



Neutral Citation Number: [2025] EWHC 191 (Admin)

Case No: AC-2024-LON-001582

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 31/01/2025

Before :

MR JUSTICE SWEETING

Between :

KANCHANA VANHOVE

Applicant

SECRETARY OF STATE FOR EDUCATION

Respondent

-and-

(1st)

TEACHING REGULATION AGENCY

Respondent

(2nd)

Althea Brown (instructed by **NATIONAL EDUCATION UNION**) for the **APPLICANT**
Simon Pritchard (instructed by **GOVERNMENT LEGAL DEPARTMENT**) for the **1ST**
and 2ND RESPONDENT

Hearing dates: 30th October 2024

Approved Judgment

This judgment was handed down remotely at 10:00am on 28th January 2025 by circulation to the parties or their representatives by email and by release to the National Archives

THE HONOURABLE MR JUSTICE SWEETING :

Introduction

1. This is an appeal by Kanchana Vanhove (“the appellant”) against a prohibition order imposed on her by the Secretary of State for Education (SSE) in April 2024, following a recommendation by a Professional Conduct Panel (“the Panel”) of the Teaching Regulation Agency (TRA). The prohibition order prevents the appellant from teaching in England indefinitely, with a provision for a review after two years.
2. The TRA’s allegations before the Panel concerned the appellant’s conduct while she was employed as the headteacher at Wareside Church of England Primary School (“the school”). The TRA alleged that the appellant made unauthorised purchases and submitted inappropriate or unauthorised expense claims using school funds. This included purchases made through the school’s Amazon account and directly from the school’s bank account. The Appellant maintained that these purchases were for the benefit of the school and were authorised. The TRA’s case was that many of the items were for the appellant’s personal use.
3. The appellant argues that in finding that a number of the allegations against her were proved the Panel’s approach was fundamentally flawed, resulting in a serious miscarriage of justice. She contends that the Panel’s findings of fact were inconsistent with the evidence presented and based on speculation rather than proof to the required standard. She further argues that the Panel’s reasoning was unclear, lacked detail, and failed to properly address key evidence and arguments.
4. The SSE maintains that the Panel’s decision was properly arrived at on the evidence and that the appeal amounts to simple disagreement with the Panel’s assessment of the evidence and a rehearsal of arguments advanced at the hearing; arguments that the Panel rejected for reasons which were clearly set out and not capable of challenge on appeal.

Legal Framework of the Appeal

5. The appellant’s appeal is brought under Regulation 17 of the Teachers’ Disciplinary (England) Regulations 2012, which grants a right of appeal to the King’s Bench Division of the High Court against a prohibition order. The appeal is governed by Part 52 of the Civil Procedure Rules (CPR). The parties disagreed as to whether the appeal should be conducted by way of review or a full rehearing.
6. The appellant argued, relying on *O v Secretary of State for Education* [2014] EWHC 22 (Admin) and *Ullmer v SSE* [2021] EWHC 1366 (Admin), that the appeal should be a rehearing. I was invited, in effect, to conduct a full re-examination of the first instance decision, including a rehearing on the merits and facts, substituting my own opinion for that of the original decision-maker. There were three bundles before the court running to just short of 1,500 pages together with an authorities bundle of some 480 pages. No suggested reading time was given in the appellant’s skeleton. The respondent suggested 2 hours, albeit in relation to a much smaller body of material. The Panel hearing had taken a total of 12 days spread across many months.
7. The SSE contends, citing *Sutcliffe v Secretary of State for Education* [2024] EWHC 1878 (Admin) that the appeal should proceed by way of review, not a “rehearing”. The consequence of an appeal by way of review is that the court will not generally rehear the evidence or make its own findings of fact. Instead, the court will review the decision of the Panel to ensure that it was lawful and procedurally fair, and that the findings of fact were supported by the evidence.

