



Teaching  
Regulation  
Agency

# **Ms Ashley Atkin: Professional conduct panel outcome**

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

**February 2025**

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

**Teacher:** Ms Ashley Atkin  
**Teacher ref number:** 1970886  
**Teacher date of birth:** 14 January 1987  
**TRA reference:** 22920  
**Date of determination:** 26 February 2025  
**Former employer:** Horn's Mill Primary School, Cheshire

### **Introduction**

A professional conduct panel ("the panel") of the Teaching Regulation Agency ("the TRA") convened on 25 February – 26 February 2025 virtually, to consider the case of Ms Ashley Atkin.

The panel members were Mrs Melissa West (teacher panellist – in the chair), Mrs Shabana Robertson (lay panellist) and Mr Paul Millett (lay panellist).

The legal adviser to the panel was Mr Priyesh Dave of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Ms Leah Redden of Browne Jacobson solicitors.

Ms Ashley Atkin was not present and was not represented.

The hearing took place in public and was recorded.

## Allegations

The panel considered the allegation(s) set out in the notice of hearing dated 13 November 2024.

It was alleged that Ms Ashley Atkin was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as a Teacher at Horn's Mill Primary School between 01 September 2023 and 08 December 2023:

1. Ms Atkin was present at the school after consuming alcohol and/or smelling of alcohol on or around 20 October 2023;
2. Ms Atkin's conduct at allegation 1 above affected her behaviour and/or ability to undertake her duties to the school.

Ms Atkin having been convicted, at any time, of a relevant offence in that:

3. Ms Atkin was convicted at Cheshire Magistrates Court on or around 18 July 2023 for a driving a motor vehicle with excess alcohol.

Ms Atkin denied the allegations. She further denied that allegations 1 and 2 amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute and that allegation 3 amounted to a conviction of a relevant offence.

## Preliminary applications

### Proceeding in Absence

The panel considered whether this hearing should continue in the absence of the teacher.

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

The panel was also satisfied that the Notice of Proceedings complied with paragraphs 5.23 and 5.24 of the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020, (the "Procedures").

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

The panel took as its starting point the principle from R v Jones that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one. In considering the question of fairness, the panel recognised that fairness to the professional is of prime

importance but that it also encompasses the fair, economic, expeditious and efficient disposal of allegations against the professional, as was explained in *GMC v Adeogba & Visvardis*.

The panel firstly took account of the various factors drawn to its attention from the case of *R v Jones [2003] 1 AC1*.

- i) On 4 February 2025, by email to the TRA, Ms Atkin confirmed that she would not attend the hearing. On 6 February 2025 she further confirmed, by email, that she:
  - a. voluntarily waives her right to attend the final hearing;
  - b. is content for the panel to make a decision in her absence;
  - c. understands that the panel may make findings against her and findings which may lead to the imposition of a prohibition order.

The Notice of Hearing was sent to Ms Atkin on 13 November 2024 via post and email. In an email dated 14 November 2024, Ms Atkin confirmed that she had received the Notice of Hearing in the post.

The panel considered that the teacher had waived her right to be present at the hearing, knowing when and where the hearing is taking place.

- ii) Based on the correspondence Ms Atkin sent to the TRA, it was considered unlikely that an adjournment might result in the teacher attending voluntarily.
- iii) At the stage of the panel's considerations, it was unclear how long any such adjournment would be required to obtain Ms Atkin's engagement with the hearing.
- iv) The panel noted that Ms Atkin was not represented and the panel had not received any correspondence or application from Ms Atkin to adjourn the hearing to obtain legal representation.
- v) The panel would be disadvantaged by not having Ms Atkin give her account of events, having regard to the nature of the allegations against her. The panel does have details of the conviction as well as witness evidence of the events of 20 October 2023. The panel recognised that it needed to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account.
- vi) The panel believed that there was a limited risk of reaching an improper conclusion about the absence of the teacher.
- vii) The panel recognised that the allegations against the teacher were serious and that there was a real risk that if proven, the panel would be required to consider whether to recommend that the teacher ought to be prohibited from teaching.
- viii) The panel recognised that the efficient disposal of allegations against the teacher was required to ensure the protection of pupils and to maintain

confidence in the profession. The conduct alleged was said to have taken place whilst the teacher was employed at Horn's Mill Primary School (the "School"). The School would have an interest in this hearing taking place in order to move forward.

