



National College for  
Teaching & Leadership

# **Miss Paula Hagan: Professional conduct panel outcome**

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

**October 2017**

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

<b>Teacher:</b>	Miss Paula Hagan
<b>Teacher ref number:</b>	9657130
<b>Teacher date of birth:</b>	22 October 1974
<b>NCTL case reference:</b>	15909
<b>Date of determination:</b>	18 October 2017
<b>Former employer:</b>	Long Melford Church of England Primary School ('the School'), Suffolk

### **A. Introduction**

A professional conduct panel ('the panel') of the National College for Teaching and Leadership ('the National College') convened on 16 to 18 October 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Miss Paula Hagan.

The panel members were Mr John Matharu (lay panellist – in the chair), Mr Steve Woodhouse (teacher panellist) and Ms Hilary Jones (lay panellist).

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

The presenting officer for the National College was Mr Andrew Cullen of Browne Jacobson LLP solicitors.

Miss Paula Hagan was present and was represented by Mr Jonathan Storey of Cornwall Street Chambers.

The hearing took place in public and was recorded.

## B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 19 July 2017.

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

1. Failed to observe the health and safety policies and procedures as set out in the School's 'General Statement of Policy for Health and Safety' in that she:
  - a. Failed to ensure that fire practices took place each term;
  - b. Falsely stated in documents that fire practices had taken place when she knew or ought to have known that they had not, including:
    - i. The headteacher's report for the Governor's meeting dated 4 February 2015;
    - ii. The Fire Drill Report Form in respect of the 19 June 2014.
  - c. Failed to ensure that the weekly fire alarm tests were conducted by the Custodian;
  - d. Failed to ensure a risk assessment personal evacuation plan was in place for person(s) requiring assistance to evacuate the building;
2. In doing 1.a.- 1.d. above she placed the health and safety of pupils and staff at risk;
3. In doing 1.b. above, she acted dishonestly.

Miss Hagan admitted all of the allegations except 1.b.i. in regards to particular 3.

## C. Preliminary applications

The panel considered and accepted a preliminary application from the presenting officer which highlighted the fact that a pupil's name had been erroneously included in the bundle and thus should be referred to as Pupil A.

Miss Hagan's representative made an application that he should be allowed to present his client's mitigation as part of his case while examining her in chief. The panel considered this and accepted the application, albeit such mitigation would be taken into account only insofar as relevant at the various stages of the panel's deliberations.

## **D. Summary of evidence**

### **Documents**

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

Section 1: Chronology and List of Key People – pages 2 to 3

Section 2: Notice of Proceedings and response – pages 4 to 12

Section 3: NCTL witness statements – pages 13 to 19

Section 4: NCTL documents – pages 20 to 237

Section 5: Teacher documents – pages 238 to 328

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

In addition, the panel agreed to accept the following:

The presenting officer drew the panel's attention to the fact that pages 18-19, 21-38 and 48-54 had not been disclosed to the teacher or her representative and the NCTL are of the opinion that these documents assist in the background of the case. Miss Hagan did not object to this. The panel considered the issue of relevance and fairness and agreed to accept these documents.

Miss Hagan's representative apologised that the response to the Notice of Proceedings form, which is in the bundle, was not completed and thus appeared to indicate that neither the teacher nor her representative would be attending the hearing. He confirmed that he had completed the form to indicate that they would be attending and regretted that this was not included in the bundle.

### **Submission of Late / Additional documents**

Mr Storey also made an application for late/additional documents namely:

1. The custodian's job application form (Exhibit 1);
2. Fire risk assessment 2013-14 by Safety Boss (Exhibit 2);
3. Colour version of a document already disclosed in bundle at page 110;
4. Statement of Agreed Facts.

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

## Witnesses

The panel heard oral evidence from Miss Hagan.

## E. Decision and reasons

The panel announced its decision and reasons as follows:

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

Miss Hagan was employed as headteacher at the School between 1 January 2014 and March 2015.

It is alleged that within this period Miss Hagan failed to carry out fire practices at the School as required by the Health and Safety Policy and as such placed staff and students at risk. In addition to this, Miss Hagan failed to ensure that there was an up to date risk assessment/personal evacuation plan for persons requiring assistance to evacuate the building. This was crucial as the School building plan/layout had changed considerably over the course of time and the last assessment was dated October 2011.

Further, Miss Hagan was alleged to have misled the School and Governors by stating that a fire practice had taken place. Miss Hagan also allegedly falsified a fire report stating that a fire practice had taken place on 19 June 2014.

## Findings of fact

Our findings of fact are as follows:

The panel has found the following particulars of the allegations against you proven, for these reasons:

### **1. Failed to observe the health and safety policies and procedures as set out in the School's General Statement of Policy for Health and Safety in that she**

#### **a. Failed to ensure that fire practices took place each term;**

The panel noted the Health and Safety policy which states that fire practices must take place each term. The panel noted that she had admitted in her witness statement and Statement of Agreed Facts that fire practices had not taken place and therefore on the balance of probabilities find this allegation proved.

