



National College for  
Teaching & Leadership

# **Ms Kathryn Bell: Professional conduct panel outcome**

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

**May 2017**

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

**Teacher:** Ms Kathryn Bell

**Teacher ref number:** 0433379

**Teacher date of birth:** 04 February 1974

**NCTL case reference:** 12997

**Date of determination:** 3 February 2017 & 16 May 2017

**Former employer:** Great Smeaton School, North Yorkshire

### **A. Introduction**

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 31 January 2017 to 3 February 2017 and again on 16 May 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Ms Kathryn Bell.

The panel members were Mrs Kathy Thomson (teacher panellist – in the chair), Dr Geoffrey Penzer (lay panellist) and Ms Marjorie Harris (lay panellist).

The legal adviser to the panel was Mr Parminder Benning of Eversheds Sutherland.

The presenting officer for the National College was Ms Gudrun Young of Counsel briefed by Nabbaro LLP.

Ms Kathryn Bell was present and was represented by Mr Adam Ohringer of Counsel briefed by the NAHT.

The hearing took place in public and was recorded.

## B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 28 September 2016.

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

1. Whilst employed as Headteacher at Great Smeaton School (“the School”), in the period 2012 to 2013, she failed to adhere to the correct procedures following a safeguarding disclosure from Pupil A in that she inappropriately:
  - a. notified the accused (Adult B) of the disclosure,
  - b. refused to send another member of staff to a Child Protection Strategy Meeting stating she “didn’t want others in the school knowing your business” or words to that effect,
  - c. failed to notify the local authority and/or the Chair of Governors that a safeguarding disclosure had been made,
  - d. appeared to act in her own interests over and above the welfare of Pupil A,
  - e. made staff aware that she disbelieved Pupil A;
2. She failed to appropriately and/or securely store a USB pen drive containing highly confidential safeguarding documentation regarding the allegations made by Pupil A referred to in paragraph 1 above, in that she:
  - a. personally gave the USB pen drive to Pupil C, or alternatively,
  - b. allowed circumstances to arise by which the USB pen drive was provided to Pupil C by another;
3. In 2016 when discussing HT giving evidence on her behalf at the NCTL hearing, she inappropriately presented a number of scenarios which HT could tell the Panel in her evidence regarding the USB pen drive referred in paragraph 2 above, including but not limited to, suggesting that HR could tell the Panel that she (HT) had provided the USB pen drive to Pupil C, knowing this to be untrue;
4. Her actions as set out in paragraph 3 above were dishonest.

The above allegations are not admitted.

## **C. Preliminary applications**

### **Application to adduce evidence via Skype**

The panel considered whether the evidence of Witness B should be adduced via Skype, this application being made by the presenting officer. The teacher's representative did not object to this application.

The panel was advised that the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession ("the Procedures") do not state expressly whether the panel has the power to hear evidence of witnesses via Skype. However, the panel was mindful that the Procedures are not comprehensive and that the procedure to be adopted at this hearing must therefore be for the discretion of the panel, pursuant to paragraph 4.49 of the Procedures. Furthermore, pursuant to 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 it does have a discretion to decide whether to proceed with the hearing with the witness joining the hearing by Skype.

In view of the nature and seriousness of the allegations, the panel held that the evidence of Witness B was relevant and would assist in determining the allegations raised. Furthermore, the panel considered the need for fairness. The panel balanced its obligation to ensure that the teacher is not put at an unfair disadvantage, as against the panel's duty in the public interest to investigate the allegations, in so far as it is possible to do so, consistent with fairness to the teacher. The panel considered that Ms Bell would not be placed at a disadvantage as her representative would be in a position to cross-examine the witness, and previously has had sight of her witness statement. The panel is comprised of experienced members and will, at the appropriate time, consider the weight that it attributes to the evidence adduced by video-link.

Therefore, the panel is minded to exercise its discretion on the proviso that Witness B gives her evidence from a secure location, such location being Skype enabled, and with assistance from a member of the NCTL. In the event the Skype link is not successful the panel reserves the right to consider whether Witness B will have to attend in person to give her evidence.

### **Admit Hearsay Evidence**

The presenting officer made an application to admit as hearsay the witness statement of Individual A who is no longer available to give evidence in these proceedings. This application was not opposed by the teacher's representative.

In considering hearsay evidence, the panel has taken account of the fact that the person who is the direct source of that evidence is not before it, and therefore the panel will not have had the opportunity to question or assess that person's credibility. Equally, the

evidence will not be tested by cross-examination, and thus the panel will not have the opportunity to see how it withstood that form of challenge. Therefore, the panel understands that hearsay evidence will usually carry less weight than evidence which has been tested. However, there is no rule of law that prevents the panel from relying upon hearsay solely or to a decisive degree, if it is satisfied with the strength of that evidence.

The panel considered the central question of whether it would be fair in the circumstances to allow the evidence to be put forward without the opportunity for the witnesses to be cross-examined or their evidence tested. The panel also noted the legal advice provided and in particular the relevant factors as outlined in the judgment of R (Bonhoeffer) v GMC [2011].

The panel had regard to the detailed submissions made by the presenting officer, outlining the efforts made to secure the attendance of the witness and the reasons provided for non-attendance. The panel noted that Individual A had been [redacted] which now prevented her from attending the hearing in person. Furthermore, the panel had regard to the note from Individual A's GP, dated 20 January 2017, who indicated that due to her medication it would not be appropriate for Individual A to give evidence via skype or telephone.

The panel had regard to the seriousness of this case, and the potential consequences for the teacher and has accepted that fairness to the teacher is of prime importance. However, it considers that by taking such measures as being advised as to the dangers of reliance on hearsay evidence, the approach they ought to take in attributing weight to such evidence, and noting that Ms Bell will also have an opportunity to appeal the decision of this panel; that on balance, these are serious allegations and in the interests of fairness it has determined to admit this evidence as hearsay evidence.