- ix) The panel also noted that there are four witnesses present at the hearing who are prepared to give evidence, and that it may be inconvenient for them to return again. Delaying the case for an undetermined period of time may further impact upon the memories of those witnesses.

The panel decided to proceed with the hearing in the absence of the teacher. The panel noted that the teacher had waived her right to appear. In reaching its decision the panel agreed that it would nevertheless be able to consider the interests of the teacher in reaching its conclusions.

## Summary of evidence

### Documents

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

Section 1: Notice of Proceedings and Response – pages 5 to 11

Section 2: Chronology – page 13

Section 3: Teaching Regulation Agency Witness Statements – pages 15 to 134

Section 4: Teaching Regulation Agency Documents – pages 137 to 265

Section 5: Teacher's Documents – page 267

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

The panel also read and reviewed a 26 page bundle of documents in support of the proceeding in absence application.

### Witnesses

The panel heard oral evidence from

The TRA's witnesses:

- Witness A, [REDACTED]
- Witness B, [REDACTED]
- Witness C, [REDACTED]

- Witness D, [REDACTED]

## Decision and reasons

The panel announced its decision and reasons as follows:

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

Ms Atkin, whilst employed by another school prior to taking up her role with Horn's Mill Primary School ("the School"), was convicted of 'Driving a Motor Vehicle with Excess Alcohol' on 18 July 2023. Ms Atkin was fined and disqualified from driving. On 1 September 2023, Ms Atkin started working at the School. From 7 September 2023, Ms Atkin was [REDACTED]. Following her return to the School, concerns were raised about Ms Atkin smelling of alcohol on 20 October 2023. The School progressed this matter to a disciplinary investigation. On 8 December 2023, Ms Atkin resigned from the School.

## Findings of fact

The findings of fact are as follows:

The panel found the following particulars of the allegation(s) against you proved, for these reasons:

**It was alleged that you are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as a Teacher at Horn's Mill Primary School between 01 September 2023 and 08 December 2023:**

- 1. You were present at the school after consuming alcohol and/or smelling of alcohol on or around 20 October 2023**

Ms Atkin denied this allegation.

The panel heard evidence that Ms Atkin attended the School and went to her classroom on 20 October 2023. Witness C gave evidence that she went into Ms Atkin's classroom to prepare for the day. She noticed Ms Atkin was sitting in the dark in front of her computer. After asking if Ms Atkin was okay, Witness C gave Ms Atkin a hug, and Ms Atkin gave her a tight hug. Witness C noticed that Ms Atkin "*seemed so fragile and her eyes were watery and puffy*" as if she had been crying. Witness C stated that there was a smell of alcohol coming from Ms Atkin.

[REDACTED], in written evidence, stated during her interview for Ms Atkin's disciplinary investigation that Ms Atkin was avoiding making eye contact, because [REDACTED] thought that she was trying to hide that she was drunk. [REDACTED] stated that she could smell alcohol on Ms Atkin's breath.

There was an early morning school 'Big Cheese' assembly. Ms Atkin attended with her Year 1 class. Following the 'Big Cheese' school assembly, Witness D, and [REDACTED] informed Witness B of their concerns about Ms Atkin.

Witness B went to see Ms Atkin in the class to see if she was okay and asked to speak with her in the staff room. Witness B asked if Ms Atkin had been drinking, which she denied but admitted she had been drinking heavily the night before.

In her disciplinary investigation interview on 17 November 2023, Ms Atkin stated that she drank a bottle of white wine and another small glass of wine the night before 20 October 2023.

Witness B wanted to take Ms Atkin home as Witness B believed that she could not continue teaching in her current state. Witness B went to inform Witness A, who then invited both Witness B and Ms Atkin into her office to discuss the situation. In this closed space, both Witnesses A and B described that they could smell alcohol on Ms Atkin. Witness A described that she could smell alcohol on Ms Atkin when she hugged her. She stated in evidence that there was *"not a shadow of doubt that it was alcohol"*. Witness B stated that Ms Atkin was wearing a lot of perfume so that there was a mix of alcohol and perfume, but once she was in Witness A's office, she could smell the alcohol, describing it as *"pungent"*, *"strong"* and *"distinctive to drinking"*.

