A was worried about going home, but notes were taken*" and during the investigation by Chiltern Learning Trust, she stated that when referring to the note "*It would have been in the child protection file*". The panel was satisfied after assessing the weight and reliability of the evidence, and on the balance of probabilities, that there was sufficient evidence that Miss McMaster was aware of the existence of the note and therefore found that Miss McMaster was indeed "*informed of a disclosure that Pupil A was being sexually abused by [REDACTED]*"

The panel considered the School's safeguarding policy, which Miss McMaster confirmed she had authored herself. This set out the process to follow in the event of a disclosure. Specifically it provides: "*All cases of child abuse or suspected child abuse will be reported immediately to the appropriate designated teacher who has responsibility for referring suspected child abuse cases to Social Services*".

Further the panel noted that in the hearsay statement of Person 1, she confirmed that no referral was made to Police or Children's Services. The panel noted that this was not the sole and decisive evidence confirming that no such referral had been made.

Furthermore, the panel considered that Person 1 would have had knowledge of such a referral, given her position and knowledge, and would have understood the impact of making such a statement about Miss McMaster.

The panel noted that within Miss McMaster's police interview she stated that no referral was made to partner agencies. Miss McMaster's witness statement at page 248 stated "*In this situation, the disclosure should have been reported to the police and LADO and the pupil kept in school and not allowed to return home. This would have prevented further abuse*".

When questioned by the panel on what she would have done if she had been aware of such a disclosure. Miss McMaster confirmed she would have contacted the police, Social Services, mum and ensured that the LADO was informed.

The panel assessed the weight and reliability of the evidence as well as considered Miss McMaster's own admissions, and on the balance of probabilities, it believed that it was proven that Miss McMaster failed to take appropriate action and/or ensure appropriate action was taken to safeguard Pupil A despite being informed of a disclosure that Pupil A was being sexually abused by [REDACTED], in that Miss McMaster failed to report the disclosure to the Police and/or Children Services.

c. Miss McMaster failed to check whether Pupil A had told [REDACTED] as discussed with Miss McMaster and/or failed to otherwise check what had happened following the disclosure;

The panel considered the school's safeguarding policy which stated "*The school will monitor children who have been identified as at risk, keeping in a secure location clear records of children's progress, maintaining sound policies on confidentiality, providing information to other professionals, submitting reports to case conferences, as appropriate.*"

The handwritten note indicated that Miss McMaster delegated the follow up of Pupil A to Person 2 having recorded "LB to monitor regularly".

There was an expectation that Miss McMaster in her capacity as designated safeguarding lead would follow up on the situation following such a disclosure. Miss McMaster's own oral evidence confirmed "*I cannot remember checking in with pupil A. I would normally check in with students and to not to do so would be a failure*".

Miss McMaster's gave evidence that she did not recall following up with Pupil A. The panel found that the evidence presented showed an expectation that Miss McMaster as the Designated Safeguarding Lead would drive such monitoring and ensure policy was complied with. In particular considering the seriousness of the disclosure and the relative inexperience of Person 2.

On the balance of probabilities the panel found that Miss McMaster did not follow up with Pupil A and that a failure to do so amounts to a failure to take appropriate action and/or ensure appropriate action was taken to safeguard Pupil A despite being informed of a disclosure that Pupil A was being sexually abused by [REDACTED], in that Miss McMaster failed to check whether Pupil A had told [REDACTED] as discussed with Miss McMaster and/or failed to otherwise check what had happened following the disclosure.

2. Miss McMaster's failure(s) as may be proven at 1 above were serious failures and represented one or more missed opportunities to protect Pupil A from further sexual abuse.

Miss McMaster admitted in her witness testimony that there were missed opportunities to protect Pupil A.

The Panel considered Pupil A's police statement in which they stated that, at the time of the disclosure on 14 October 2011, [REDACTED] had not penetrated them with his penis. This also accorded with the typed note of Person 2 which recounted the disclosure of sexual abuse made by Pupil A at the time.

In Pupil A's police statement she stated that she was penetrated two weeks after the disclosure to Holywell Middle School and the panel, when assessing the weight of the hearsay evidence, noted that Pupil A was able to specifically pinpoint the time of year of both the disclosure and the first time she was raped through memories linked to specific life events. The panel found this evidence to be cogent and plausible in the circumstances.

