

ADVERSE REPORT MRS JANE WATTS

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Report to Disciplinary & Dismissal Committee re- Mrs. Jane Watts

1.1 Introduction

- 1.1.1 Mrs Watts was suspended from duty (see Appendix 8) on the 27th September 2007 following an allegation that on the 26th September 2007 she smacked a pupil of the school. Since that time Mrs Watts has remained suspended. The matter, in accordance with child protection procedures, has been considered and investigated by social services and the police. The matter was subsequently referred back to the school. An internal investigation was then carried and this report prepared.

1.2 Investigation

- 1.2.1 As part of the investigation by the school a number of staff in the school were spoken to, in order to ascertain if they had any information relating the allegation. Appended are three statements from staff in the school who had information relevant to the investigation. In addition, the pupil's mother, Mrs T....., has also provided a statement. On the 13th December 2007 Mrs Watts attended a disciplinary investigation meeting at which she was accompanied by her representative and her partner, at which she provided the appended statement.

1.3 Background

- 1.3.1 Mrs Watts had been off school on long term absence, since March 7th 2007. I had instigated Occupational Health involvement in supporting Mrs Watts' return to work and had arranged an extended phased return commencing Monday 17th September, having arranged a return to work interview. I agreed to put in extra support, to enable Mrs Watts to settle in the first week without having to do any teaching. The purpose of this was for Mrs Watts to get to know the children and having time to liaise with Mrs Q....., who had been covering Mrs Watts' class on a supply basis from the start of the autumn term, regarding the term's work. Mrs Watts confirmed she was settling back into work well. The following week, Mrs Watts was timetabled to teach on Tuesday 25th, Wednesday 26th and Thursday 27th, with Mrs Q..... teaching the other two days.

1.4 Information

- 1.4.1 On Wednesday 26th September, E.... T....., a 5 year old pupil in Mrs Watts' Reception / Year 1 class, was reported by her mother to have been uncharacteristically quiet when she collected her from school. Once home, E.... told her mother that she had been smacked on the hand by Mrs Watts during the afternoon session. Mrs T....., E....'s mother, was shocked by this allegation, telling me later that you don't expect to hear that your child has been smacked by a teacher. (See appendix 1). She said to E...., "Don't be silly. She's not smacked you." Mrs T..... explained to E.... that it was important to tell the truth or it could get people into trouble. However, on further questioning E.... about it, (after her elder sister's birthday party guests had gone home) Mrs T..... was told the same details exactly by an adamant E..... E.... said she couldn't do the work and that Mrs Watts had shouted at her, grabbed the pencil from her and smacked her hand.
- 1.4.2 Mrs T..... decided to confront Mrs Watts about the matter the following morning. Mrs T..... said E.... had been reluctant to go to school on the Thursday morning and was crying as she arrived at school. Mrs T..... reports that she said to Mrs Watts, "E.... says you smacked her hand." Mrs T..... reported that Mrs Watts said, "I did not." E.... was crying. Both Mrs T..... and Mrs C..... described Mrs Watts attempting to pick E.... up but E.... clung to her mum's neck. E.... asked her mum not to leave her. Mrs T..... had to return home to feed the baby and left E.... with Mrs C..... (See appendices 1 &2).

