



National College for
Teaching & Leadership

Mrs Marcia Buckles: Professional conduct panel outcome

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

December 2015

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

Teacher: Mrs Marcia Buckles
Teacher ref number: 7356960
Teacher date of birth: 19 March 1955
NCTL case reference: 12620
Date of determination: 4 December 2015
Former employer: Gateacre School, Liverpool

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 4 December 2015 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mrs Marcia Buckles.

The panel members were Mr Peter Cooper (teacher panellist – in the chair), Ms Jean Carter (lay panellist) and Mr Michael Lesser (teacher panellist).

The legal adviser to the panel was Mr Paddy Roche of Blake Morgan LLP solicitors, Oxford.

The presenting officer for the National College was Ms Samantha Paxman of Browne Jacobson LLP solicitors, Nottingham.

The Teacher Mrs Marcia Buckles was not present and was not represented.

The hearing took place in public (and partly in private) and was recorded.

B. Allegations

The panel considered the allegation set out in the Notice of Proceedings dated 27 July 2015.

It was alleged that Mrs Marcia Buckles was guilty of unacceptable professional conduct in that whilst employed at Gateacre School, Liverpool, she:-

1. Failed to respond to safeguarding concerns raised by one or more colleagues in respect of the welfare of pupil A;
2. Failed to provide for the education needs of students by:
 - (a) permitting the acting assistant SENCO to submit a statutory assessment referral in respect of Pupil E outside the recommended guidelines;
 - (b) failing to record her reasons for the provision of support for Pupil B and/or Pupil D;
 - (c) failing to ensure eligible students were included on the access arrangements register for GCSE exams sat in November 2013; and
 - (d) failing to ensure access arrangements were put in place for eligible students in a timely manner during the 2013 - 2014 academic year.
3. Provided information which was false and/or misleading to colleagues in relation to allegation 1, in that she led them to believe that:
 - (a) she had contacted and had been provided with advice in respect of pupil A by an external agency, Careline, when in fact she had not
 - (b) and in doing so she acted dishonestly.
4. Provided false and misleading information to a colleague in respect of allegation 2 (a) above in that:
 - (a) she advised on 11 February 2014 that the SAR application had been submitted when at the time of making this statement, it had not,
 - (b) and in doing so she acted dishonestly.

The Teacher did not admit the facts.

C. Preliminary applications

In the absence of the teacher, Mrs Marcia Buckles, the presenting officer applied for the case to proceed. On hearing the representations of the presenting officer the panel was satisfied that the Notice of Proceedings had been served in accordance with the disciplinary procedure rules. The panel noted that in her Response to the Notice of Proceedings exhibited at pages 12 – 15 of the case papers the teacher indicated that she did not intend to appear at the hearing and did not intend to be represented. Her response to the Notice of Proceedings was signed on 17 August 2015. In addition the presenting officer produced a further document at page 800 of the case papers signed by the absent teacher in which she indicated that she was happy for the hearing to proceed in her absence and did not wish for the hearing to be adjourned. She further confirmed that there were no “adjusts” by the NCTL which would allow her to participate, for example, attendance via telephone. In the circumstances the panel concluded that she had effectively waived her right to be present and decided that the case should proceed in her absence.

The panel also considered an application made in writing by the absent teacher for the case to be heard in private session. The teacher expressed concerns that if the hearing was held in public that pupils and staff members sympathetic to her may be easily identified. The application was opposed by the presenting officer. The panel refused the application having judged that it was not necessary to hear the case in private as the principal pupils mentioned in the case papers had been anonymised and that to hear the case in private would be contrary to the public interest. The panel, however, undertook to keep under review its discretion to go into private session at any time during the hearing, if the evidence being considered justified the exclusion of members of the public from the hearing.

D. 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 – pages 1 to 3

Section 2: Notice of Proceedings and Response – pages 4 to 15

Section 3: NCTL witness statements – pages 16 to 31

Section 4: NCTL documents – pages 32 to 318

Section 5: Teacher documents – pages 319 to 800

In addition the panel agreed to admit into the case bundle a full copy of the school's investigation report as the copy which was included in the case bundle was incomplete. This document was added to the end of the case papers and numbered 801-816.