8. The SSE further argues that the appellant does not identify any particular circumstances which require the Court to adopt a different approach and conduct a 'rehearing'. The SSE submits that all TRA appeals are generally by way of review and distinguishes *Ullmer*, where the interests of justice were held to require a rehearing. In that case a teacher was accused of engaging in sexual activity with a pupil, including playing 'sexual' games. The judge who heard the appeal, Steyn J, determined that the interests of justice required a 'rehearing' due to the gravity of the accusations and the impact they had on the appellant's reputation and ability to work; in effect that he would never be able to work again as a teacher.
9. I am satisfied that the correct approach is to review the decision of the Panel. This is because, as Pepperall J explained in *Sutcliffe*, Panels have the advantage of hearing the witnesses and are best placed to decide matters of disputed fact. The court must give weight to the Panel's assessment of the credibility of witnesses and the expertise of the Panel and the SSE as decision-makers. It should not lightly interfere with their findings and decisions and, in the absence of hearing from the witnesses in person, is generally ill-equipped to do so. In *GMC v Jagjivan* [2017] 1 WLR 4438: The Divisional Court emphasised the high degree of deference appellate courts must accord to the factual findings of the tribunal of fact, particularly those based on witness credibility. The Supreme Court's judgement in *Henderson v Foxworth* [2014] UKSC 41 illustrates the width of the principle that an appellate court should not overturn a decision simply because it would have reached a different conclusion. What matters is "*whether the decision under appeal is one that no reasonable judge could have reached*"
10. It follows that it is not for this court to retry the case. Instead, the court's task is to review the decision of the Panel and to interfere only if it is persuaded that the decision was "wrong" or "unjust because of a serious procedural or other irregularity" (CPR r. 52.21(3)). The court will only overturn a finding of fact made by the Panel if it is satisfied that the finding was perverse; in other words, if it was a finding that no reasonable Panel could have reached on the evidence.
11. I am also satisfied that the allegations against the appellant, while serious, do not meet the threshold for exceptional circumstances that require a full "rehearing" as was the case in *Ullmer*. The requirements for a "rehearing" were further clarified in *Hart v SSE* [2024] EWHC 44 (KB) where Eyre J held that the consequences of a prohibition order and the resulting reputational harm do not necessarily justify an appeal by way of rehearing. The present case is more analogous to *Sutcliffe* as the Panel found misconduct but, considering the mitigation available to the appellant, recommended the earliest possible date for review of the prohibition order. In that respect the appellant's case differs from cases where there is no right to apply for such a review.

Grounds of Appeal

12. The appellant denied making unauthorised purchases for personal benefit using the school's Amazon account and bank funds. She claimed that all purchases (to the extent accepted as having been made by her) were for school purposes or duly authorised by the Assistant Head Teacher (AHT). The appellant's Notice of Appeal, dated 2 May 2024, set out five grounds:
 - a. **The Panel was wrong to refuse to dismiss the allegations at the close of the TRA's case.** At the conclusion of the TRA's evidence, the appellant's counsel submitted that there was no case to answer and asked the Panel to discontinue the proceedings. The Panel, however, determined that there was sufficient evidence to proceed with most of the allegations, whilst dismissing others.

- b. **The Panel's decision was based on inconsistent findings of fact and or facts which are not probative of the allegations.** The appellant argued that the Panel's findings were not consistent with the evidence presented and that some findings were not relevant to the allegations. She specifically contested the Panel's conclusion regarding the processes followed for Amazon purchases.
 - c. **The Panel's reasons were inadequate.** The appellant argued that the Panel's reasoning for their decision was not sufficient. She claimed that the Panel did not adequately engage with her submissions, particularly those highlighting flaws in the TRA's case. She also argued that the Panel did not provide sufficient reasons for rejecting her explanations regarding certain purchases.
 - d. **The Panel reversed the burden of proof.** The appellant argued that the Panel improperly shifted the burden of proof onto her, requiring her to prove her innocence rather than the TRA proving her guilt.
 - e. **The Panel placed undue reliance on hearsay evidence.** The appellant argued that the Panel overly relied on hearsay evidence, particularly statements from witnesses who did not have direct knowledge of the events.
13. Thus, the appellant's arguments to a large extent focus on challenging the Panel's factual findings. The skeleton filed on her behalf encapsulated the appeal as follows: "This appeal is essentially based on arguments that the tribunal's findings and conclusions were against the evidence, or against the weight of the evidence."