- 1.4.3** Mrs H....., a Special Support Assistant for another pupil in the class, asked Mrs C..... why E.... was upset. Mrs C..... explained that E.... had said Mrs Watts had smacked her hand. Mrs C..... told Mrs H..... that in her experience E.... was not a child who told lies. Mrs H..... replied that she had witnessed the incident in question and could confirm that Mrs Watts had actually smacked E.... on the hand. (See appendix 3).
- 1.4.4** After relating this information to Miss H....., the school's nominated Child Protection teacher and SENCO, the matter was referred to me. I spoke with Miss H....., questioned Mrs H..... and then took advice from Child Protection officers and senior local authority personnel, before deciding to suspend Mrs Watts, with immediate effect. I made this decision in order for the matter to be investigated appropriately and due to the fact that physical assault potentially constitutes gross misconduct which could result in dismissal.
- 1.4.5** I explained to Mrs Watts that I was suspending her because there had been an allegation that she had smacked E.... T..... on the hand. Mrs Watts said she had been cross with E.... during the day but had not smacked her. Mrs Watts asked if I believed her. I explained that the suspension was made without prejudice and that it would continue whilst an investigation took place and that it was likely that there would be a strategy meeting called by social services.
- 1.4.6** Social services instigated a Section 47 Enquiry. E.... was questioned in school later on that same day (Thursday 27th September) by social services officers in the presence of Mrs T..... E.... told them that Mrs Watts had smacked her hand and showed which hand it was.
- 1.4.7** On 8th October, Mr and Mrs T..... decided to pursue criminal proceedings.
- 1.4.8** The outcome of the Section 47 enquiry was that the concerns were substantiated but that the child was not judged to be at continuing risk of significant harm as Mrs Watts was suspended from school, pending external and then internal investigations. School and parents were to monitor E....'s well-being.
- 1.4.9** Mrs T..... reported that E.... had starting wetting the bed on a nightly basis. She also reported that on days when Mrs Q....., (the teacher who had been covering for Mrs Watts during her phased return from the lengthy absence) was not visible in the playground first thing in the morning, E.... would get agitated, thinking Mrs Watts might be coming back. (See appendix 1).
- 1.4.10** Mrs Watts (Appendix 7 i+ii) claims to have been ignorant of the nature of the allegation. This is not true, as I told her that I was suspending her because there had been an allegation that she had smacked E.... T..... She had immediately told me that she had been cross with E.... but had not smacked her.
- 1.4.11** Mrs C..... recalls a lunchtime meeting of the foundation stage staff that same day in The White Bull public house, where Mrs Watts remarked that she was in trouble that morning for tapping E.... on the wrist. (See appendix 4) Mrs C..... also recalls Mrs Watts making reference to smacking E..... (See appendix 2). I spoke to Mrs F....., who prior to this year had been Mrs Watts' nursery nurse for many years. She was also in the pub but couldn't recall any conversation relating to the incident. After a couple of days, Mrs C..... received a phone call from Mrs Watts who changed her version of events saying that that it couldn't have happened as she'd described earlier because she would not have been able to reach over to E.... and that it must have been when she was running around. (See appendix 4)
- 1.4.12** Mrs H..... and Mrs C..... both clearly recall Mrs Watts as sitting on a stool at the table, not on a child's chair with her legs under the table, as claimed by Mrs Watts. (See appendix 6 & 7)

- 1.4.13** The Lancashire Child Protection Service advice to education professionals, regarding the welfare of children, is that information should be passed on to the designated Child Protection teacher within 24 hours. Mrs H..... did so within that recommended time. Having reflected on the afternoon's incident, once she got home and seeing the distraught state E.... was in the morning, Mrs H..... decided she needed to report the matter to Miss H..... Mrs H..... has confirmed in writing and to me verbally, that she definitely saw Mrs Watts smack E.... on the hand. She says it wasn't a tap on the table. She has stated categorically that she saw the smack and heard it, having an uninterrupted view of the incident. Mrs H..... says there are inaccuracies in the classroom plan produced by Mrs Watts including the fact that it seems to suggest there were children obscuring her view, when this was not the case.
- 1.4.14** The burden of proof which the Crown Prosecution Service (CPS) have to be satisfied with is 'beyond all reasonable doubt', and they have to make a decision whether it is in the public interest to pursue a criminal prosecution. The fact that the CPS have, in this instance, decided not to authorise criminal proceedings, does not necessarily mean that the police do not believe the incident took place or that there is no case to answer as suggested in Mrs Watts statement.
- 1.4.15** The burden of proof for the purpose of the Disciplinary and Dismissal Committee is 'on the balance of probability'. The questions to be asked are, firstly: why would Mrs H..... say she had seen E.... being smacked on the hand, if the smack had not actually occurred? Secondly; why would a 5 year old child tell her mother that she had been smacked on the hand if it were not true, particularly when it is known that E.... had reported the incident to her mother, when she got home and to social services the following day, in exactly the same manner as Mrs H..... described?

1.5 Conclusion

- 1.5.1** My first job as headteacher is to ensure the safety of children entrusted to my care. The local community must have confidence in the school to educate the children in a safe environment. Safeguarding is of the utmost importance.
- 1.5.2** Mrs Watts continues to deny smacking E.... T.....
- 1.5.3** I believe Mrs Watts is guilty of gross misconduct for smacking E.... T..... and my concern is compounded by her refusal to admit the offence.
- 1.5.4** Due to the severity of the matter I will therefore be referring the matter to the school's Disciplinary and Dismissal Committee.