Witness A stated that once the meeting was over, she left the office; when she later returned, the room still smelt of alcohol and the door had to be opened to air out the room.

The panel considered the evidence provided by the witnesses and the written evidence it had seen in the bundle and noted the consistency between the accounts. The panel noted that the evidence from [REDACTED] was hearsay. However, her evidence was consistent with the evidence of the witnesses the panel did hear from and those witnesses corroborated [REDACTED] evidence. For those reasons the panel was content to give weight to [REDACTED] hearsay evidence.

The panel concluded that although Ms Atkin denied this allegation, there was sufficient evidence from multiple individuals that Ms Atkin smelled of alcohol on 20 October 2023 at the school. The panel noted that Ms Atkin also confirmed that she had been drinking the night before. The panel therefore concluded that Ms Atkin was present at the school after consuming alcohol.

The panel found this allegation proven.

## **2. Your conduct at allegation 1 above affected your behaviour and/or ability to undertake your duties to the school**

Ms Atkin denied this allegation.



As noted above, in the morning of 20 October 2023, Ms Atkin was seen to be sitting in the dark in her classroom. The panel heard from Witness C that it would be normal for teachers to set up their classroom for the day by turning on all the lights. Following the hug between Ms Atkin and Witness C, Witness C asked if Ms Atkin had put out the 'morning challenge' for the pupils. Ms Atkin had not, and Witness C put out the morning challenge. Ms Atkin had also not planned the day for her class. Afterward, Witness C went to the door to do the snack register and welcome the pupils into the class for the day. The morning challenge, welcoming pupils, the snack register, and the day planning would be roles that Ms Atkin would usually perform or be expected to perform.

Witness C stated in written evidence that *"when [Ms Atkin] stood to take to children in [to the assembly] she seemed to have trouble with her dress round her feet and was unsteady. She moved slowly and gingerly."*

The panel heard that for the school assembly, it would be usual for the teacher to lead the class into the hall and sit down the first pupil and lead the class onto the same row. Ms Atkin led the class in but then walked off to sit down on a chair away from her class. Another member of staff, Witness D, had to assist by sitting the children down. Witness D commented that Ms Atkin looked dazed and was staggering.

The panel heard that during the assembly, Ms Atkin was expected to speak and announce who the 'big cheese' of her class was. The panel saw in written evidence from [REDACTED] that before the assembly Ms Atkin had lent forward and whispered to her *"who is big cheese"*. [REDACTED] said that Ms Atkin was unsteady on her feet and shuffled forward. Ms Atkin gave the certificate to [REDACTED] and said *"you do it"*. [REDACTED] then delivered the big cheese.

The panel heard Witnesses B and D describe Ms Atkin's eyes as being glazed. Witness B also stated that Ms Atkin was slow to answer questions and was unstable on her feet. The panel heard during witness evidence that Ms Atkin was different on 20 October 2023 than she had been on previous days.

Ms Atkin, during her disciplinary investigation interview, stated that she believed she was fit to teach that day.

The panel also saw and heard evidence that there were concerns that Ms Atkin was not in a position to look after the children in her class. [REDACTED], in her interview, stated, *"I felt [children in Ms Atkin's class] weren't safe with her. I felt reluctant to leave the children with her..."* due to *"...her slow reaction and slow communication with us as staff and a lack of awareness, that meant that the children potentially were not safe."*

The panel heard that Witness A concluded after her meeting with Ms Atkin that Ms Atkin should be driven home as she was not in a position to continue with her role that day in the school.

The panel considered the evidence provided by the witnesses and the written accounts it had seen in the bundle and noted the consistency between the accounts. The panel noted that the evidence from [REDACTED] was hearsay. However, her evidence was consistent with the evidence of the witnesses the panel did hear from and those witnesses corroborated [REDACTED]' evidence. For those reasons the panel was content to give weight to [REDACTED]' hearsay evidence.

The panel concluded that for the reasons set out above, and the number of examples and consistency from the witnesses as to what they witnessed, Ms Atkin's behaviour was sufficiently affected by her consumption of alcohol. Ms Atkin's ability to undertake her duties to the school was affected to such an extent that she had to be taken home.

The panel therefore found this allegation proven.