### **Application for Discontinuance of part of the allegations**

The presenting officer applied to have allegations 3 and 4 discontinued pursuant to paragraph 4.54 of the Procedures. This was not opposed by the teacher's representative.

The panel accepted the advice of the legal adviser. The panel considered whether it was fair and appropriate to discontinue allegations 3 and 4. The panel noted that no further guidance was given in the Procedures beyond this as to how it should exercise its discretion.

However, the panel took guidance from the following tests explained by the legal adviser:

1. The test in the Civil Procedure Rules for strike out of a statement of case, namely that the court has the power to strike out the whole or part of a statement of case which discloses no reasonable grounds for bringing or defending a claim, or which is an abuse of the process of the court or otherwise likely to obstruct the just disposal of the proceedings.

2. The test in the Civil Procedure Rules that allows a court to give summary judgment against a claimant or defendant where that party has no real prospect of succeeding on his claim or defence.
3. The test used in criminal proceedings derived from the case of R v Galbraith as to when a judge should stop a case, namely where there is no evidence, or the evidence is so tenuous that, taken at its highest, a jury could not properly convict.

The panel had in mind that if it continued with the proceedings, the test it would have to apply in determining whether the allegations were to be found proven, would be on the balance of probabilities. The panel recognised that, at this stage, it was not required to decide if the allegations had been proven, but to decide whether the allegations met the threshold for the case to continue.

The panel determined to discontinue allegations 3 and 4. The panel noted that only one witness was in a position to give first hand evidence relating to these allegations. It was now the case that neither the NCTL nor the teacher were proposing to call that witness to give evidence; the panel will not hear from that witness, and therefore will not be able to test that evidence. The panel noted that whilst other limited evidence exists in the bundle, namely that of Witness D and Individual D, it noted that Witness D herself would not have been a party to the alleged discussion and furthermore Individual D was not providing direct evidence to the panel. The panel considered the evidence in the bundle to be so tenuous that it could not be used as the basis to find the allegation proven, and therefore determined to amend the allegations to delete allegations 3 and 4.

### **Recusal application**

The teacher's representative made an application to recuse the panel on the grounds that the presenting officer drew to the panel's attention a number of issues which are alleged to have caused bias or apparent bias of the panel. This application was opposed by the presenting officer.

The panel considered paragraph 4.79 of the Procedures which provides the panel with the discretion to refer the case to a differently constituted panel.

The panel accepted the advice of the legal adviser. It noted that under Article 6 of the European Convention of Human Rights and at common law, independence and impartiality of courts and judges is central to the whole notion of a fair trial, and the right to an independent and impartial tribunal is absolute.

The panel also noted that the House of Lords, in the case of Porter v Magill, outlined a test to consider, noting that the Court must first ascertain all the circumstances which have a bearing on the suggestion that the Judge was biased. It must then ask whether those circumstances would lead a fair-minded and informed observer to conclude that there was a real possibility, or a real danger, the two being the same, that the tribunal

was biased. The panel also took into account the test from the case *Montgomery v HM Advocate* which asks whether the risk of prejudice was so grave that no direction by a trial judge, however, careful, could reasonably be expected to remove it.

The panel considered that the incidents raised by the presenting officer in her opening statement, which are said to have led to the bias, are mentioned throughout the hearing bundle; this bundle being agreed by both parties in accordance with the Procedures. Therefore, the panel does not consider that the references made introduced new evidence, beyond that which is already contained in the hearing bundle, which they have read. Therefore, in light of this context, the panel held that a fair-minded and informed observer would not conclude that there was a real possibility that the panel would be biased.

The panel has accepted that fairness to the teacher is of the utmost importance. However, it considers that by taking such measures as seeking advice from the legal adviser, which it can draw upon as necessary, and which it will receive prior to making its decisions on the facts of the case, it would ensure a fair hearing. In addition, the panel is comprised of experienced members, who between them have received extensive training and have experience of National College proceedings. The panel can and will, if necessary, disregard any evidence that is not be relevant. Accordingly, this hearing will proceed with the current panel members.

### **Application to adduce evidence from further witness**

The presenting officer made an application to adduce oral evidence from Individual F who had not been named in the Notice of Proceedings dated 28 September 2016. The teacher's representative objected to the application.

The panel had regard to paragraph 4.49 of the Procedures which provides that "the procedure at the panel hearing will be determined by the chair" and also to paragraph 4.68 which states that "[t]he panel may require any person to attend and give evidence ... at the hearing". The panel noted that pursuant to 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 it did have a discretion to decide whether to allow the evidence of Individual F to be adduced.

The panel carefully considered the submissions of the presenting officer and those made by the teacher's representative. Based on the NCTL's case, as outlined in these submissions, the panel concluded that Individual F's evidence would not assist it in determining the allegations, as his evidence went to a narrow point. Therefore, the panel held that the evidence was not relevant. In any event, the panel noted that they were yet to hear from other witnesses who were directly involved in handling the USB drive. Accordingly, they would obtain relevant evidence from those witnesses.

The panel acknowledged the concerns raised by the teacher's representative regarding fairness. The panel has had regard to the seriousness of this case, and the potential consequences for the teacher and has accepted that fairness to the teacher is of prime importance. Furthermore, the panel note that these proceedings should be conducted in an investigative manner. The panel considered that, on balance, Individual F's evidence would not be probative. Therefore, they declined the application and the NCTL will not be permitted to call Individual F to give evidence.