A. W .K... Headteacher Primary School

Appendix 1

Statement by Mrs T.....

- A.1.1** When I picked E.... up from school on Wednesday 26th September, she was not her normal self. She was sulky and quiet. When she got home E.... burst into tears. She said Mrs Watts had smacked her hand. My reaction was shock, as you just don't expect to hear that a teacher has smacked your child. My first comment to E.... was, "don't be silly! She's not smacked you!"
- A.1.2** I was very busy because it was Jessica's birthday party. When all the children had gone, I talked to E.... again. E.... said again she had been smacked and told me what had happened again, describing it the same as before. E.... had been doing number work but couldn't do it. Mrs Watts shouted at her, grabbed her hand and smacked it.
- A.1.3** I decided to go into school the next day to talk to Mrs Watts. E.... was crying as I brought her into school. I said to Mrs Watts, " E.... says you smacked her hand." Mrs Watts had replied "I did not". As Mrs Watts went towards E.... to pick her up, E.... started to cry. I told Mrs C..... why E.... was upset. I left E.... with Mrs C..... because I had to go home to feed the baby.
- A.1.4** I spoke to Mr K... on the phone later on and told him what had happened. Later on that day Mr K... rang me to ask me come into school to be present when social services spoke to E...., which I did. E.... had told them her hand hurt when she had been smacked.
- A.1.5** For the next two weeks, E.... wet the bed each night. If Mrs Q..... is off and is not visible in the yard first thing in the morning, E.... gets very anxious. She is scared that Mrs Watts is coming back and will shout at her for getting her into trouble.

Appendix 2

Statement by Mrs E. C.....

- A.2.1** On the afternoon of Wednesday 26th September, I did not witness a smack but I did hear Mrs Watts shouting at E..... Mrs Watts was sitting at the table on a stool.
- A.2.2** Jessica T....., E.....'s elder sister, came into our classroom after breaktime on Wednesday afternoon, with her arm around E....., as she seemed upset. I told Jessica to go back to her own class and that I would look after E..... It was circle time. E..... was much quieter than she had previously been.
- A.2.3** The following morning E.... arrived later than normal, with her mother. The class were already doing Maths games. E.... was distressed. Mrs T..... explained that E.... had been crying the evening before and had said that Mrs Watts had smacked her. Mrs T..... said to E.... "if you're lying, you're going to get someone into serious trouble." E.... replied, "I'm not lying mummy! I'm not!" E.... was clinging to her mother's neck. Mrs Watts tried to pick E.... up. E.... said, "Don't leave me with her." Mrs T..... had her young baby with her and obviously was struggling with the situation. She was upset on leaving saying, "My daughter does not tell lies." I persuaded E.... to come with me to allow Mrs T..... to see to her baby.
- A.2.4** At lunchtime all the foundation team went to the White Bull for lunch. Mrs Watts said, "I've only been back at school two days and I've already had problems with Mrs T..... I had J..... before so what do you expect?" I can't remember her exact words but Mrs Watts admitted she had smacked E.....

Appendix 3

Thursday 27 September 2007

- A.3.1** On the afternoon of Wednesday 26 September 2007 at approximately 2pm, I was working with 2 children on the table directly opposite to the table J Watts was working with a group of children.
- A.3.2** A short while into the activity I heard J Watts shout, I looked up from what I was doing just as she was standing up, she reached over the desk to E....., smacked her hand and snatched the pencil that was in the same hand from her.
- A.3.3** The following day I was in class when E.... arrived with her Mum and E.... was clearly upset. E....'s Mum spoke to E C..... who then took them both over to speak with J Watts I did not hear the content of either conversation.
- A.3.4** When the children had gone to assembly I asked E C..... what had happened with E....., she said E.... had told her mum that Mrs Watts had smacked her and she didn't want to go to school.
- A.3.5** E....'s Mum had said that E.... should not tell lies as it may get people into trouble, but when E.... was still insistent she wanted to speak with Mrs Watts herself: E C..... said it was not like E.... to tell lies, I told her she wasn't as I had seen it happen.
- A.3.6** I told her exactly what I had seen and we agreed that I should speak with N H..... at break.
- A.3.7** E C..... had bumped into N H..... prior to break and briefly explained the situation and told her that I was coming to see her.
- A.3.8** I explained what I had seen to N H..... who advised A K... of the situation. I then told him exactly what had happened and what I had seen.