The panel members confirmed that they had read all of the documents in advance of the hearing and the additional papers were read by the panel in the course of the hearing.

Witnesses

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

Witness A – Human Resources Manager at Gateacre School (“the school”) and Investigation Officer

Witness B – Key Stage 3 Leader at the school

Witness C – Year 7 Progress Leader at the school.

Witness D – Student Support Co-ordinator at the school

E. Decision and reasons

The panel announced its decision and reasons as follows:

We have now carefully considered the case before us and have reached a decision.

We confirm that we have read all the documents provided in the bundle in advance of the hearing.

The case concerns allegations that Mrs Marcia Buckles who was the appointed Assistant Head/SENCO at Gateacre School , Liverpool between 2010 – 2014, failed to discharge her safeguarding responsibilities in a number of ways as set out in the particulars. It is alleged in relation to pupil A that she failed to respond to concerns about his welfare and, specifically, that she claimed she had contacted Careline, a welfare agency set up by the Local Authority, when in fact she had not. As a consequence it is alleged that concerns about pupil A were not addressed as soon as they should have been. Other particulars allege failure to maintain appropriate records and to ensure that a referral to the local authority in respect of another pupil was submitted within the required time frames.

It is further said that Mrs Buckles did not ensure that special access arrangements for pupils sitting external exams and controlled assessments were organised at the appropriate time and that she did not include, at all, a number of pupils who should have qualified for special arrangements such that they suffered a potential disadvantage.

Finally the National College alleges that Mrs Buckles, when challenged by other members of staff and asked to provide information about the steps she had taken, was not truthful in the information she gave and, thus, has behaved dishonestly.

In her written submissions to the panel Mrs Buckles denies the allegation of unacceptable professional conduct and provides detailed responses to the particulars. She indicates she does not wish to attend the hearing. She speaks of her previous unblemished record in the profession and says that at the school she was under resourced and subject to hostility from some other members of staff. She says she raised a number of grievance applications both before and after her suspension but none of her grievances were ever dealt with. She also references feeling under very considerable stress at work which resulted in her seeking advice from her General Practitioner who signed her off from work for several weeks but says that she only took one week off.

Findings of fact

Our findings of fact are as follows:

We have found the following particulars of the allegation against Marcia Buckles proven, for these reasons:

- 1. Failed to respond to safeguarding concerns raised by one or more colleagues in respect of the welfare of pupil A;**

The panel has heard from four live witnesses called by the National College in this case. Those witnesses were examined by the presenting officer and the panel has had an opportunity to question them. The panel found all of the witnesses gave clear and measured evidence. The panel was impressed by all the witnesses and assessed them to be entirely credible. Three of the witnesses gave a coherent and broadly consistent account of their involvement with pupil A and provided persuasive evidence of their acute worries about him and their increasing concerns for his welfare. The panel judged that they were doing their best to give a truthful account of their involvement with pupil A and their interaction with Mrs Buckles in the period between December 2013 and February 2014 when these events occurred.

Witness A, gave a careful account of her internal school investigation into a number of issues involving Mrs Buckles and the delivery of safeguarding procedures within the school. When she was not sure about a detail she said so and the panel was satisfied that she was doing her best to assist the hearing.

By contrast, although she submitted detailed written submissions and other documents, Mrs Buckles chose not to attend this hearing. Therefore the panel had no opportunity to question her or to form a view of her.

Turning to the evidence on this particular all three of the College's witnesses told the hearing that they had experience of making calls to Careline to seek a referral of a pupil or ask for advice. Each of them – Witness B, Witness C and Witness D described the regime operated by Careline which required disclosure of the name of the pupil, the identity of the caller, and other details such as the pupil's home address and date of birth. The panel was satisfied by their evidence, and by the written responses provided by Careline at pp 316/7 of the case papers, that this agency would not give advice or information unless this preliminary information was provided by the caller. It also seemed to the panel that ,only if this basic information were given, could Careline check whether the pupil concerned was known to the agency and, thus, assess what level of intervention/advice was appropriate.

Mrs Buckles claims that she made a call about pupil A without revealing his identity or providing any other information about him. She says she was able to obtain advice from the agency on an anonymised basis in that she was told to refer him to the school nurse. The panel would certainly have expected a professional such as Mrs Buckles to provide her name. Exceptionally, at p777, Mrs Buckles claims she was never asked for her name.