## **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 2 to 4

Section 2: Notice of Proceedings and response – pages 6 to 13

Section 3: NCTL witness statements – pages 15 to 45

Section 4: NCTL documents – pages 48 to 783

Section 5: Teacher documents – pages 785 to 855

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

In addition, the panel agreed to exercise its discretion afforded by the Procedures and admit the following documents into the evidence:

Section 4: Note from GP dated 20 January 2017 – page 783a

Section 5: Chain of e-mails – pages 855a to 855b

The panel members confirmed that they had read all of the documents.

### **Witnesses**

The panel heard oral evidence from

Witness A                      parent of Pupil A

Witness B                      service manager for Children's Social Care at Redcar and Cleveland Council

Witness C                      teacher

Witness D            headteacher  
Witness E            office manager  
Witness F            former governor

Ms Bell also gave evidence to the panel.

## **E. Decision and reasons**

The panel announced its decision and reasons as follows:

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

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing.

Ms Kathryn Bell was employed as headteacher of Great Smeaton School on 1 September 2009. The School subsequently converted into an academy in 2011.

On 21 January 2012, Pupil A made a disclosure of being sexually abused by Adult B. A child protection meeting of Redcar and Cleveland District Council was subsequently held on 24 January 2012.

On 29 March 2012, an evaluation meeting of North Yorkshire Safeguarding Children's Board was convened regarding safeguarding issues surrounding Ms Bell. A statement from Ms Bell to Police followed on 19 April 2012. A follow up meeting took place on 8 May 2012.

In July 2013, Ms Bell was signed off work by her doctor.

At some point in 2013, it is alleged that Ms Bell inappropriately stored a pen drive containing highly confidential material regarding Pupil A's allegations, giving it to, or allowing it to be given, to Pupil C. This prompted another evaluation meeting of the North Yorkshire Safeguarding Children's board.

Ms Bell's employment at Great Smeaton School ceased on 28 February 2014.

## **Findings of fact**

Our findings of fact are as follows:

We have found the following particulars of the allegations against you to be proved, for these reasons:

**1. Whilst employed as Headteacher at Great Smeaton School (“the School”), in the period 2012 to 2013, you failed to adhere to the correct procedures following a safeguarding disclosure from Pupil A in that you inappropriately:**

**a. notified the accused (Adult B) of the disclosure,**

Ms Bell denied the particular of this allegation.

The panel referred to the written evidence of Ms Bell which stated that following a conversation with Witness A on Saturday 21 January 2012, she returned home and, “spoke to Adult B and told him that allegations had been made against him”.

Furthermore, the panel had regard to the written statement Ms Bell provided to the police on 19 April 2012, where she confirmed that she did notify Adult B of the allegations made by Pupil A, this being consistent with her oral evidence. This was corroborated by the evidence of Witness A.

The panel had regard to the Safeguarding Children and Safer Recruitment in Education policy which provides that, “the headteacher should inform the accused person about the allegation as soon as possible after consulting the local authority designated officer. However, where .... police or children’s social care may need to be involved, the headteacher should not do that until those agencies have been consulted, and have agreed what information can be disclosed to that person”. In addition, the panel considered the School’s Child Protection Policy in place at the relevant time. This provides that the senior member of staff with designated responsibility for child protection must, following disclosure, decide whether to talk to others, “unless to do so may place a child at risk of significant harm, impede any police investigation ...”. Furthermore, the panel noted that the policy stated that, “Where there is a concern that the child may be suffering or is at risk of suffering significant harm, the child’s safety and welfare must be the overriding consideration”.

The panel went onto consider the written evidence of Witness B, the service manager at Children’s Social Care for Redcar and Cleveland Borough Council, who stated that informing, “Adult B of the full details [of the allegations was] contrary to child protection procedures”. This view was reinforced by Witness B in her oral evidence. The panel found the evidence of Witness B to be clear and credible. Individual A, an education safeguarding and child protection manager and the Local Authority Designated Officer (“LADO”) for North Yorkshire County Council (“NYCC”), indicated a similar view in her written evidence stating that, “contrary to Child Protection procedures, Kathryn Bell informed the alleged abuser of Pupil A’s allegations. This allowed a potential opportunity for any evidence to be destroyed before the police had an opportunity to investigate”. Whilst the evidence of Individual A is hearsay, it is consistent with the evidence relayed by those witnesses the panel has heard from directly. The panel noted that hearsay evidence will usually carry less weight than evidence which has been tested. However, there is no rule of law that prevents the panel from relying upon hearsay solely or to a

decisive degree, if it is satisfied with the strength of that evidence. The panel was satisfied with the evidence of Individual A and attached significant weight to it.

It was accepted that as the designated senior person (“DSP”), Ms Bell was aware of the procedures surrounding child protection and had undertaken training in this respect. The panel considered all of the evidence and accepted that Ms Bell did notify Adult B of the disclosure on the night of 21 January 2012, shortly after she was made aware of the disclosure. The panel considered the relevant policies noting that the accused should only be informed following consultation with the relevant authorities and having agreed what information to disclose. Therefore, the panel found that Ms Bell’s actions in notifying Adult B of the disclosure amounted to failure to adhere to the correct procedures concerning safeguarding; such actions being highly inappropriate when considering the overriding duty to protect the welfare of the child. Therefore, the panel found this particular of the allegation to be proved.

**b. refused to send another member of staff to a Child Protection Strategy Meeting stating you “didn’t want others in the school knowing your business” or words to that effect,**

Ms Bell denied the particular of this allegation.