**You have been convicted, at any time, of a relevant offence in that:**

**3. You were convicted at Cheshire Magistrates Court on or around 18 July 2023 for a driving a motor vehicle with excess alcohol.**

Ms Atkin denied this allegation.

The panel had seen a PNC Record which sets out that Ms Atkin was convicted by Cheshire Magistrates' Court of "Driving a motor vehicle with excess alcohol". The Court Extract states that the offence Ms Atkin was convicted of was "Drive motor vehicle when alcohol level above limit". The panel notes that the dates are the same and has concluded that the conviction is, for all intents and purposes, the same as set out in the allegation and is the same allegation. The panel accepted the PNC Record and Court Extract as conclusive proof of the conviction and the facts necessarily implied by the conviction.

Ms Atkin was sentenced to a disqualification from holding or obtaining a driving licence for 18 months, a fine, and a victim surcharge.

Ms Atkin pleaded guilty to the offence.

The panel found this allegation 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 and 2 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.

## Unacceptable Professional Conduct

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

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

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

The panel was satisfied that the conduct of Ms Atkin fell significantly short of the standard of behaviour expected of a teacher in that she presented at work after consuming alcohol and smelling of alcohol and for safeguarding reasons could not be left in charge of her class for the day. Importantly, Ms Atkin had received a letter dated 18 October 2023 from Witness A confirming what was said at a meeting between Witness A and Ms Atkin on 5 October 2023. In the letter Witness A said *“You confirmed that you had been given a copy of the schools drugs and alcohol policy. We advised under no circumstances should you attend school under the influence of alcohol. You were aware that if a breach of the drugs and alcohol policy were to occur, the school would manage this through the disciplinary procedure.”* The panel noted that it was only two days later that the events giving rise to allegations 1 and 2 occurred. Ms Atkin had previously been given a copy of the school’s drugs and alcohol policy on Ms Atkin’s induction day in July 2023. The panel was of the mind that the School’s expectations were made very clear to Ms Atkin.

The panel also considered whether Ms Atkin’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.

The panel was satisfied that Ms Atkin was guilty of unacceptable professional conduct in relation to allegations 1 and 2.

## **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 Ms Atkin'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 was 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". Ms Atkin was teaching on 20 October 2023; she went to work, on her evidence, having drunk a bottle and a glass of wine during the early hours of the morning. She was seen to be staggering in the School, her eyes were glazed, and she appeared drunk. Ms Atkin was unprepared to start the school day and unable to lead her class in the assembly to be seated. She was deemed by Witness A not to be in a fit state to work and was escorted home. The panel has found that these behaviours are relevant to the consideration of conduct that may bring the profession into disrepute.

The panel considered that Ms Atkin's conduct could potentially damage the public's perception of a teacher.

The panel therefore found that Ms Atkin's actions constituted conduct that may bring the profession into disrepute in relation to allegations 1 and 2.

Having found the facts of particulars 1 and 2 proved, the panel further found that Ms Atkin's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

## **Conviction of a Relevant Offence**

Having found allegation 3 proved, the panel went on to consider whether the facts of the allegation amounted to a conviction of a relevant offence. The Advice says that a relevant offence is a conviction that is relevant to a person's fitness to be a teacher.

The panel was not satisfied that the conduct of Ms Atkin, in relation to the facts it found proved, involved breaches of the Teachers' Standards.

The panel noted that Ms Atkin's actions were not relevant to teaching, working with children and/or working in an education setting. This is because the offence did not take place within the school setting nor during school hours.

The panel noted that the behaviour involved in committing the offence would have been likely to have had an impact on the safety and/or security of members of the public.

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

The panel noted that Ms Atkin's behaviour did not lead to a sentence of imprisonment.

Paragraph 34 of the Advice says that it is likely that a conviction of any offence that relates to or involves any of the listed offences will be considered a relevant offence. The listed offence of a serious offence including alcohol is relevant here.

The panel agreed that this was a case involving a serious offence including alcohol.

The panel heard that Ms Atkin was over twice the legal limit for the level of alcohol in her system when the police administered a breathalyser. The panel noted that the police stopped Ms Atkin as her driving was poor and she was crossing the white line on the A5117 and was very hesitant when turning a corner. The panel saw in evidence that Ms Atkin was on her way to [REDACTED]. The panel concluded that Ms Atkin was driving in a situation that was dangerous to herself and the public.