On this basis therefore the panel considered that if appropriate actions were taken as per 1 b and c then the consequences could have been different. The panel considered that there were serious failings and this represented a missed opportunity to protect Pupil A from further sexual abuse.

The panel found the following particulars of the allegation(s) against you not proved, for these reasons:

1. Miss McMaster failed to take appropriate action and/or ensure appropriate action was taken to safeguard Pupil A despite being informed of a disclosure that Pupil A was being sexually abused by [REDACTED], in that;

a. Miss McMaster allowed Pupil A to return home;

i. when Miss McMaster knew she felt unsafe;

Once the panel was satisfied that Miss McMaster had been informed of a disclosure that Pupil A was being sexually abused by their [REDACTED] it had to further consider the likelihood that Miss McMaster had the full detail within the note at the time that Pupil A was allowed to return home.

The handwritten note made by Miss McMaster indicated that she was reassured that Pupil A felt safe. This would suggest that Miss McMaster did not have the full detail at the time as she appears to have been guided by Pupil A on this. In considering the likelihood of such a note being made with the full detail set out in the typed note in mind, the panel found that this was simply too implausible. This indicated to the panel that Miss McMaster did not have a full understanding of the severity of the disclosure she had been informed of and/or had not read the typed note.

Further the panel found there was insufficient evidence presented around when the handwritten note of Miss McMaster was added to the typed note and that it was possible that Miss McMaster had not read the typed note at the time the decision was made to allow Pupil A to return home.

Given the content of the handwritten note the panel did not consider it proven that it was more probable than not that Miss McMaster had allowed Pupil A to return home, knowing that Pupil A felt unsafe.

This allegation was therefore found not proven.

ii. when Miss McMaster knew that [REDACTED] and therefore ought to have known that Pupil A would be at risk of further abuse;

Once the panel were satisfied that Miss McMaster had been informed of a disclosure that Pupil A was being sexually abused by [REDACTED] it had to further consider the likelihood that Miss McMaster had the full detail within the note or was aware that

[REDACTED] resided at the home and therefore ought to have known that Pupil A would be at risk of further abuse at the time.

The panel found there was insufficient evidence presented around when the handwritten note was added to the typed note or around the discussions that may have taken place between Miss McMaster and Person 2. This left open the possibility that Miss McMaster had not read the note or that Miss McMaster did not have a full understanding of the nature and severity of the disclosure at the time the decision was made to allow Pupil A to return home.

This allegation was therefore found not proven.

d. Miss McMaster failed to share Pupil A's safeguarding file / paperwork with her new school after she left in or around July 2012, which resulted in the school not being aware of Pupil A's previous safeguarding disclosures;

The panel accepted that the original note appeared to still be at the School but found that this alone was not sufficient to prove that information about Pupil A had not been passed on to Pupil A's new school.

Person 3 was interviewed as part of the School's investigation of Person 2. The notes of their interview record that Person 3 told the police that Pupil A's file would have gone to their upper school, but upon investigation it turned out that there was no file under this student's name at the upper school. The panel did not consider it could place any weight on this evidence as the panel had no way of understanding what investigations had been made to establish this.

The evidence of Witness 4 was that Pupil A was already being supported by Person 2 which would indicate that there was likely to be more information about this pupil within the school. The school file found just contained Document 3 which left open the possibility that there were further files in existence relating to Pupil A which could have been passed on.

Miss McMaster and Witness 4 both gave oral evidence that explained that the process for handover to a new school was usually face to face. There was no written evidence of face to face meetings regarding Pupil A and Miss McMaster and Witness 4 could not recall a handover regarding Pupil A.

Therefore the panel found on balance, in the absence of fuller and more detailed evidence around the process of handing over pupil's files, that Miss McMaster did not fail to share the safeguarding file/ paperwork with their new school after Pupil A left in or around July 2012, which resulted in the school not being aware of Pupil A's previous safeguarding disclosures.

This allegation was therefore found not proven.