Factual Background

14. The appellant has been a teacher since 2002. She worked as a supply teacher at the school in the Autumn term of 2016. Between Easter 2017 and Autumn 2017, the school had a Headteacher from another school for two days a week, and the appellant was Acting Headteacher for the remaining three days a week. In Autumn 2017, the appellant accepted the role of Interim Part-time Headteacher on a temporary basis until Christmas 2017. The appellant left the school in November 2017, as she was pregnant. She was not formally employed by the school between November 2017 and September 2018. She returned to the school in September 2018, as permanent part-time Headteacher, working Mondays, Tuesdays and Wednesdays with some flexibility to attend meetings on other days.
15. In May 2019, Individual F, the Deputy Headteacher, approached Witness A, the Chair of Governors, to make a whistleblowing disclosure concerning the appellant's potential misappropriation of school funds. As a result of this disclosure, the school's internal auditor, the Shared Internal Audit Service ("SIAS") commenced an audit in June 2019. The SIAS investigation uncovered sufficient concerns to recommend a "deeper investigation" by the Local Authority's Shared Anti-Fraud Service "SAFS". The appellant was suspended from her role on 28 June 2019.
16. Ms. Nelson (Witness C) from SAFS was appointed to conduct a disciplinary investigation on behalf of the school governors.
17. The investigation focused on the allegations made by Ms. Duffy (Witness B) and Ms. Aubrey (Witness D) against the appellant regarding purchases using the school's Amazon account and other purchases.
18. The scope of the investigation was limited to interviewing the appellant, the Assistant Headteacher, and two witnesses. Notably, other staff members who the appellant suggested could provide relevant information were not interviewed. Ms Nelson interviewed Individual, and other staff members. The appellant was also interviewed under caution. Witness C produced a report of her investigation on 23 September 2019.

19. The appellant resigned on 9 December 2019. A disciplinary hearing was held in her absence on 15 January 2020, at which she was dismissed.

Allegations

20. The allegations against the appellant were set out in a Notice of Hearing dated 27 April 2023 as follows:

Allegation 1

Between November 2018 and May 2019 you made unauthorised purchases and/or claims:

- a) Using the school's Amazon account and/or
- b) From the school's bank account/School monies.

Particulars of Allegation 1

- (a) (i) You made unauthorised purchases using the school's Amazon account, in that you purchased the items as detailed in Schedule 1 for your own benefit and not for the benefit of the school.
- (ii) You made unauthorised claims from the school's bank account/school monies, in that you claimed for the items as detailed in Schedule 2 for your own benefit and not for the benefit of the school.
- (b) You submitted inappropriate and/or unauthorised expenses claims, as detailed at Schedule 3.

Allegation 2

Your conduct in making the purchases and/or claims as set out at Allegation 1 lacked integrity and was dishonest in that you knew that they were not for the benefit of the school.

Allegation 3

On or around 7 June 2019, you did not provide one or more invoices, namely those detailed at Schedules 1-3, to the external auditors.

Allegation 4

Your conduct in withholding invoices as set out at Allegation 3 lacked integrity and was dishonest in that you were seeking to conceal your conduct described at Allegation 1.

The Panel Hearing

- 21. The Panel hearing took place on 12, 13, 14, 17, 18 and 19 July 2023 and on 19, 20, 25, 26 and 27 March 2024 and 5 April 2024 as a remote hearing conducted using Microsoft Teams.
- 22. The TRA called witnesses A, B and D to give evidence. The appellant gave evidence in her own defence and also called Witness E (the Interim Deputy Head Teacher) to give evidence on her behalf.

23. The TRA did not call Individual F to give evidence. The Panel was provided with a copy of the record of Individual F's interview with Witness C, and was told that Individual F would not be attending to give evidence due to stress related to the previous internal proceedings.