The panel took into account the reasons regarding the conviction provided by Ms Atkin to Witness A which are contained in Witness A's statement. Ms Atkin's account to Witness A was that she believed that she needed to [REDACTED] later in the day rather than in the morning. The panel reviewed the bundle to take into account any evidence of mitigating circumstances. Ms Atkin had not provided any documentation for the panel to consider.

Witness A and Witness B in their statements said that they believed that Ms Atkin had the attributes to be a good teacher if she got for herself the necessary support.

The panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Ms Atkin's fitness to be a teacher.

The panel considered that a finding that this conviction was for a relevant offence was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

## 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 a conviction of a relevant offence, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Ms Atkin and whether a prohibition order is necessary and proportionate. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely, the safeguarding and wellbeing of pupils and the protection of other members of the public, the maintenance of public confidence in the profession, declaring and upholding proper standards of conduct, and 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 Atkin, as set out above, 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 Ms Atkin were not treated with the utmost seriousness when regulating the conduct of the profession.

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

The panel considered whether the adverse public interest considerations above outweighed any interest in retaining Ms Atkin in the profession, since her behaviour fundamentally breached the standards of conduct expected of a teacher. In the opinion of the panel the evidence of Ms Atkin's teaching ability demonstrated that at its highest Ms Atkin had the makings of a good teacher if she was able to access support.

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

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

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are "relevant matters" for the purposes of the Police Act 1997 and criminal record disclosure;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk.

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

The panel noted that no formal references were provided from any colleagues that could attest to her ability as a teacher. However, Witness A stated in her witness statement:

*"Based on what I observed in March 2023, Ms Atkin is passionate about teaching and I believe that if she got the help she needs, she has the ingredients to be a good teacher."*

Witness B stated in her statement:

*"The situation with Ms Atkin feels like a very sad situation. I do genuinely believe that she was a good teacher... If Ms Atkin was to get support, I believe that in the future she could be a really good teacher again."*

The panel were satisfied that Ms Atkin's actions were deliberate.

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

Ms Atkin was a teacher for 4 years, but there was no evidence of an exceptional contribution to teaching.

Although no mitigation was provided by Ms Atkin, the panel considered the content of the bundle and the documents that provided some description of Ms Atkin's personal situation and her reasons for the events around the conviction and 20 October 2023.

The panel noted that there was evidence that Ms Atkin had been in an [REDACTED] and that she perceived this as the cause of her drinking. There was also reference to Ms Atkin [REDACTED] in relation to her [REDACTED]. The panel has seen that Ms Atkin stated that she was seeing a [REDACTED] and an [REDACTED].

At the time of the investigation meeting (17 November 2023), Ms Atkin stated that she believed she was fit to teach on 20 October 2023. However, in email correspondence with the TRA dated 4 February 2025, Ms Atkin said:

*“I’m absolutely devastated about what happened and it’s all I can think about. I was going through such a difficult time at that point and in such an [REDACTED] that I lost who I was as a person. Since then I have been through both [REDACTED]and [REDACTED]and am in a much better place.”*

Ms Atkin had not provided evidence to the panel of a link between her drinking and her [REDACTED]nor that she was [REDACTED]and nor that she was seeing [REDACTED]. Further, there was no direct evidence of the extent to which Ms Atkin had [REDACTED]. Also, the panel saw no notable evidence of any level of insight or remorse from Ms Atkin.

### **Proportionality**

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 Atkin 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 Atkin. The incidents that were subject to the allegations were not isolated incidents, and both incidents in June and October 2023 involved alcohol. She attended work having consumed alcohol during the night before which led to Ms Atkin not being in a fit state to look after the children in her class. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. None of those cases was relevant to Ms Atkin’s conduct.



The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. None of those cases was relevant to Ms Atkin's conduct.

The panel took into account the issue of mitigation, however no formal mitigation was provided for the panel to consider. The lack of insight and genuine remorse shown by Ms Atkin meant that the panel could not be satisfied that there would not be repeated behaviours associated with alcohol in a school environment.

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. As such, the panel decided that it would be proportionate for the prohibition order to be recommended with provision for a review period after 2 years.