It was accepted that a member of the School did not attend the strategy meeting, as evidenced in the meeting minutes. It was also accepted that Witness B called Ms Bell sometime after the disclosure was made by Pupil A. During that telephone call, Witness B explained that a strategy meeting was being held for Pupil A on 24 January 2012. It was Ms Bell’s case that due to the conflict of interest, it was not appropriate for her to attend the meeting. Furthermore, there was no one else within the School, teacher or governor, appropriately trained or sufficiently experienced, to attend as the School’s representative. Ms Bell submitted that in the circumstances, Witness B agreed for the School to send a written report prepared by the teaching assistant who provided one-to-one assistance to Pupil A.

Witness B disagreed with Ms Bell’s recollection of the conversation, stating that having requested a member of the School attend the meeting Ms Bell, “refused to send another member of staff ... and informed me that she did not want others in the School knowing her business”. Witness B asserted that it was Ms Bell who asked whether the School could submit a written report prepared by the teaching assistant. Witness B was of the view that “this was inappropriate and not helpful to the function of the strategy meeting”. This account was consistent with the Record of strategy discussion regarding the child protection meeting which took place on 24 January 2012; these notes having been prepared by Witness B within a short period after the meeting. Furthermore, this view was corroborated by the written evidence of Individual A, who stated Ms Bell, “had refused to arrange for anybody to attend in her place as they would then know her personal business”.

The panel had regard to the School's Child Protection Policy in place at the relevant time. The policy provided that the senior member of staff with designated responsibility for child protection must, "have a working knowledge of how [Local Safeguarding Children's Board's] operate, the conduct of a child protection case conference and be able to attend and contribute to these". That same policy stated that following a referral the, "designated senior person or other appropriate member of staff will ... contribute to the Strategy Discussion and Initial Assessment [and] provide a report for, and contribute to any subsequent Child Protection Conference". The panel noted the distinction drawn between providing a report at subsequent meetings as distinct from the contribution to the Strategy Discussion and Initial Assessment indicating attendance at such meetings.

When questioned about the application of the procedures in the unique circumstances in which Ms Bell found herself, Witness B, the service manager at Children's Social Care stated that whilst the policy did not cover this precise situation, the principles dealing with a conflict of interest would be applicable. She indicated that "the policy would not be put under strain but the person might be". She noted that the refusal to send another school representative was, "contrary to child protection procedures and Working Together [policies] which placed the responsibility on all agencies to cooperate in all matters pertaining to child protection".

It was accepted that as headteacher, and DSP, with the relevant training, Ms Bell was aware of the principles surrounding safeguarding and of child protection procedures. The panel considered all of the evidence, and preferred the evidence of Witness B and Individual A to that of Ms Bell, as her explanation for not sending another member of staff lacked credence in the light of Witness B's evidence and the contemporaneous notes taken at the time. Witness B was clear and unequivocal in her evidence that Ms Bell had refused to send another member of staff as she did not want others in the school knowing her business. She emphatically refuted any assertion that she had agreed to the submission of a written report. The panel found the evidence of Witness B to be credible and the evidence did not appear to be exaggerated in any way.

The panel had regard to the relevant policies concerning contributions to child protection strategy meetings. The panel also had regard to the general practice that the child's safety and welfare must be the overriding consideration, regardless of the resources available. Therefore, on the balance of probabilities, the panel held that Ms Bell failed to comply with the correct procedures by refusing to send another member of staff to the child protection strategy meeting and that the report provided was of limited use in the circumstances. Such actions were inappropriate. Consequently, the panel found this particular of the allegation to be proved.

**c. failed to notify the local authority and/or the Chair of Governors that the safeguarding disclosure had been made,**

Ms Bell denied the particular of this allegation.

It was accepted that Ms Bell did not notify the chair of governors or the local authority, in which the School was located, that a safeguarding disclosure had been made. This was verified by the evidence of Witness F, the chair of governors at the relevant time, who stated that she first became aware of the allegations made by Pupil A during the afternoon of 24 January 2012, during a telephone call with Individual A. Furthermore, Individual A stated that she was made aware of the disclosure, in her capacity as the LADO for NYCC, the area in which Pupil A's school was located, by Redcar and Cleveland Borough Council ("RCBC"). The disclosure was communicated to RCBC by the police.

Ms Bell was of the view that the relevant authorities were already aware of the disclosure, as Witness A had contacted Barnardos who were due to contact RCBC and the police. In addition, the allegations were made outside of the School and did not concern an employee of the School. Therefore, there was no need for her to take any further action. She stated that, "I had asked the police officer for advice on this, and she said I need do nothing".

The panel had regard to the School's Child Protection Policy in place at the relevant time. This provided that the senior member of staff with designated responsibility for child protection must, "refer cases of suspected abuse or allegation to the relevant investigating agencies". The action required by the DSP, or other senior person in their absence, included making an enquiry to the central database and discussing the matter with other agencies. Furthermore, the policy outlined that where an allegation is made against the headteacher, the matter will be reported to the chair of governors. In any event, the policy records that the, "headteacher will inform the Chair of Governors of any allegation", this falling under the heading of "Initial Action".

The Department for Education guidance entitled, "Dealing with allegation of abuse against teachers and other staff", provides under the heading "Initial Considerations" that the, "headteacher ... should immediately discuss the allegations with the LADO. The purpose of an initial discussion is for the LADO and the [headteacher] to consider ... the allegation and agree a course of action".

Witness F, in her written statement, stated in view of the policy and Ms Bell's role as the DSP she would have expected Ms Bell to, "have informed me of the allegations (in my capacity as Chair of Governors) first thing on the morning of Monday, 23 January 2012 at the latest". The NYCC LADO, Individual A, said that Ms Bell, "should have also informed the Local Authority responsible for Pupil A's statement of special needs". The panel also had regard to the Safeguarding Children and Safer Recruitment in Education policy which provided that, "the [LADO] should be informed of all allegations that come to the

school's ... attention ... The [LADO] should also be informed of any allegations that are made directly to the police".