Financial Controls

24. As the Panel found, the School was required to adhere to the financial regulations outlined in the *Hertfordshire County Council Financial Handbook for Schools* ("the Handbook"). The relevant provisions of the Handbook as referred to by the panel were:
- a. Paragraph 10.1.2: "The officer authorising an order must be satisfied that the intended goods or services are appropriate and needed (e.g. are they for a curriculum area, or a school trip), are available within the approved budget... that the goods or services have been subject to any tendering requirements."
 - b. Paragraph 10.1.6: "Orders must be used only for goods and services provided to the School. Neither employees nor any other organisations connected to the School may use official orders for personal gain."
 - c. Paragraph 10.2.6: "Reimbursement for travel and other expenses incurred by the Headteacher... shall be made on the production of appropriate receipts, subject to approval by the governing body... The governing body can set a financial limit below which specific approval will not be required". In this instance, the limit for the Headteacher has been set at £2,000.
25. Thus, the Handbook stipulated that purchase orders were to be made using a prescribed system, with a limit on the Headteacher's spending authority. The school had a system where purchases and expense reimbursements required authorisation by two designated signatories: the Headteacher (the appellant) and the Assistant Headteacher (AHT - Individual F).
26. For expenses or transactions exceeding £2,000, both the appellant and Individual F needed to sign. For the appellant's personal expense claims, Individual F's counter-signature was mandatory, regardless of the amount. Purchases made by staff with personal funds were to be submitted for reimbursement with receipts, and subject to the same two-signature authorisation process. However, the evidence before the Panel suggested that these procedures were not always followed consistently. Specifically, there were instances where payments had been made without supporting invoices. In reaching its findings of fact, the Panel made a specific finding that the "financial and administrative processes within the School were in a state of some disarray".
27. The typical ordering process at the school involved an initial request being recorded in a "Pink Book", followed by the placement of an order and the receipt of an invoice. The invoice would then be checked against the order and the delivered goods before being paid. However, the "Pink Book" went missing during the course of the investigations and was not before the Panel.
28. The intended process was that all purchases using school funds were to be recorded in the "Pink Book". Staff members, usually Witness B or Witness D, would check orders written in the book and obtain the necessary authorisation. Orders were primarily placed with Hertfordshire County Council's supplier, "FullStop", for common supplies like stationery. For items not available through FullStop or which were cheaper on Amazon, the school's Amazon account could be used. Upon delivery, Witness B would check the goods and invoice against the order in the "Pink Book". Witness D would then raise a cheque for payment. The amount dictated whether authorisation from the appellant, Individual F, or both, was required. Witness D would record the cheque number and

payment date in the “Pink Book”, file the invoice, and input the information into the computer system. This would be reviewed by Hertfordshire County Council's external accountant. The Amazon account was set up by Witness B in August 2018, initially using her personal bank card and name. In September 2018, Ms. Vanhove instructed Witness B to change the account to use a school bank card. Witness B maintained that the process for Amazon orders mirrored that of FullStop orders, with entries in the “Pink Book” and subsequent printing and stapling of the order confirmation to the corresponding book page.

29. The Panel determined that for a payment or claim to be authorised, it had to be for the benefit of the school. The Panel considered that accepting the argument that purchases were authorised simply because they were within the appellant’s financial limit would lead to a perverse outcome. Such an interpretation would suggest that the purchase of an item for personal use could be categorised as properly authorised as long as it was within the financial limit of authority. The Panel did not agree that a purchase of an item for personal use could be defined as properly authorised in these circumstances.
30. The Panel concluded that authorisation must fall within the terms of paragraph 10.1.6 of the Handbook, and must relate to goods and services provided to the school for its benefit. Individuals associated with the school were not entitled to use the school’s accounts to obtain goods and services for their private use. These conclusions as to what could properly be authorised appear to me to be both a logical and common sense application of the rules and certainly not wrong as a matter of law or construction. They were also supported by the witness evidence.

The Panel’s Approach to the Evidence

31. The appellant submits that the Panel put undue weight on the hearsay evidence from Individual F, given that she was not called to give evidence, and her evidence could not therefore be challenged in cross-examination.
32. The Panel acknowledged that hearsay evidence played a role in the case against the appellant, particularly due to the absence of the Deputy Headteacher, Individual F, as a witness. The Panel emphasised that it had treated hearsay evidence with caution. It recognised the inherent limitations of such evidence, given that it was not directly tested under oath. Consequently, it assessed the weight that could be attributed to each piece of hearsay evidence. The Panel sought to determine whether the hearsay evidence was corroborated by other evidence in the case and looked for supporting evidence in three areas:
 - a. **Oral Testimony from Witnesses:** Did any of the witnesses who testified in person provide information that supported the hearsay statements?
 - b. **Hearsay from Other Individuals:** Were there statements from other individuals, even if not directly involved in the case, that aligned with the existing hearsay?
 - c. **Contemporaneous Documentary Evidence:** Did documents created at the time of the alleged events, such as emails, invoices, or meeting minutes, provide consistency with the hearsay claims?
33. It is clear that the Panel applied a cautious and corroborative approach when considering hearsay evidence in relation to Individual F and examined whether any other evidence could substantiate hearsay statements concerning her actions or knowledge. The approach taken by the Panel to the hearsay evidence was a

conventional one. The Panel was entitled to take hearsay evidence into account and did not, in my view, give undue weight to it.