There are a number of issues about this account which lead the panel to question its veracity. Firstly it conflicts with Careline's policy of not giving advice without being provided with the details of the child as mentioned above. Secondly Mrs Buckles, on her account, made no written record of the call whatsoever, even though we would expect a SENCO with her experience to recognise the critical importance of making such a record. The panel would expect her to have adhered rigorously to the known procedure of making a note of the call. Thirdly Witness C told the hearing (although it is disputed by Mrs Buckles) that it was during a conversation with Mrs Buckles after he had approached her (not that she had approached him as she asserts) that she told him that she had called Careline and they had refused the case. In other words she had not, of her own volition, reported back to him. Fourthly the panel finds it impossible to accept that Careline would have "refused the case" without knowing the identity of the pupil concerned and his previous history (if any). For all those reasons the panel is satisfied that Mrs Buckles never made the phone call to Careline as claimed.

There are a number of other elements of Mrs Buckles' response to the safeguarding concerns raised in relation to pupil A which contribute to our finding on this particular. The panel heard from Witness D, the student co-ordinator, on oath. Witness D was a very nervous witness who had to be gently taken through her evidence and at one stage became very tearful. In the panel's assessment she was transparently honest. She told the hearing about her concerns [redacted]. It was very clear that she became very anxious about his welfare - as did Witness C.

Witness D was clear that she had spoken to Mrs Buckles about her concerns some time before she approached the SENCO again in late January at Witness C's request. On that first occasion she said she had a "chat" with Mrs Buckles about her worries. She told Mrs

Buckles that she and Witness C were monitoring pupil A and pointed out pupil A to her. However, Mrs Buckles claims in her written submissions that the first knowledge she had of any concerns over pupil A was on the day she was asked to contact Careline. The panel is satisfied that Witness D has told the truth and Mrs Buckles is, at best, mistaken. Thus the panel concludes that Mrs Buckles was made aware of earlier concerns over pupil A.

In late January 2014 – Witness D was a bit unsure about the precise date but it may have been 23 January 2014 – she told the hearing she went up to Mrs Buckles and reported that she was “really, really concerned” about pupil A. She said [redacted]. She explained that he looked really neglected, he was sad and other pupils were having a go. She said she was very very concerned and she was upset because he was upset. The panel was left in no doubt that she made clear to Mrs Buckles just how serious were her concerns about this vulnerable pupil.

She said Mrs Buckles asked her to send an Email but she wrote a note to Mrs Buckles, because of the urgency of her report, which she put in an envelope marked “confidential” and “gave it to Marcia in her hand.” After that the envelope containing the note was subsequently found unopened in a file.

Mrs Buckles, at p334, provides a rather less dramatic version of the note and says in her response to this particular that she was “not unduly alarmed” by the narrative because “at no time had any member of staff raised any concerns with me” and “Witness D in her note did not say she had had any previous concerns.” The panel rejects the suggestion that Mrs Buckles had not been acquainted with previous concerns about pupil A, as indicated above.

Since the panel has found that Mrs Buckles did not make the claimed phone call to Careline it appears that, in fact, she did not act upon the written report of Witness D. She then falsely claimed to Witness C, when spoken to by him, that she had received advice from Careline to involve the school nurse. She also agreed with Witness C that he – not her - would speak to the school nurse. Thereafter she appears to have taken no further interest in this matter even though, as the school safeguarding lead the ultimate responsibility for pupil A’s welfare and safeguarding rested with her.

There is no evidence at all that Mrs Buckles made any attempt to see pupil A, to contact his mother, to interrogate his school or safeguarding files or to liaise with those most concerned about this vulnerable pupil, namely Witness C and Witness D. Both these witnesses described their rising anxiety about pupil A as his general condition continued to deteriorate until Witness C, in particular, took matters into his own hands by calling Careline on 5 February 2014. During that conversation he learned that Careline had no record of any previous call being made to the agency, about pupil A, by Mrs Buckles.