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

Having found a number of the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

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

The panel was satisfied that the conduct of Miss McMaster, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Miss McMaster was in breach of the following standards:

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

The panel was satisfied that the conduct of Miss McMaster in relation to the facts found proved, involved breaches of Working Together to Safeguard Children March 2010. The panel considered that Miss McMaster was in breach of the following provisions:

- 2.157. Education staff have a crucial role to play in helping identify welfare concerns, and indicators of possible abuse or neglect, at an early stage. They should refer those concerns to the appropriate organisation, normally local authority children’s social care, contributing to the assessment of a child’s needs and, where appropriate, to ongoing action to meet those needs.
- 2.159 Staff in schools and FE institutions should not themselves investigate possible abuse or neglect. They have a key role to play by referring concerns about those issues to local authority children’s social care, providing information for police investigations and/or enquiries under section 47 of the Children Act 1989, and by contributing to assessments.
- 5.26 A child under 13 years is not legally capable of consenting to sexual activity. Any offence under the Sexual Offences Act 2003 involving a child aged under 13 years is very serious and should be taken to indicate that the child is suffering, or is likely to suffer, significant harm.

5.27 Where the allegation concerns penetrative sex or other intimate sexual activity occurs, there would always be reasonable cause to suspect that a child, whether girl or boy, is suffering, or is likely to suffer, significant harm. There should be a presumption that the case will be reported to children's social care.

The panel was satisfied that the conduct of Miss McMaster fell significantly short of the standard of behaviour expected of a teacher.

The panel also considered whether Miss McMaster's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel found that none of these offences was relevant. However, the panel noted that the Advice is not intended to be exhaustive and there may be other behaviours that panels consider to be unacceptable professional conduct. The panel considered that the serious safeguarding failings found proven amounted to misconduct of a serious nature, falling significantly short of the standard of behaviour expected of a teacher. The panel therefore found Miss McMaster guilty of unacceptable professional conduct.

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

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

The panel also considered whether Miss McMaster's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to conduct that may bring the profession into disrepute.

The panel found that none of these offences were relevant.

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

In the panel's view, the lack of sufficient and appropriate action taken in line with the School's safeguarding policy (drafted by Miss McMaster herself) and the statutory

guidance available at the time, was serious. and would have a negative impact on the public's perception of a teacher.

The panel therefore found that Miss McMaster actions constituted conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

In considering whether to recommend to the Secretary of State that a prohibition order is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Miss McMaster 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 maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and the interest of retaining the teacher in the profession.

In the light of the panel's findings against Miss McMaster which involved findings that safeguarding practices were not followed in relation to a pupil there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils.

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

The panel decided that there was a strong public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon her abilities as an educator and she is able to make a valuable contribution to the profession.

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:

- A serious departure from the personal and professional conduct elements of the Teachers' Standards;
- A failure to act on evidence that indicated a child's welfare may have been at risk, eg, failed to notify the designated safeguarding lead and/or make a referral to children's social care, the police or other relevant agencies when abuse, neglect and/or harmful cultural practices were identified;
- A 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, taking account of the public interest and the seriousness of the behaviour and the potential 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 / whether there were mitigating circumstances.

The panel accepted Miss McMaster's evidence that her actions were not deliberate.

There was no evidence to suggest that Miss McMaster was acting under extreme duress e.g. a physical threat or significant intimidation.

Miss McMaster did have a previously good history, having demonstrated high standards in both her personal and professional conduct and having contributed significantly to the education sector. The panel accepted that the incident was out of character and, indeed, that Miss McMaster demonstrated to the panel some excellence in safeguarding during her career.

The panel saw no evidence that Miss McMaster was previously subject to any disciplinary proceedings/warnings. The panel were provided with a large amount of evidence related to Miss McMaster's career and her contributions to the education sector. This included seven documents detailing Ofsted inspection findings at the School and Marston Vale Middle School which all demonstrated a high level of safeguarding practices. The panel heard oral evidence from Witness 4 who described that Miss McMaster had previously stepped up to acting headteacher and designated safeguarding lead in a short space of time before the 2008 Ofsted inspection, at the School, took place and that Miss McMaster (along with a colleague) worked extraordinarily hard to prepare the school in very short time for the anticipated Ofsted inspection. Witness 4 described in their witness evidence that an [REDACTED] was very complimentary about Miss McMaster and her colleague's engagement and response. The panel heard how the HMI

who led the inspection (just two months after they had stepped up) took Witness 4 aside and was very complimentary about them both.