34. The appellant also argued that the TRA had failed to call other witnesses, who could have given relevant evidence. However, the TRA is not obliged to call every witness who might have something to say about the matters in issue. It is for the TRA to decide which witnesses to call. The Panel was entitled and bound to reach its decision on the evidence before it.

Dismissal of Some Allegations at the Close of the TRA's Case

35. At the conclusion of the TRA's case, the appellant's counsel applied for the allegations to be dismissed on the basis that the TRA had failed to establish a prima facie case.

36. The Panel considered this application carefully. The Panel took legal advice and reminded itself of the test to be applied as set out in paragraph 5.82(ii) of the *Disciplinary procedures for the teaching profession*:

“The Panel may discontinue the proceedings at any stage if it considers that in the particular circumstances it would be fair and appropriate to do so, either because: (i) a fair hearing is no longer possible; or (ii) it would offend the Panel's sense of justice and propriety to continue the proceedings.”

37. The Panel concluded that the TRA had established a prima facie case in relation to most of the allegations. However, it decided to dismiss the following allegations:

1. Schedule 1, Item 12: Amazon invoice for “D'addario PW- CT-17BK Eclipse Tuner (Black)” £9.99 - The Panel determined that there was no evidence upon which it could find that the appellant made unauthorised purchases using the Amazon account in respect of this item or that the evidence was so unsatisfactory that it could not find the allegation proved.
2. Schedule 3 Item 4 Cheque requisition and receipt for digital printing at Snappy Snaps £26.94. Schedule 3, Item 5: Cheque requisition and receipt for: 2x Astronauts handbook, 2x Minecraft books £21.98 - The Panel concluded that the absence of any cogent evidence meant that there was no realistic prospect of the allegation being proved, and for similar reasons the following;
3. Schedule 3, Item 8: Cheque requisition and receipt for 26x Shuttleworth Kids Gift Bags, postcards and sweet bags £119.11.
4. Schedule 3 Item 9 Cheque requisition and receipt £50.74.
5. Schedule 3 Item 10 Cheque requisition and receipt payment to Dynamic Earth Enterprises £40.25
6. Schedule 3 Item 12: Cheque requisition and invoice for Next: Memo Board £26.00 - The Panel noted that the item was delivered to the appellant's home address but decided this was not significant as it was purchased using the appellant's own account, hence the request for reimbursement. Additionally, the witnesses did not know about the item and it could not be located.

38. In addition to these specific items, the Panel also found that there was no case to answer in relation to allegation 2 (lack of integrity and dishonesty) relating to these specific items. The Panel made clear that it did not adopt a generalised approach to allegation 1, but had considered each item separately. The remainder of the allegations were allowed to proceed. The Panel's approach demonstrates in my view that it carried out a careful analysis in relation to the sufficiency and quality of the evidence. It gave a reasoned decision in relation to those items in respect of which the evidential threshold had not been cleared but declined to express any views in relation to those matters which it allowed to proceed. This was the proper approach since once the Panel had

concluded that there was a case to answer it would have been inappropriate for it to make any assessment of witnesses which might change in the light of subsequent defence evidence. The Panel's decision not to accede to the compendious submission that the proceedings should be dismissed in their entirety was well within the ambit of a rational application of the relevant test.

The Panel's Findings in Relation to the Remaining Allegations

39. At the end of the hearing and after considering all of the evidence, the Panel concluded that the TRA had proved a number of the remaining allegations although not all of them. The Panel's findings in relation to each allegation which was found to have been proved are as follows:

Allegation 1(a)(i): Unauthorised Purchases on the School's Amazon Account

40. The Panel found that the appellant had made the following unauthorised purchases using the school's Amazon account between November 2018 and May 2019:
- a. Four sets of 16 large clear plastic Martini cocktail glasses (ordered on 7 November 2018).
 - b. Two Traditional Garden Croquet Sets (ordered on 7 November 2018).
 - c. Thirty Champagne flutes (ordered on 7 November 2018).
 - d. Outdoor string lights described as "For indoor & outdoor décor, wedding light, backyard lig..." (ordered on 7 November 2018).
 - e. Giant 'Jenga' set (ordered on 8 November 2018).
 - f. A bike computer (ordered on 10 May 2019).
 - g. A Hornby locomotive and level crossing (ordered on 16 May 2019).
41. The Panel found that the appellant had purchased these items for her own benefit, and not for the benefit of the school. The appellant admitted that she had made orders using the school's Amazon account, but she denied ordering these items. Witness B gave evidence that the appellant had told her that she was buying the martini cocktail glasses for an event for headteachers at the school, but the Panel found that this was implausible, given the quantity of glasses purchased. An email exchange between the appellant and Witness B on 2 November 2018, a few days before the martini glasses and champagne flutes were ordered, showed the appellant stating that she intended to make an order on Amazon. In cross-examination the appellant accepted that there was no school use for martini glasses stating: "There was no need for, obviously martini glasses at the school".
42. In the email exchange on 2 November the appellant stated she wished to "order a few things for Remembrance service etc from Amazon" and mentioned using the "admin email and Autumn2018" as the password. Although she was not sure if she had the correct password, this demonstrated her awareness of the existence of the school's Amazon account and that she had used it before. Witness B responded giving the correct email address for the Amazon account, stating, "we have a business account but it still defaults to my Visa card, have a go!". The timing of the email exchange is crucial because it directly precedes the ordering of items that the appellant later denied purchasing. The Panel used this to support their conclusion that the appellant did in fact place those orders. Later in the email exchange, on 5 November, the appellant wrote to Witness B stating, "I am also just finalising the final Amazon order with everyone". Witness B confirmed that she could attach emails relating to orders to the pages in the "pink book" so that school orders could have been recorded within the ordering and approval system.

43. The appellant claimed that she and Witness E, the Assistant Headteacher, had observed the Amazon account being left open on the school computer, implying that others could have used the account to make purchases. However Witness E's evidence directly contradicted the appellant's case in this respect and Witness E's, unequivocal, evidence was preferred by the Panel.
44. The appellant contended that the Panel was incorrect to find that the croquet sets were only suitable for persons aged 14 and over. However, the Panel had a report from Witness C, who gave oral evidence, which stated that the sets were described as "for age '14 years and up' on Amazon". The Panel also had a picture of the croquet set. Given the fact that the school was a primary school, the Panel could and did reasonably conclude that the croquet sets were not age appropriate.
45. The hearing bundle contained an expenses form relating to the courtyard, which recorded that £600 had been donated for spending on the Courtyard and identified cheques paid in that sum. The Panel concluded that there was no link between the donation for the courtyard and the purchase of the croquet sets. The Panel rejected the appellant's argument that the croquet sets might have been bought by a teaching assistant (Individual G) and were said to be intended for use by the Friends (or PTA), citing the Handbook, which provided that "*individuals or other organisations associated with the school (e.g., PTAs) must not use official orders to obtain goods and services for their private use*". It was open to the Panel to conclude that even if the sets had been purchased for the PTA, this would not have been a legitimate use of school funds or the school's official order system.
46. As far as the Giant Jenga set was concerned the Panel again rejected the appellant's suggestion that Individual G may have ordered the Jenga set. The Panel had already found that only the appellant and Witness B had access to the Amazon account. The Panel was plainly not reversing the burden of proof but merely observed that there was no evidence to support, what was essentially, speculation on the appellant's part. The conclusion that the purchase of the Giant 'Jenga' set was unauthorised and not for the benefit of the school was rooted in the evidence.
47. The bike computer was ordered on the same order number as a guitar tuner that the appellant admitted to ordering. The Panel could properly conclude that the shared order number was evidence that the two items were purchased by the same person. The Panel accepted Witness B's evidence that her name appeared on the Amazon orders by default because she had set up the account and that it did not necessarily mean she had placed the orders.
48. The Panel accepted the evidence of Witness B and Witness D that certain items, such as the Jenga set, the Hornby train and plastic glasses, appeared at the school after the audit had commenced. That was significant because it suggested that these items had not been at the school when they were purchased and were therefore unlikely to have been bought for the benefit of the school. Witness B stated that, during the week commencing Monday 10 June 2019, after the auditors had visited, items started appearing in the school that had not been there before. Individual F's evidence, in interview, was to similar effect.
49. The Panel concluded that Witness B had no reason to provide anything other than a truthful account both during the investigation and in her oral testimony. This was clearly a significant factor in their assessment of her credibility. She remained firm in her evidence when questioned, whereas the Panel noted that the appellant changed her account on various issues. The Panel noted that there was a positive and constructive relationship between Witness B and the appellant, including the appellant supporting Witness B in her career progression. This made it less likely, in the Panel's view, that