Further, it is the panel’s view that Mrs Buckles failed to make the most rudimentary enquiries of school records as to pupil A’s previous history. In particular the panel has

been taken to a form at pp 428-9 which the panel was told by witnesses would have come into her department. It is entitled “SEN and Vulnerable pupils common transfer document” and bears the signature of “ Individual B” from pupil A’s previous school. It is important because it indicates that pupil A [redacted]. It also indicates that additional confidential information is available from the primary school Medical Transfer Records and Care Plan held by school nurse. The fact that Mrs Buckles seems to have been unaware of this information is highly regrettable as this form, the panel was told, will have been provided to Gateacre School and in the view of the panel Mrs Buckles should, unquestionably, have been aware of its contents.

Mrs Buckles suggests in the case papers that she was the victim of some sort of campaign orchestrated by the Headteacher to discredit her following a meeting of Progress Leaders on 12 December 2013 and that the National College’s three principal witnesses Individual C, Witness C and Witness D were involved. Witness D, in particular, told us she had no knowledge of this meeting and denied absolutely being involved in, or being aware of, any such campaign. She told the hearing that, in all honesty, she got on very well with Mrs Buckles. The panel believed her and also believed the equally firm denials made by Individual C and Witness C.

Finally Mrs Buckles comments on a note at p 166 of the case papers which is a record of the school investigation interview of Witness C. It contains the following quote attributed to Witness C:- “On 5th December 2013 PD phoned Careline with Witness B and Witness D present.” The panel noted that the date of 5 December 2013 did not seem consistent with the overall timeline of events. Mrs Buckles places great reliance on this quote suggesting that, as Careline had no record of this call, it undermines the accuracy of its record keeping. However when Witness C was asked about the date during his evidence to the hearing he said it was, in fact, a typographical error. The panel accepted his explanation that the date should have been 5 February 2014 which made his evidence on this point consistent with the accounts given by Witness B and Witness D.

This particular is proved.

2. Failed to provide for the education needs of students by:

(a) permitting the acting assistant SENCO to submit a statutory assessment referral in respect of Pupil E outside the recommended guidelines;

The Statutory Assessment Referral form to be submitted to the LEA is exhibited at p 210 of the case papers et seq. Part of its heading contains the following ; - “Please ensure that this advice is typewritten and returned within 6 weeks”. The panel has received no other assistance to decide whether the period of 6 weeks is prescriptive or guidance only. The panel is also unclear as to when time starts to run and whether the 6 week period includes school holidays.

Evidence from the school investigation interview of Mrs Buckles’ assistant, Individual D, at pp 200-201 indicates that there was a meeting on 27 November 2013 attended by interested parties. At that meeting it was agreed to implement a multi element plan for pupil E before making a statutory assessment referral. However, that decision was overturned at a further meeting on 4 December 2013, following Individual D’s consultation with the headteacher, who told Individual D to proceed forthwith to a statutory assessment referral. It seems to the panel reasonable to conclude from this account that the headteacher had, at least, assumed some responsibility for this decision and, by implication, the process for submission of the required forms particularly as it appears this change of decision was contrary to the advice of the educational psychologist. Mrs Buckles is not mentioned as having been involved in the two meetings or the final decision.

Individual D took responsibility for completing the requisite forms . He says at p208 of the case papers, during his investigation interview, that “it takes 6 or 7 or 8 weeks to complete a SARs, there is an awful lot of work and information gathering that goes into them and they are in three parts. I have been very successful in SARs requests and it is standard practice that they always take around 6 to 7 to 8 weeks to prepare. The successful SARs I have made have taken that amount of time to complete.” The panel feels there is some justification for his comments while at the same time recognising that they conflict with the view of Individual E (who temporarily succeeded Mrs Buckles as the school SENCO) at p 273 of the case papers. She says “You really try to turn this around within three weeks because otherwise information on it can become out of date.”

The evidence, which does not seem to be disputed, is that pupil E’s mother signed the form on 11 February 2014 and it was received by the LEA on 13 February 2014. The period which elapsed between the decision to apply for a statutory assessment referral and /or the first meeting with pupil E’s mother and the receipt of the the forms by the LEA was therefore 10 weeks rather than 6 weeks.