In 2011, it was noted that the Ofsted report for the School stated: *“Robust systems are in place to ensure that safeguarding is effective. There is comprehensive training of all staff, and governors and the school staff work well with other agencies to reduce the risk of harm to pupils.”*

The panel was provided with seven references that supported Miss McMaster with her appointments to the School and Marston Vale Middle School which all give positive and enthusiastic feedback on her leadership, and her good relationships with staff, students and parents.

The panel was provided with three references (dated 2020) from previous colleagues at schools at which Miss McMaster had worked, all of which offered a high level of support in relation to these proceedings. These made clear their views of Miss McMaster are she is an extremely strong teacher and leader. Examples of comments are as follows:

“We moved from struggling to recruit to a point where the Local Authority invested substantial sums to expand the school. Miss McMaster played a very full part in that turnaround”.

“Her relationships with staff and pupils were warm, supportive and caring. I found her to be conscientious, reliable and trustworthy with a clear understanding of the professional demands on teachers and leaders. Claire’s interactions in schools with both staff and pupils were always professional and positive. Claire works with integrity and commitment and undertakes all her work with an intent to do the very best”.

“Claire led a drive to find and select a multi-Academy Trust to help us develop further. We eventually became a part of the Chiltern Learning Trust. The Trust have advanced the School considerably for which I am very grateful. I do feel, however, that without the work and building Claire did, CLT may not have had a school to take over!”

Oral evidence was given by witnesses 3, 4 and 5, all of which were extremely impactful in demonstrating Miss McMaster’s career contributions and the trust and confidence that was placed in her and this remained steadfast despite the allegations heard within this process.

Witness 3 gave oral evidence as to Miss McMaster’s leadership in turning around difficulties in a school that became an independent academy.

Witness 4 gave oral evidence as to Miss McMaster’s teaching skills and how she turned around behaviour in school in a positive way. For example, introducing a behaviour policy which enhanced teaching and included a merit system to introduce to pupils the opportunity for a weekly meeting with her and governors to enjoy tea and cake. Witness

4 confirmed that staff and students appreciated her teaching style. Witness 4 was also tested on Miss McMaster's safeguarding practices and provided evidence that they felt at all times that Miss McMaster was more than capable of showing governors how she was implementing and running the safeguarding in school. *"I work in safeguarding and she gave me confidence"*.

Miss McMaster took a position with [REDACTED] in 2020 as head of programme. Witness 5 who has spent time working with Miss McMaster stated that, knowing what they do of Miss McMaster, *"I would love for my children to be in a school where Claire was a teacher"* and *"Over 70,000 individuals have benefitted from work she has spearheaded and you cannot do that when you do not believe in changing lives"*

The panel also took account of witness evidence from two family members, one of whom also works in the teaching profession.

"Claire has a drive to ensure the very best outcomes for young people that is informed by her reflective practice. I also know that Claire is a team-player and that this will have underpinned her inclusive approach in working with her colleagues and in supporting their development too".

"I believe that Claire's commitment to supporting others so that they can be the very best they can be underpins her strong motivation for working in education and for being an effective educator. I believe that this commitment derives from Claire's own experiences within our family, together with the opportunities she experienced growing up (Brownies, ballet class, swimming and skiing, for example). Alongside Claire's teaching, Claire also developed an interest in the pastoral and behavioural support of pupils, demonstrating her care and concern for securing the very best outcomes for young people. In addition, she has given much of her own time to organising and managing extracurricular activities to broaden the horizons of her students"

"Claire has and continues to reflect deeply on the very serious allegations that emerged over five years ago. Whilst she has not worked in a school since July 2019, Claire maintains a very strong drive to help young people reach their potential through her role as Head of Programme for [REDACTED] supporting the transition of students from education and into employment. In my opinion, this recent role has provided Claire with unique perspectives that when coupled with her extensive experience and success in teaching can only enrich the education system and foster the development and raise the aspirations of young people. Claire has much to offer should she have the option of being able to return to a school and classroom environment".

"Referring to Claire's future in teaching, it would, in my opinion, be a sad loss to the teaching profession should Claire, a competent and conscientious teacher be excluded from teaching. Furthermore, Claire's dedication to the teaching profession has been unwavering and she would be devastated should the option of returning to the classroom or another role in the teaching profession be taken away from her"

The panel heard how Miss McMaster has committed her time outside of teaching working for [REDACTED] seeking to improve lives and has spent much time reflecting on her culpability.