Having regard to the relevant procedures, the panel held that Ms Bell failed to adhere to the correct procedures by failing to notify the LADO at NYCC, where the School was located, or the School's chair of governors, that a safeguarding disclosure had been made. Ms Bell's passiveness and belief that no action was required because the police and RCBC Social Care had been notified was, at best, misplaced and in the panel's view highly inappropriate. At the very least, Ms Bell should have informed the NYCC LADO and given her conflict should have notified the chair of governors immediately. Accordingly, the panel found this particular of the allegation to be proved.

**d. appeared to act in your own interests over and above the welfare of Pupil A,**

Ms Bell denied the particular of this allegation. She stated in her written evidence that she, "always acted in the best interests of pupils and Pupil A was treated like any of my other pupils". Ms Bell outlined examples where she sought to assist Pupil A, noting that a considerable amount of time was spent locating a suitable secondary placement for Pupil A, at the request of Witness A.

Witness A disputed Ms Bell's account. It was her evidence that having made the disclosure, and upon their return to the School, Ms Bell and the School staff began to ignore her and Pupil A. Furthermore, Pupil A's support worker was not informed of the disclosure and therefore unable to fully understand and support Pupil A. In addition, he was spending less time with Pupil A. These actions led Witness A to conclude that, "the School did not really do anything to support Pupil A". Accordingly, Witness A felt she had no option but to move Pupil A to another school; this being the best course of action for Ms Bell rather than Pupil A, who wanted to see out the year with her friends. These views were consistent with the contemporaneous notes of Witness F, who outlined the concerns expressed by Witness A during their meetings and also the contemporaneous notes made by Witness B.

Ms Bell disputed Witness A's recollection, asserting that staff did not ignore Witness A or Pupil A. Further, she continued to teach Pupil A and treated her like any other pupil in her class; the assistance from the support worker was not reduced, in fact, following the disclosure, it was pertinent that he was around and neither Ms Bell or her mother, were left alone with Pupil A. This was supported by the oral evidence of Witness F who had, on occasion, observed Ms Bell teaching Pupil A. Having said that, the panel had regard to Witness F's written evidence where she stated, "I felt that Ms Bell's priorities should have been to ensure that the School was complying with its duties in relation to child protection for Pupil A". This view was verified in her oral evidence.

The panel had regard to the Safeguarding Children and Safer Recruitment in Education policy which provided that, "where there is a concern that the child may be suffering or is

at risk of suffering significant harm, the child's safety and welfare must be the overriding consideration". Furthermore, it is noted that, "consideration will be given throughout to the support and information needs of pupils, parents and staff".

Having considered all of the evidence, the panel preferred the evidence of Witness A to that of Ms Bell. The panel found Witness A a credible and honest witness. Furthermore, having found allegations 1.a, 1.b. and 1.c. to be proved, the panel concluded that, on the balance of probabilities, it was more likely than not that Ms Bell's motivation behind such actions was in pursuant of her own interests over and above the welfare of Pupil A. Having considered the relevant procedures and the obligations imposed on a headteacher, which emphasise that the welfare of the child is paramount and should override any other consideration, Ms Bell acted inappropriately and failed to adhere to the relevant procedures. Consequently, the panel found this particular of the allegation to be proved.

**e. made staff aware that you disbelieved Pupil A;**

Ms Bell denied the particular of this allegation. She explained that, "when it became apparent that Witness A had told everyone in the School about the disclosure ... I had a meeting with the staff and discussed that, in the interests of Pupil A, we should all be very careful and not engage in conversation with each other". It is understood that this meeting took place whilst Pupil A was still attending the School, sometime in spring 2012. This account was consistent with Ms Bell's oral evidence and also the meeting notes of the North Yorkshire Safeguarding Children's Board dated 29 March 2012. It was Witness A's view, however, that during this staff meeting, school staff had be warned against speaking with her and Pupil A altogether.

It was accepted that at the beginning of the 2012 Autumn term, Ms Bell held a meeting with the newly appointed assistant headteachers, Individual B and Witness C. During this meeting, Ms Bell notified them of Pupil A's disclosure. In her oral evidence, Ms Bell explained that due to her involvement in the ongoing criminal trial against Adult B, she would be away from the School attending various meetings and wanted to notify them of the reasons for her absence. Furthermore, she wanted one of the newly appointed assistant headteachers to assume the role as the DSP. In her oral evidence, Witness C recalled that Ms Bell had explained that allegations of child abuse had been made against Adult B, however, Ms Bell stated these were untrue. It was Witness C's recollection that Ms Bell used derogatory language to describe Witness A and Pupil A, stating that Witness A was "jealous of me [Ms Bell]", describing Witness A as having a "screw loose". She went onto describe Pupil A as an "attention seeker, who made up stories". Ms Bell denied making such comments.

The panel felt that there was limited evidence to show in the Spring 2012 meeting, Ms Bell had made staff aware that she disbelieved Pupil A. The panel went onto consider the meeting in the Autumn 2012 and preferred the evidence of Witness C to that of Ms Bell. The panel considered that such distinctive phrases are likely to be recollected by an

individual several years later. Witness C has no motive or reason to elaborate or overstate the details of that meeting. The panel noted that Witness C was firm in her recollection of the language used by Ms Bell to describe Witness A and Pupil A, such resolve withstanding cross-examination. The panel found Witness C was a credible witness; her evidence did not appear exaggerated in any way. Therefore, on the balance of probabilities, the panel believed that Ms Bell was more likely than not to have made staff aware that she disbelieved Pupil A, using the terminology recalled by Witness C.