The panel therefore finds this particular proved on the limited basis that Mrs Buckles was Individual D’s line manager and had overall responsibility for SEN processes within the school. However, there is insufficient evidence to satisfy the panel that she “permitted” him to exceed the 6 week period in the sense she knew about it and authorised it. The

panel considers the Headteacher's involvement in this application, which he authorised, is material to the level of responsibility that Mrs Buckles must properly accept. Finally the panel determines that the period of 6 weeks is advisory only and there is no clarity as to when time starts to run.

For all those reasons, although the panel finds that this factual particular is proved, it will not contribute to our consideration of whether this is a case of unacceptable professional conduct.

(c) failing to ensure eligible students were included on the access arrangements register for GCSE exams sat in November 2013; and

(d) failing to ensure access arrangements were put in place for eligible students in a timely manner during the 2013 - 2014 academic year.

The panel has considered these particulars together. The framework and expectations of this process are set out in the JCQ document entitled "Adjustments for candidates with disabilities and learning difficulties. Access arrangements and reasonable adjustments. General and Vocational qualifications. With effect from 1 September 2013 to 31 August 2014." It is fully reproduced in the case papers at pp 239 -244.

The guidance document provides the following:-

"Arrangements must be processed and approved before an examination or controlled assessment as per the deadlines below". Those deadlines include - for modified papers taken in November 2013 by 20 September 2013. For all other exams taken in November 2013 by 4 October 2013 . For modified papers taken in May/June 2014 by 31 January 2014 . For May/June 2014 GCSE/GCE examinations by 21 March 2014.

In addition paragraph 4.2.4 provides:- "**Access arrangements should always be processed at the start of the course.** Candidates will then know what is available and have the access arrangements in place for examinations and controlled assessments/coursework. Arrangements **must** be approved before an examination or assessment."

The document also states clearly (in bold) **that it is the responsibility of the head of centre, members of the senior leadership team and the specialist assessor/SENCO within the centre to familiarise themselves with the entire contents of this document.**

It is the panel's view that this document is clear, precise and prescriptive. The panel therefore notes with surprise that at p83 of the case papers in her school investigation interview on 22 April 2014 Mrs Buckles answers the question "When are access arrangements applied for?" as follows. "They can be applied from right up to day of an exam as they are approved online." The panel's view is that this is not the normal procedure and applies only in exceptional circumstances. The guidelines make it clear

that eligible pupils should have the special arrangements in place at the start of their course so that they derive the maximum benefit from their entitlement.

Witness A investigated this aspect of Mrs Buckles' performance and, as indicated above, the panel found her to be a careful witness who gave truthful evidence. The panel felt her investigation was thorough and had no concerns about her methodology or objectivity. At her request the access arrangement applications were interrogated and schedules prepared showing the number of pupils with approved access arrangements at the time of Mrs Buckles' suspension (4 March 2014) and those Year 10 pupils who subsequently, during the course of the year 2014, were granted access arrangements. 20 names appear on the first list (p294) and 35 on the second list (p 296). In addition 2 named students whose cases are specifically covered in the case papers (pupils B and G) were added following Mrs Buckles' suspension, as a consequence of concerns raised about them. Those concerns exposed the fact that no effort had been made to assess their eligibility under Mrs Buckles' watch – despite that being her responsibility. The panel noted that under Individual E's more rigorous approach the number of students realising their entitlement significantly increased.

Finally, since KS4 students commence their studies at the start of year 10 their assessments should be done at the end of year 9. At p 84 of the case papers during her investigation interview Mrs Buckles asserts that if her assistant was still making application for access arrangements for year 10 students after the end of the February half term that didn't matter as it was still "timely" according to JCQ guidance. The panel's reading of the JCQ guidance suggests that she is wrong.

As Witness A observes in her investigation report at p 57 following Mrs Buckles' suspension 26 students were identified as being entitled to access arrangements that had not been provided. Thus these students had sat their English and/or Maths GCSE in November 2013 without any access arrangements to which they were entitled. Subsequently 19 out of the 26 failed to achieve their estimated grade.

Witness A further comments in her report that it is unacceptable as SENCO for Mrs Buckles to seem to be unaware of the regulations regarding access arrangements and not to have processes in place to review all pupil progress data which would identify the learning needs of pupils including access arrangements.

Furthermore it appears to the panel that Mrs Buckles not only failed to follow the JCQ guidance but also failed to comply with her own defined procedures set out at p364 of her written submissions.