Miss McMaster demonstrated [REDACTED]

[REDACTED]

Finally, the panel noted that Miss McMaster had kept up to date with safeguarding and prevent duties despite not teaching and also noted the messages in various leaving cards over the years which show that Miss McMaster has a genuine rapport with staff and pupils.

Overall, the panel found that Miss McMaster demonstrated insight into her conduct. They further noted that this appeared to be a one off incident in an otherwise unflawed career history and that the panel had seen real and cogent evidence that this would not ordinarily be how Miss McMaster operated when working in schools. The panel found there is highly unlikely to be any risk of reoccurrence of any of the conduct found proven in these allegations.

The panel took into account evidence that Miss McMaster had been dismissed in 2019 and has not been working in teaching since this time alongside awaiting this misconduct hearing. The panel considered that Miss McMaster had used this time to reflect on how she could have dealt with matters differently and has taken full accountability for her conduct. The panel considered that a period of prohibition now would be unduly punitive given the time that has already passed since Miss McMaster last taught.

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Whilst the behaviour was serious, it was a one off failure, in the context of otherwise having upheld high standards of safeguarding. Having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession.

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 sanction.

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.

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 that the findings of unacceptable professional conduct and/or conduct likely to bring the profession into disrepute should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Miss Rachel Claire McMaster is in breach of the following standards:

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

The panel was satisfied that the conduct of Miss McMaster involved breaches of the responsibilities and duties set out in statutory guidance 'Keeping children safe in education' and involved breaches of 'Working Together to Safeguard Children'.

The panel finds that the conduct of Miss McMaster fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include a teacher failing to follow safeguarding practices.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In assessing that for this case, I have considered the overall aim of a

prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Miss McMaster, 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 the light of the panel’s findings against Miss McMaster which involved findings that safeguarding practices were not followed in relation to a pupil there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils.” A prohibition order would therefore prevent such a risk from being present in the future.

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

“Overall, the panel found that Miss McMaster demonstrated insight into her conduct. They further noted that this appeared to be a one off incident in an otherwise unflawed career history and that the panel had seen real and cogent evidence that this would not ordinarily be how Miss McMaster operated when working in schools. The panel found there is highly unlikely to be any risk of reoccurrence of any of the conduct found proven in these allegations.”

In my judgement, the significant degree of insight demonstrated by Miss McMaster suggests that there is a very limited risk of the repetition of this behaviour. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel makes the following observation: “In the panel’s view, the lack of sufficient and appropriate action taken in line with the School’s safeguarding policy (drafted by Miss McMaster herself) and the statutory guidance available at the time, was serious. and would have a negative impact on the public’s perception of a teacher.” I am particularly mindful of the finding of a teacher failing to follow safeguarding practices in this case and the negative impact that such a finding may have on the reputation of the profession.

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

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

I have also considered the impact of a prohibition order on Miss McMaster herself. The panel records having had the benefit of considering extensive evidence attesting to Miss McMaster's abilities and dedication as a teacher. It also notes that subsequent to these allegations being brought she has both dedicated herself to improving the lives of young people and taken steps to better understand and come to terms with her culpability for the events highlighted in this case.

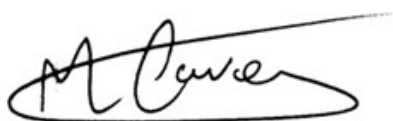
A prohibition order would prevent Miss McMaster from teaching. A prohibition order would also clearly deprive the public of her contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel's comments concerning the significant degree of insight demonstrated by Miss McMaster and its assessment that the risk of a repetition is "highly unlikely". I have also placed weight on her previous good history, and the likelihood that she should be able to make a positive contribution to the profession should she return to teaching in the future.

I have also noted and concur with the panel's concluding remarks:

"The panel was of the view that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Whilst the behaviour was serious, it was a one off failure, in the context of otherwise having upheld high standards of safeguarding. Having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession."

For these reasons, I have concluded that a prohibition order is not proportionate or in the public interest. I agree with the panel that the publication of the findings made would be sufficient to send an appropriate message to Miss McMaster as to the standards of behaviour that were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.

A handwritten signature in black ink, appearing to read 'M. Cavey', enclosed within a hand-drawn oval.

Decision maker: Marc Cavey

Date: 27 January 2025

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