The panel considered the relevant procedures, noting that the School's policy provides that, "it is not the responsibility of the school staff to investigate welfare concerns or determine the truth of any disclosure". Furthermore, the use of such language in a formal meeting is contrary to accepted good practice and basic teacher training Ms Bell's actions amounted to a failure to adhere to these rules. Consequently, the panel found this particular of the allegation to be proved.

We have found the following particulars of the allegations against you not proven, for these reasons:

- 2. You failed to appropriately and/or securely store a USB pen drive containing highly confidential safeguarding documentation regarding the allegations made by Pupil A referred to in paragraph 1 above in that you:**
  - a. personally gave the USB pen drive to Pupil C or alternatively,**
  - b. allowed circumstances to arise by which the USB pen drive was provided to Pupil C by another;**

Ms Bell denied this allegation.

Whilst it is accepted that the USB pen drive belonged to Ms Bell, she denied giving it to Pupil C. She suggested that Witness C had provided the USB pen drive to Pupil C. The panel had regard to the telephone attendance notes between Nabarro and Pupil C's parents who indicated that the USB pen drive was provided to Pupil C by Witness C.

The panel went onto consider the evidence of Witness C, who acknowledged that Pupil C's mother, Parent X, had initially suggested that she, Witness C, had provided the USB pen drive to the pupil. However, Parent X later indicated that it was Ms Bell who had given the USB pen drive to Pupil C. Witness C recalled asking Pupil C who had provided him with the pen drive, and he had clarified it was Ms Bell, the headteacher, rather than Individual E [redacted].

In any event, Ms Bell denied that the USB pen drive contained any highly confidential safeguarding documentation concerning the allegations made by Pupil A. In her written evidence, Ms Bell stated that she used the USB pen drive to write end of year reports, "but at one point I gave it to Witness C to put her reports on for me to check". Furthermore, Ms Bell stated that the USB pen drive in question was returned to her,

together with her other personal belongings, following the cessation of her employment. She had examined the USB pen drive and only the statement prepared for the strategy meeting held on 24 January 2012 was found. The panel had regard to the chain of emails between Ms Bell and Individual C (the School's HR representative) dated 6 April 2014, where Ms Bell noted, "I have received the memory stick linked to the allegations against me. I am pleased ... there are no documents relating to the case or allegations". In her oral evidence, Ms Bell explained that she had a number of USB pen drives which she would regularly use. It was brought to the panel's attention that it was the NCTL's case that the USB pen drive examined by Ms Bell, was not the same USB pen drive returned by Parent X.

Witness C recalled that when Parent X had initially approached her, she indicated that she knew why Ms Bell was absent from School, stating the USB pen drive contained documents pertaining to the criminal trial. Witness C said that during the further meeting with Parent X she indicated that the USB pen drive contained "case notes, Pupil A's name and files about the case" referring to Adult B's criminal trial. This account was consistent with the statement prepared by Witness C on 20 July 2015. Witness C has been consistent with her evidence throughout. The panel found the evidence of Witness C to be credible. However, the panel noted that it was Witness F and Witness D that viewed the contents on the USB pen drive and not Witness C. Witness D was vague in her recollection of the contents of the USB pen drive whilst Witness F could no longer recall anything at all.

The panel considered all of the evidence, and noted the limited evidence available from those directly involved in viewing the contents of the USB pen drive. Furthermore, the panel noted that the evidence was, in places, contradictory. Accordingly, there was insufficient evidence to conclude that, on the balance of probabilities, the facts of this allegation were proved. The panel found this allegation not to be proved.

**3. In 2016 when discussing HT giving evidence on your behalf at the NCTL hearing, you inappropriately presented a number of scenarios which HT could tell the Panel in her evidence regarding the USB pen drive referred in paragraph 2 above, including but not limited to, suggesting that HR could tell the Panel that she (HT) had provided the USB pen drive to Pupil C, knowing this to be untrue;**

**4. Your actions as set out in paragraph 3 above were dishonest.**

For the avoidance of doubt, it was noted that allegations 3 and 4 were discontinued at the start of this hearing.

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

Having found a number of the allegations to have been proved, the panel went on to consider whether the facts of those proven 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 the panel refers to as “the Advice”.

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position; and
  - 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.

Ms Bell’s actions resulted in key failures to ensure fundamental procedures were followed, resulting in breaches of child protection and safeguarding procedures, such actions impacting upon the welfare of the concerned child. Upon notification of a disclosure, Ms Bell proceeded to notify the accused of the disclosure. She failed to notify other relevant bodies of the disclosure and having recused herself of attending the child protection strategy meetings failed to send another member of the School staff. These actions demonstrate that Ms Bell’s thoughts were to act in her own interests, rather than safeguarding a vulnerable child with SEN needs. Consequently, the panel was satisfied that the conduct of Ms Bell fell significantly short of the standards expected of the profession.

The panel also considered whether Ms Bell’s conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and the panel has found that none of these offences are relevant.

The panel noted that some of the allegations found proved took place outside of the education setting and in such circumstances misconduct will only amount to

unacceptable professional conduct if it affects the way the person fulfils their teaching role or may lead to pupils being exposed to or influenced by the behaviour in a harmful way. There was the potential that Ms Bell's conduct could lead to Pupil A being exposed to harmful behaviour, for instance, from Adult B's reaction to the allegations.

In light of these findings, the panel was satisfied that Ms Bell was guilty of unacceptable professional conduct.

The panel took into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel considered the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave. The findings of misconduct were serious and the conduct displayed, involving a failure to follow basic child protection procedures, would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception. The panel therefore found that Ms Bell's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of allegations 1.a., 1.b., 1.c., 1.d.(d) and (e) proved, we further find that Ms Bell's conduct amounts to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

### **Reconvened hearing on 16 May 2017**

The panel reconvened on 16 May 2017 to consider Stage 3 of its determination, having announced its decisions on Stages 1 and 2 on 3 February 2017.