The panel is satisfied that these particulars are proved.

3. Provided information which was false and/or misleading to colleagues in relation to allegation 1, in that you led them to believe that:

(a) you had contacted and had been provided with advice in respect of pupil A by an external agency, Careline, when in fact you had not

This particular is proved as set out above under particular 1 with the panel's reasons .

(b) and in doing so you acted dishonestly.

It follows from our findings in relation to particular 1 that the panel is satisfied that the evidence establishes that Mrs Buckles was clearly aware that she had not called Careline but told Witness C that she had done so, that Careline had refused the case and had advised her to contact the school nurse. That was a lie and, as such, it was both deliberate and dishonest.

We have found the following particulars of the allegation against Marcia Buckles not proven, for these reasons:

2. (b) failing to record her reasons for the provision of support for Pupil B and/or Pupil D;

The panel accepts that there are compelling reasons for decisions made in respect of vulnerable pupils to be recorded so that there is a readily identifiable audit trail that may be referenced. However in relation to this particular the evidence fell some way short of identifying where, and in what format, those records should have been kept at the school. We were not taken to any policies that might provide guidance on this and the panel did not judge that the failing alleged against Mrs Buckles on this particular had been put with sufficient clarity.

4. Provided false and misleading information to a colleague in respect of allegation 2 (a) above in that:

(a) you advised on 11 February 2014 that the SAR application had been submitted when at the time of making this statement, it had not,

(b) and doing so you acted dishonestly

Mrs Buckles sent an Email (p190) to various staff colleagues including Individual G timed at 10:27 on 11 February 2014. The relevant part of the Email says "– Individual F SARS has been submitted." The presenting officer submits that there was no way that Mrs Buckles could be sure that the application had in fact been submitted. Individual D in his investigation interview at p 202 in answer to the question "When did you send this referral to the appropriate body?" replies "11th or 12th February, definitely that week. The forms were in reception and waiting for mum to sign the form which she did on 11th February."

Mrs Buckles was questioned, during her school investigation interview, (p 78 of the case papers) about her understanding and knowledge of when the form was actually sent in the post. She said that she "believed it was sent 11th February 2014." She said she had

had a discussion with Individual D that it was ready to go and that she understood “submitted” to mean “that it would be in the post.”

Even taken against the background of there being some friction between Mrs Buckles and Individual D on the one hand, and Individual G on the other, the panel finds Mrs Buckles account to be acceptable. It is known that the SARS completed form was received by the LEA on the 13th February 2014 and it is only too possible that it actually went in the post on the 11th February 2014. Certainly there is no evidence to establish that it didn't get despatched until the following day. The evidence suggests that Mrs Buckles' understanding when the Email was sent on the 11th February 2014 was that the form had been prepared and had either been signed by pupil E's mother, or would be signed that day, so that it would be sent in the post once that had been done. We conclude that she was aware that the completed form had gone from Individual D's desk and the College has not proved that it was not sent on the 11th February 2014.

The panel feels that the College seeks to put an artificially restrictive and strained interpretation on the wording of the Email which is not consistent with what happens in everyday life. Neither limb of this particular is proved.

Findings as to unacceptable professional conduct.

Having found a number of the particulars to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct.

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

Unacceptable professional conduct is defined as “misconduct of a serious nature, falling significantly short of the standard of conduct expected of a teacher.”

In addition the panel has had regard to Part 2 of the Teachers Standards which require teachers to uphold public trust in the profession and maintain high standards of ethics and behaviour, both inside and outside school by, inter alia, having regard for the need to safeguard pupils' well-being in accordance with statutory provisions.

The panel judges that the matters proved against Mrs Buckles are very serious. In relation to pupil A she was notified of deep concerns about this pupil who had an [redacted]. As the school's Safeguarding Lead/SENCO it was her responsibility to investigate the concerns raised and take appropriate action to safeguard this vulnerable pupil. Instead she responded with inaction, reliance on other less qualified staff and dishonesty. In short she took no action to deal with a situation which, as a consequence, was allowed to escalate, other than pointing a colleague in the direction of the school nurse. There was, on her part, an almost wholesale dereliction of her responsibilities. In the panel's judgement she could hardly have done less.