The panel was of the view that this would give Ms Atkin sufficient time to develop the necessary insight and remorse. It would also enable Ms Atkin to demonstrate to any future panel that she had a sound understanding of the triggers that led to the misconduct and to show that she had developed appropriate coping mechanisms to satisfy the panel that the likelihood of a repeat of the matters giving rise to the allegations was minimal.

## **Decision and reasons on behalf of the Secretary of State**

I have given very careful consideration to this case and to the recommendation of the panel in respect of both sanction and review period.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or a relevant conviction.

The panel has made a recommendation to the Secretary of State that Ms Ashley Atkin should be the subject of a prohibition order, with a review period of two years.

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions

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

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

The findings of misconduct are serious as they include a teacher receiving a relevant conviction for driving a motor vehicle with excess alcohol, as well as attending school unfit to carry out her duties due to the consumption of alcohol.

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 Atkin, and the impact that will have on the teacher, is proportionate and in the public interest.

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

“The incidents that were subject to the allegations were not isolated incidents, and both incidents in June and October 2023 involved alcohol. She attended work having consumed alcohol during the night before which led to Ms Atkin not being in a fit state to look after the children in her class.”

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:

“Ms Atkin had not provided evidence to the panel of a link between her drinking and her [REDACTED] nor that she was [REDACTED] and nor that she was seeing [REDACTED]. Further, there was no direct evidence of the extent to which Ms Atkin had [REDACTED]. Also, the panel saw no notable evidence of any level of insight or remorse from Ms Atkin.”

In my judgement, the lack of evidence that Ms Atkin has developed full insight into and remorse for her actions means that there is some risk of the repetition of this behaviour

and this jeopardises 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:

“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”. Ms Atkin was teaching on 20 October 2023; she went to work, on her evidence, having drunk a bottle and a glass of wine during the early hours of the morning. She was seen to be staggering in the School, her eyes were glazed, and she appeared drunk. Ms Atkin was unprepared to start the school day and unable to lead her class in the assembly to be seated. She was deemed by Witness A not to be in a fit state to work and was escorted home. The panel has found that these behaviours are relevant to the consideration of conduct that may bring the profession into disrepute.”

I am particularly mindful of the finding in this case of a teacher arriving at work unable to fulfil their duties due to the consumption of alcohol, and the impact that such a finding may have on the reputation of the profession.

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

I have considered whether the publication of a 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 Atkin herself. While the panel notes that there was no evidence of her having made an outstanding contribution to the education sector, it also records having had the benefit of hearing from witnesses attesting that Ms Atkin has the ability to make a positive impact as a teacher in the future. The panel also notes having seen some evidence of mitigating evidence regarding Ms Atkin’s personal circumstances at the time of these events.

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

In this case, I have placed considerable weight on the panel’s comments concerning the lack of evidence of full insight and/or remorse, and the consequent risk of repetition.

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Atkin 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 two-year review period.

I have considered the panel's concluding comments:

"The panel took into account the issue of mitigation, however no formal mitigation was provided for the panel to consider. The lack of insight and genuine remorse shown by Ms Atkin meant that the panel could not be satisfied that there would not be repeated behaviours associated with alcohol in a school environment.

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. As such, the panel decided that it would be proportionate for the prohibition order to be recommended with provision for a review period after 2 years.

The panel was of the view that this would give Ms Atkin sufficient time to develop the necessary insight and remorse. It would also enable Ms Atkin to demonstrate to any future panel that she had a sound understanding of the triggers that led to the misconduct and to show that she had developed appropriate coping mechanisms to satisfy the panel that the likelihood of a repeat of the matters giving rise to the allegations was minimal."

I have considered whether a two-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 allowing a two-year review period is sufficient to achieve the aim of maintaining public confidence in the profession. These elements are serious nature of the misconduct found as well as the lack of evidence of full insight and remorse and the risk this creates of repetition.

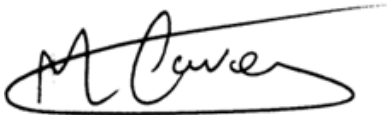
I consider therefore that a two-year review period is required to satisfy the maintenance of public confidence in the profession

**This means that Ms Ashley Atkin 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 6 March 2027, two 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 Atkin remains prohibited from teaching indefinitely.

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

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

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

**Decision maker: Marc Cavey**

**Date: 3 March 2025**

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