The panel members were Mrs Kathy Thomson (teacher panellist – in the chair), Dr Geoffrey Penzer (lay panellist) and Ms Marjorie Harris (lay panellist).

The legal adviser to the panel was Mr Parminder Benning of Eversheds Sutherland.

The presenting officer for the National College was Mr Ben Rich of Counsel briefed by Nabbaro LLP.

Ms Kathryn Bell was not present but was however represented by Mr Adam Ohringer of Counsel briefed by the NAHT.

The hearing took place in public and was recorded.

### **Proceeding in absence**

Having reconvened the hearing to hear mitigation and consider Stage 3 of its determination, the panel had regard to whether they should continue in the absence of Ms Bell.

The panel noted that the National College wrote to Ms Bell on 23 February 2017 by post notifying her of the date of the hearing. Ms Bell responded to the letter, apologising for her absence today. Accordingly, the panel was satisfied that National College had complied with paragraph 4.82 of the Procedures.

The panel determined to exercise its discretion under paragraph 4.29 of the Procedures to proceed with this portion of the hearing in the absence of the teacher.

The panel understood that its discretion to commence a hearing in the absence of the teacher must be exercised with the utmost care and caution, and that its discretion is a severely constrained one. The panel had regard to the requirement that it is only in rare and exceptional circumstances that a decision should be taken in favour of the hearing taking place.

In making its decision, the panel noted that the teacher may waive her right to participate in the hearing. The panel took account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC1. As noted above, Ms Bell has more than one month's notice of the hearing date and in fact responded confirming she will not be attending. It was apparent to the panel that Ms Bell was aware of these proceedings. The panel also heard submissions that Ms Bell's representative had full instructions and, should it become necessary, will be able to obtain instructions from Ms Bell. In addition, there was no indication that an adjournment would result in the teacher attending the hearing. The panel therefore considered that the teacher has waived her right to be present at the hearing in the knowledge of when and where the hearing is taking place.

The panel has had regard to the extent of the disadvantage to the teacher in not being able to participate today. Ms Bell has fully participated in Stages 1 and 2 of the hearing. The panel is now at Stage 3 of its determination. Ms Bell's representative is present and the panel therefore have the benefit of the oral submissions made by him on mitigation.

The panel has had regard to the seriousness of this case, and the potential consequences for the teacher and has accepted that fairness to the teacher is of prime importance. However, it considers that in light of the teacher's waiver of her right to appear; by taking account of the inconvenience an adjournment would cause to the parties; that on balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time is in favour of this hearing continuing today.

## **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 should be made, the panel considered whether it was an appropriate and proportionate measure, and whether it was in the public interest to do so. 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 considered 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.

In light of the panel's findings against Ms Bell, which involved serious breaches of child protection and safeguarding procedures, there was a strong public interest consideration in respect of the protection of pupils given the serious findings of a failure to follow safeguarding and child protection policies.

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

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

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order taking into account the effect that this would have on Ms Bell.

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

- Serious departure from the personal and professional conduct elements of the Teachers' Standards.

The panel found that Ms Bell's conduct involved serious departures from the personal and professional conduct elements of the Teachers' Standards, as the panel had already detailed above.

- Misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk.

The panel found that the misconduct did affect the well-being and education of Pupil A, as ultimately, Pupil A was moved to another school earlier than anticipated and contrary

to Pupil A's wishes. Given the lack of insight and remorse shown by Ms Bell, the panel considered that there was a continuing risk.

- A deep-seated attitude that leads to harmful behaviour.

The panel found that Ms Bell was in a unique and difficult position; however, throughout the course of this matter, she has failed to acknowledge the primacy of child protection. She failed to prioritise the support required by Pupil A, which further evidenced the lack of insight shown by Ms Bell, that existed through to the conclusion of the hearing. Throughout, Ms Bell has sought to minimise the consequences of her actions. The panel did not consider that her lack of insight led to harmful behaviour but it did lead to inappropriate behaviour.

- Abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils.

The panel considered that Ms Bell's conduct, in relation to the proven allegations, involved an abuse of her position of trust. Her conduct involved a violation of the right of Pupil A to be safeguarded. Instead, Ms Bell put her own interests ahead of Pupil A's by failing to notify the relevant authorities of the disclosure and by casting doubt over the credibility and character of both Pupil A and Witness A.

Even though there were behaviours that would point to a prohibition order being appropriate, the panel considered whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case.

Given the nature of the behaviour, the panel held that Ms Bell's actions were deliberate and it had seen no evidence to suggest that she was acting under duress. The panel noted that, as far as they were aware, in her role as a teacher or headteacher, Ms Bell had not been subject to any formal disciplinary proceedings. The panel noted Ms Bell is said to have been an excellent teacher. The panel also noted the evidence provided in support of Ms Bell's good character, her abilities as a teacher and her professionalism. In particular, the panel noted the evidence of a colleague who has known Ms Bell for 16 years, who described Ms Bell as having a good reputation noting that she, "was impressed by the ethos [Ms Bell] had managed to establish" and, she was a "dedicated and talented teacher and Head Teacher". The panel noted that Ms Bell found herself in a uniquely difficult position.

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 was sufficient.

The panel was of the view that applying the standard of the ordinary intelligent citizen recommending no prohibition order was not a proportionate and appropriate response.

Recommending that publication of adverse findings was sufficient would unacceptably compromise the public interest considerations present in this case, despite the serious consequences for the teacher of prohibition.