In relation to special access arrangements Mrs Buckles' failure to ensure that many pupils were included on the access arrangements register when they should have been, will have led to significant potential disadvantage to those pupils who were adversely affected and denied their entitlement. As a member of the senior leadership team with particular responsibility for exam arrangements she had a primary role in ensuring all students had the fullest opportunity to succeed.

Accordingly the panel has no hesitation in judging that this is a case of unacceptable professional conduct.

Panel's recommendation to the Secretary of State

Prohibition Orders are imposed in the public interest which includes:-

- the protection of pupils
- the maintenance of public confidence in the profession
- declaring and upholding proper standards of conduct

In this case Mrs Buckles was employed as assistant headteacher and safeguarding officer/ SENCO. She had no teaching responsibilities. She had a duty of care towards pupils at the school many of whom had particular needs and frailties. In relation to pupil A whom the panel felt to be very vulnerable she failed to respond to serious concerns about him which were communicated to her by other members of staff. In addition her failure to ensure that appropriate access arrangements for eligible pupils were processed in accordance with JCQ guidelines must, inevitably, have disadvantaged those pupils who were directly affected.

The panel considers that any failure to discharge adequately a teacher's safeguarding responsibilities towards a vulnerable pupil is very serious. In this case, although she had specific safeguarding responsibilities because of her position, Mrs Buckles' failure to act on the concerns communicated to her was almost as stark as it could possibly have been. As the panel has observed earlier in this report, she could scarcely have done less and the absence of any interest in following through the concerns other than by referring Witness C to the school nurse is difficult to believe. These failings are aggravated by her lack of honesty in making the false claim that she had called Careline and been given independent advice.

Mrs Buckles has also failed a number of pupils who were entitled to special access arrangements for both controlled assessments and exams but did not enjoy any special measures because she did not process matters in accordance with the clear JCQ regulations in a timely manner, or at all.

The panel has been told that Mrs Buckles has an unblemished previous record in the profession and on her own account she has been a teacher for over 30 years. There is also some indication in the case papers that she was signed off by her general practitioner with work related stress in late 2013 (her account at p326 actually refers to November 2014 but since this mentions events at the school the panel concludes she must mean November 2013). However the panel has not been provided with any medical evidence.

It may be the case that towards the latter part of 2013 Mrs Buckles was tearful, downcast and distressed as she describes. However her claimed state of health cannot begin to excuse or justify her behaviour. We consider that this case discloses very serious conduct and Mrs Buckles' failure to discharge her responsibilities constitutes a serious departure from the Teachers Standards, misconduct that seriously affected both the education of pupils and the wellbeing of pupil A, dishonesty and an abuse of her position of trust.

The panel concludes that because of the conduct disclosed in this case Mrs Buckles is unfit to remain as a member of the profession and our duty to the public requires the panel to recommend that a Prohibition Order should be imposed. We further recommend that no review period should be allowed.

Decision and reasons on behalf of the Secretary of State

I have given careful consideration to the findings and recommendations of the panel in this case. The panel has found a number of allegations proven and judge that the facts amount to unacceptable professional conduct.

Mrs Buckles was employed as assistant headteacher and safeguarding officer. Despite her role, she failed to respond to serious concerns about a pupil and aggravated that failure by her lack of honesty in making a false claim that she had called Careline and been given independent advice.

In addition she has failed to make special access arrangements for a number of pupils who were not able to take advantage of special measures for both controlled assessments and examinations because she did not process matters in accordance with regulations in a timely manner or at all.

The panel is of the view that her failure to discharge her responsibilities is misconduct seriously affecting the education of pupils and the wellbeing of pupil A. Her actions have involved dishonesty and are an abuse of her position of trust.

I agree with the panel's recommendation that prohibition is an appropriate and proportionate sanction and that the order should be without an opportunity for Mrs Buckles to apply to have it set aside.

This means that Mrs Marcia Buckles is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proved against her, I have decided that Mrs Marcia Buckles shall not be entitled to apply for restoration of her eligibility to teach.

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

Mrs Marcia Buckles has a right of appeal to the Queen'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 'P Heathcote', with a large, sweeping flourish at the end.

Decision maker: Paul Heathcote

Date: 8 December 2015

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