Witness B would misrepresent events. The Panel noted that for the appellant's version of events to be true, it would require Witness B, Witness D, and Individual F to all be misrepresenting the situation. The Panel were unwilling to accept that Witness B was not providing an accurate account of events and preferred her evidence.

50. The Panel's conclusions in relation to these items therefore turn on its assessment of the evidence of witnesses speaking to the primary facts in dispute. Its findings that the appellant had made unauthorised purchases for her own benefit was the inevitable consequence of the Panel disbelieving her evidence and preferring the evidence of other witnesses. There can be no suggestion that having performed its fact-finding role the conclusions to which it then came were perverse. Further it is clear from the transcripts that the appellant's case as to why her evidence should have been accepted was fully argued in front of the Panel.

Allegation 1(a)(ii): Unauthorised Claim from the School's Bank Account

51. The Panel found that the appellant had made an unauthorised claim from the school's bank account for 120 paper airplane place cards in brown kraft paper (claimed on 28 November 2018).
52. The appellant stated that the paper airplanes were for a school science event. However, a text message from the appellant to a sign-maker called Individual H some months previously showed the appellant asking for "place cards (names on paper planes)" for her wedding. The order itself also described the items as "place cards". The Panel found that the appellant had claimed for these items for her own benefit, and not for the benefit of the school. The Panel considered but did not accept the appellant's claim that the paper airplanes were for science events, in the face of compelling evidence that they were for her wedding.

Allegation 1(b): Inappropriate and Unauthorised Expense Claims

53. The Panel found that the appellant had submitted inappropriate and unauthorised expense claims for the following:
- a. An invoice from Squarespace for a website (claimed on 19 December 2019).
 - b. Signage for an EYFS/Nursery Promotion, and invoice for "Mother Wild:- A2 Signage and Easel Hire" (claimed on 1 February 2019).
 - c. A receipt from the Royal Airforce Museum's caterers (claimed on 3 April 2019).
 - d. Food ordered from M&S (claimed on 3 April 2019).
 - e. Books including "Midnight Gang, Sticker Shoot Activity, Storm Keepers Island, Slime book the outdoor making lab, Bday JJ, Take a View, Congratulations, Incredible 2 official guide".
54. The invoice from Squarespace was issued in July 2018, when the appellant was not employed by the school. The website content contained the wording "nothingfancyjustlove.wedding". The Panel concluded that this website was consistent with use as the appellant's wedding website. The evidence showed that the appellant had contacted Mother Wild for a sign for the launch of "The Aviatrix Project", which was an initiative that the appellant had set up to raise the profile of women in aviation. The invoice from Mother Wild was for the correct amount for this sign. A photograph of the sign was posted on Mother Wild's social media pages. The receipt from the Royal Airforce Museum's caterers was dated on a Sunday, when there would have been no school event at the museum. The catering company in question operated the museum's restaurant.

55. The food order from M&S contained high cost items, including "Tiger Prawns, Salmon, Luxury Canape Selection etc" that were not appropriate for school use. There was an excessive amount of food for a school event, with 22 multi-packs of food purchased. The collection date of the M&S food order was on Good Friday, when schools were closed for the Easter weekend, and no school events were scheduled. The appellant suggested that the invoice had been tampered with and that the food was not a single large order of luxury items, but a collection of items purchased at various stores. She suggested that the invoice had been copy pasted onto a Word document and the date changed. The Panel was entitled to observe, as it did, that this was a serious allegation and that the appellant had taken no steps to produce evidence to substantiate it.
56. The books were purchased in July 2018, when the appellant was on maternity leave. The appellant argued that the Panel had reversed the burden of proof in relation to the purchase because the Panel noted she had not called evidence from the Assistant Headteacher and English lead (Witness E) to support her claim that she had discussed the books with her. In my view this mischaracterises the Panel's approach and findings. The Panel did not require the appellant to prove that she had discussed the book purchase with Witness E. Rather, it considered all of the evidence presented, including the lack of evidence supporting her version of events. The Panel was entitled to note the absence of supporting evidence when weighing the facts. The burden of proof remained on the TRA throughout. The Panel's conclusion was based on a consideration of all the evidence, and not on any inappropriate reversal of the burden of proof
57. The Panel concluded that the appellant had submitted these expense claims knowing that she was not entitled to do so. These were all reasoned findings that the Panel came to on the evidence before it; there is nothing to suggest that a reasonable Panel could not have reached such conclusions or that they were in any way perverse.