#### **b. Falsely stated in documents that fire practices had taken place when she knew or ought to have known that they had not, including;**

##### **i. The headteacher's report for the Governors' meeting dated 4 February 2015;**

The panel noted the report of 4 February 2015 where Miss Hagan stated 'Fire practice had taken place in January 2015'. This allegation has been admitted in both her witness statement and Statement of Agreed Facts and therefore on the balance of probabilities is found proved.

**ii. The Fire Drill Report Form in respect of the 19 June 2014.**

The panel noted the fire drill report of the 19 June 2014 which she completed and signed. The allegation has been admitted in both her witness statement and Statement of Agreed Facts and is therefore on the balance of probabilities found proved.

**c. Failed to ensure that the weekly fire alarm tests were conducted by the Custodian;**

The panel noted the Health and Safety policy of the School which states that weekly fire alarm tests must be conducted by the Custodian. The headteacher has principal responsibility for ensuring that the Health and Safety policy is implemented. She admitted in both her witness statement and Statement of Agreed Facts that she failed to ensure that these tests were conducted by the Custodian and therefore on the balance of probabilities the panel found this proved.

**d. Failed to ensure a risk assessment /personal evacuation plan was in place for person(s) requiring assistance to evacuate the building.**

The panel noted the Health and Safety policy which stated that a personal evacuation plan is required for any persons requiring assistance to evacuate the building and that any such plan must be reviewed annually. The panel noted the emergency evacuation plan for Pupil A which was dated October 2011. Miss Hagan stated that she did have brief sight of the plan but had not reviewed it despite the layout of the building having changed. She admitted this in both her witness statement and Statement of Agreed Facts and therefore on the balance of probabilities found this proved.

**2. In doing 1.a. – 1.d. above she placed the health and safety of pupils and staff at risk.**

In view of the panel's findings in 1.a. - 1.d, the panel is satisfied that she placed the Health and Safety of pupils and staff at risk. She also admitted this in her witness statement and Statement of Agreed Facts and therefore on the balance of probabilities find this proved.

**3. In doing 1.b. above, she acted dishonestly.**

The panel took note of the two limb dishonesty test as explained by the legal adviser. With regard to 1.b.i., the panel noted that the headteacher's report was written and disseminated in advance of the meeting of 4 February 2015. Miss Hagan has stated in that report that the fire practice was carried out in January 2015. In her evidence, Miss

Hagan stated that it was her intention to carry out a fire practice in the short period between submitting the report and the meeting of 4 February. The panel noted that as she had not conducted a fire practice for the previous year, it was highly unlikely due to her work pressures at the time, that she would have conducted a fire practice before the meeting. She did not disclose before or at the meeting that the fire practice had not taken place until questioned by a Governor at the meeting. In considering the dishonesty test, the panel found both limbs satisfied and on the balance of probabilities find this proved.

With regard to 1.b.ii., the panel noted that the form she completed in respect of 19 June 2014, required accurate times and details related to the fire drill. The panel considered this form to be an important document to identify any health and safety issues that may arise during a real evacuation so that they can be addressed effectively.

In the panel's view, both limbs of the dishonesty test were satisfied. She admitted this in her witness statement and Statement of Agreed Facts and therefore on the balance of probabilities find this proved.

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

Having found all of the allegations to have been proved, the panel has gone on to consider whether the facts of those proved allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel has had regard to the document Teacher misconduct: The prohibition of teachers, which the panel refers to as "the Advice".

The panel is satisfied that the conduct of Miss Hagan, in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Miss Hagan is in breach of the following standards:

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

The panel is satisfied that the conduct of Miss Hagan fell significantly short of the standards expected of the profession.



The panel has also considered whether Miss Hagan's conduct displayed behaviours associated with any listed on pages 8 and 9 of the Advice and the panel has found that serious dishonesty is relevant in Miss Hagan's case. In the panel's view, falsifying documents and misleading the School and governing body placed pupils and staff at a significant risk of harm.

The Advice indicates that where behaviours such as serious dishonesty exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

Miss Hagan has admitted that her actions amount to unacceptable professional conduct. For the above reasons, the panel is satisfied that her actions were serious and therefore amount to unacceptable professional conduct.

The panel considered that Miss Hagan's actions were serious and would likely have a negative impact on the individual status as a teacher, potentially damaging the public's perception of them, therefore bringing the profession into disrepute. The panel also took account of 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 panel is therefore satisfied that Miss Hagan's actions have brought the profession into disrepute.

## **Panel's recommendation to the Secretary of State**

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it is 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 has to consider whether it is an appropriate and proportionate measure, and whether it is 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 a punitive effect.