The panel is of the view that prohibition is both proportionate and appropriate. The panel decided that the public interest considerations outweigh the interests of Ms Bell. The failure to comply with the safeguarding and child protection policies, coupled with the lack of insight and abusing her position of trust were significant factors in forming that opinion. Accordingly, the panel recommends 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 to recommend that a review period of the order should be considered. The panel was mindful that the Advice indicates that a prohibition order applies for life, but there may be circumstances in any given case that make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. Such behaviours were not present in this case.

The panel found that Ms Bell abused her position as a headteacher and the DSP to behave in an inappropriate manner, resulting in her breaching safeguarding and child protection policies, leaving a vulnerable pupil potentially exposed to harm. The panel considered that Ms Bell, to this date, has failed to recognise the primacy of acting in the best interests of the pupil; at no point has she shown that she understood that, regardless of the truth of the disclosure made by Pupil A, she should have supported the pupil. This has led the panel to conclude that Ms Bell has failed to show sufficient insight or remorse for her actions or the impact they have had upon the individuals involved; her overriding attitude was that the situation was difficult for her and that this excused her from taking proper account of Pupil A's needs.

The panel felt 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.

The panel considered that Ms Bell would require at least 5 years to reflect upon the inappropriateness of her behaviour, to develop a more profound insight into her conduct and its ramifications for the pupil, and to demonstrate that she fully recognises and understands the professional standards required of a teacher.

Accordingly, the panel recommended a prohibition order with provision for Ms Bell to apply for the order to be set aside, once 5 years have elapsed from the date of the order.

## 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 given very careful attention to the advice that is published by the Secretary of State 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 conduct that may bring the profession into disrepute. I have put from my mind both the allegations that were not found proven and also the allegations that were discontinued at the very start of the case.

In this case, the panel has made a recommendation to the Secretary of State that Ms Bell should be the subject of a prohibition order, with a review period of five years.

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position; and
  - 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.

Ms Bell's actions resulted in key failures to ensure fundamental procedures were followed, resulting in breaches of child protection and safeguarding procedures, such actions impacting upon the welfare of the concerned child. Upon notification of a disclosure, Ms Bell proceeded to notify the accused of the disclosure. She failed to notify other relevant bodies of the disclosure and having recused herself of attending the child protection strategy meetings failed to send another member of the School staff.

The panel has concluded that "These actions demonstrate that Ms Bell's thoughts were to act in her own interests, rather than safeguarding a vulnerable child with SEN needs." Consequently, the panel was satisfied that the conduct of Ms Bell fell significantly short of the standards expected of the profession.

The panel also considered whether Ms Bell's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and the panel has found that none of these offences are relevant.

The panel noted that some of the allegations found proved took place outside of the education setting and in such circumstances misconduct will only amount to unacceptable professional conduct if it affects the way the person fulfils their teaching role or may lead to pupils being exposed to or influenced by the behaviour in a harmful way. There was the potential that Ms Bell's conduct could lead to Pupil A being exposed to harmful behaviour, for instance, from Adult B's reaction to the allegations.

I must determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering 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 or not 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 Ms Bell, and the impact that will have on her, is proportionate.

In this case I have considered the extent to which a prohibition order would protect children. The panel has observed "There was the potential that Ms Bell's conduct could lead to Pupil A being exposed to harmful behaviour, for instance, from Adult B's reaction to the allegations." 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 the panel sets out as follows, "Given the lack of insight and remorse shown by Ms Bell, the panel considered that there was a continuing risk." The panel later says "Throughout, Ms Bell has sought to minimise the consequences of her actions. The panel did not consider that her lack of insight led to harmful behaviour but it did lead to inappropriate behaviour."

In my judgement the lack of insight means that there is some 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 observe, The findings of misconduct were serious and the conduct displayed, involving a failure to follow basic child protection procedures, would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception."

I have had to consider that the public has a high expectation of professional standards of all teachers and that failure to impose a prohibition order might be regarded by the public 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, 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 Bell herself. The panel took careful account of Ms Bell’s record and I have also done that. The panel comment: “Ms Bell is said to have been an excellent teacher. The panel also noted the evidence provided in support of Ms Bell’s good character, her abilities as a teacher and her professionalism. In particular, the panel noted the evidence of a colleague who has known Ms Bell for 16 years, who described Ms Bell as having a good reputation noting that she, “was impressed by the ethos [Ms Bell] had managed to establish” and, she was a “dedicated and talented teacher and Head Teacher”. The panel noted that Ms Bell found herself in a uniquely difficult position.”

A prohibition order would therefore 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 insight or remorse. The panel has said, “ the public interest considerations outweigh the interests of Ms Bell. The failure to comply with the safeguarding and child protection policies, coupled with the lack of insight and abusing her position of trust were significant factors in forming that opinion.”

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Bell has made and is making 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 that is not backed up by remorse or insight does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

I have gone on to consider the matter of a review period. In this case the panel has recommended a 5 year review period.

I have considered the panel’s comments “Ms Bell would require at least 5 years to reflect upon the inappropriateness of her behaviour, to develop a more profound insight into her

conduct and its ramifications for the pupil, and to demonstrate that she fully recognises and understands the professional standards required of a teacher.”

I have considered whether a 5 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of protecting pupils and maintaining public confidence in the profession. In this case, there are three factors that in my view mean that a two year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the misconduct found, the lack of either insight or remorse, and her “overriding attitude was that the situation was difficult for her and that this excused her from taking proper account of Pupil A’s needs.”

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

**This means that Ms Kathryn Bell 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 26 May 2022, 5 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 Kathryn Bell remains prohibited from teaching indefinitely.

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

Ms Kathryn Bell 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.



**Decision maker: Alan Meyrick**

**Date: 19 May 2017**

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