Allegation 2: Lack of Integrity and Dishonesty

58. In light of its findings in relation to Allegations 1(a) and 1(b), the Panel concluded that the appellant's conduct in making the purchases and expense claims lacked integrity and was dishonest. The Panel found that the appellant knew that the purchases and expenses were not for the benefit of the school. This conclusion was one that the Panel were bound to come to following its factual findings in relation to Allegation 1.

Allegation 3: Withholding Invoices from the Auditors

59. The Panel did not uphold Allegation 3. Allegation 3 was that the appellant did not provide one or more invoices to external auditors. The Panel noted that while it appeared to Witness B that the appellant had removed some invoices, this was not sufficient to prove that she had deliberately withheld documents. Additionally, the Panel noted that only 6 out of 30 invoices were alleged to have been removed. The Panel concluded that if the appellant had been attempting to mislead the auditors, it was more likely she would have removed many more. The appellant argued that Witness B had retained a folder of invoices that were not provided to SIAS and supplied these to Witness C as part of her disciplinary investigation. Witness C stated that she could not recall where the invoices she received had come from. She did not confirm that they came from a separate folder or that they were different from the ones provided to SIAS. In any event the TRA confirmed that it did not rely upon Witness C's evidence about invoices in relation to Allegation 3. Ultimately the Panel was not satisfied that the TRA had proven, on the balance of probabilities, that the appellant had failed to provide invoices to the auditors.

Allegation 4: Dishonesty in Withholding Invoices

60. As the Panel did not find Allegation 3 proved, it followed that Allegation 4 could also not be proved.

Analysis

61. The appellant's appeal is essentially an attack on the Panel's findings of fact. As summarised above the appellant argues that the Panel misinterpreted the evidence, or that the evidence was insufficient to support the Panel's findings. However, she does not identify any legal errors made by the Panel, nor any serious procedural irregularity in the conduct of the hearing.

62. In *Southall v General Medical Council* [2010] EWCA Civ 407 at [55], Leveson LJ said that he had no difficulty "in concluding that, in straightforward cases, setting out the facts to be proved ... and finding them proved or not proved will generally be sufficient both to demonstrate to the parties why they won or lost and to explain to any appellate Tribunal the facts found. In most cases, particularly those concerned with comparatively simple conflicts of factual evidence, it will be obvious whose evidence has been rejected and why". He added that even where a case could be described as exceptional a few sentences dealing with the salient issue was the essential requirement [56]. The panel more than met these requirements in this case.

63. I have carefully considered the evidence and the submissions made by both parties. I have reached the following conclusions:

- a. The Panel had sufficient evidence before it to reach the conclusions that it did.
- b. The Panel took a careful and item by item approach to the allegations which the TRA was required to prove to the applicable standard.
- c. The Panel was entitled to make the findings of fact which it did about the appellant's credibility and to prefer the evidence of other witnesses.
- d. The Panel was entitled to draw inferences from the evidence, and the inferences that it drew were reasonable in all the circumstances.
- e. The Panel did not reverse the burden of proof. The Panel was correct to find that the appellant had a duty to act honestly and with integrity, and that this duty included ensuring that all purchases made on behalf of the school were for the benefit of the school.
- f. The Panel's approach to the hearsay evidence was appropriate.
- g. The Panel gave adequate reasons for its decision.

64. In short, the appellant has not persuaded me that the Panel's decision was "wrong".

Conclusion

65. For the reasons set out above, the appellant's appeal is dismissed. The prohibition order imposed by the SSE remains in force subject to the appellant's entitlement in due course to seek a review.

END