The panel has considered the particular public interest considerations set out in the Advice and having done so has found a number of them to be relevant in this case, namely the protection of pupils; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct and the interest of retaining the teacher in the profession.

In light of the panel's findings against Miss Hagan, which involved serious dishonesty repeated on two occasions and placing pupils and staff at significant risk of harm, there is a strong public interest consideration in imposing prohibition.

The panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Miss Hagan were not treated with the utmost seriousness when regulating the conduct of the profession.

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

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

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 Miss Hagan.

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

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the well-being of pupils, and particularly where there is a continuing risk;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up.

Even though there were behaviours that would point to the appropriateness of a prohibition order, the panel went on to consider whether or not there were sufficient mitigating factors to mitigate against the appropriateness and proportionality of the imposition of a prohibition order, particularly taking into account the nature and severity of the behaviour in this case. Miss Hagan has a previously good history and the panel took into account the submissions made by Miss Hagan's representative which are:

- Miss Hagan was under extraordinary pressure both professionally and personally;
- She took risks with safety but there was no actual harm caused;
- There was no evidence of a deep seated harmful attitude and no risk of her repeating her dishonest behaviour;
- This was an isolated series of incidents in a long and successful career;

- She has demonstrated genuine insight, reflected and she is now a changed person;
- She has fully complied with the NCTL proceedings.

The panel first considered whether it would be proportionate to conclude the case with no recommendation of prohibition, considering whether the publication of the findings is sufficient. The panel took into account Miss Hagan's representative's submissions that a finding of unprofessional conduct/disrepute would satisfy the public interest and be a proportionate sanction.

The panel is of the view that applying the standard of the ordinary intelligent citizen recommending no prohibition order is not a proportionate and appropriate response. Recommending that publication of adverse findings is sufficient in the case would unacceptably compromise the public interest considerations present in this case, despite the severity of consequences for Miss Hagan of prohibition.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Miss Hagan. The serious dishonesty and the risk of harm were significant factors in forming that opinion. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include serious dishonesty. The panel has found that although Miss Hagan acted dishonestly, she has demonstrated significant and genuine insight and remorse. In addition the panel noted her positive references which attested to her teaching and leading abilities. The panel also considered the public interest in retaining or allowing a good teacher back into the profession.

The panel considered 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 provision for a review period after 2 years.

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

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

In considering this case, I have also 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 the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel has made a recommendation to the Secretary of State that Miss Hagan should be the subject of a prohibition order, with a review period of two years.

In particular the panel has found that Miss Hagan is in breach of the following standards:

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

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

The findings of misconduct are particularly serious as they include a finding of dishonesty on the part of a headteacher and also misconduct which put pupil's health and safety at risk.

I have to 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 Miss Hagan, 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 “falsifying documents and misleading the School and governing body placed pupils and staff at a significant risk of harm”. A prohibition order would therefore prevent such a risk from being present. I have also taken into account the panel’s comments on insight and remorse which the panel sets out as follows, “although Miss Hagan acted dishonestly, she has demonstrated significant and genuine insight and remorse”. The panel also notes, “Miss Hagan has a previously good history” and the panel notes that she submitted the following representations:

- Miss Hagan was under extraordinary pressure both professionally and personally;
- She took risks with safety but there was no actual harm caused;
- There was no evidence of a deep seated harmful attitude and no risk of her repeating her dishonest behaviour;
- This was an isolated series of incidents in a long and successful career;
- She has demonstrated genuine insight, reflected and she is now a changed person;
- She has fully complied with the NCTL proceedings.

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 said in light of its findings against Miss Hagan, “there is a strong public interest consideration in imposing prohibition”. I am particularly mindful of the finding of dishonesty in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that 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 Miss Hagan herself. The panel notes, “positive references which attested to her teaching and leading abilities”.

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

In this case I have placed significant weight on the finding of dishonesty and that the panel say this behaviour was “repeated on two occasions” and placed “pupils and staff at significant risk of harm”.

I have given less weight in my consideration of sanction therefore, to the contribution that Miss Hagan has made to the profession. In my view it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision 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 2 year review period.

I have considered the panel’s findings that, “although Miss Hagan acted dishonestly, she has demonstrated significant and genuine insight and remorse. In addition the panel noted her positive references which attested to her teaching and leading abilities”.


The panel has also said that it decided it would be “proportionate in all the circumstances for the prohibition order to be recommended with provision for a review period after 2 years”.

I have considered whether a 2 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession and I am of the same view as the panel. I consider therefore that a two year review period is required.

**This means that Miss Paula Hagan 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 30 October 2019, two years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Miss Hagan remains prohibited from teaching indefinitely.

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

Miss Hagan 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: Dawn Dandy**

**Date: 23 October 2017**

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