E..... H.....

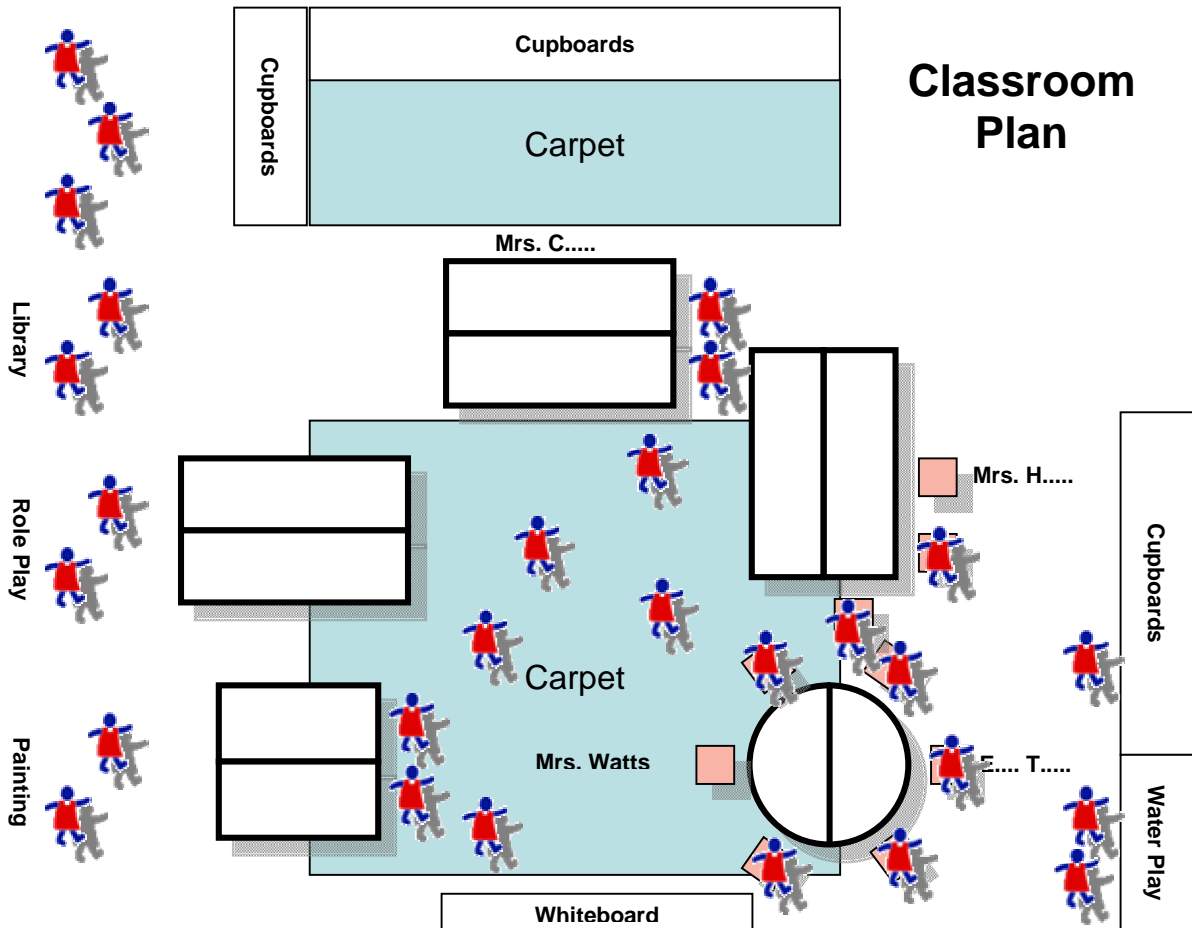
Appendix 4

Statement by Mrs A. C.....

- A.4.1** I was in the pub at lunchtime with Mrs Watts on Thursday 27 September. Mrs Watts said, "I'm in trouble this morning." I asked why. Mrs Watt's replied, "Because I tapped her on the wrist."
- A.4.2** On the following Sunday, I got a phonecall from Mrs Watts. She was distressed. Mrs Watts said she thought it couldn't be what she told me on Thursday, because she wouldn't have been able to reach over. She said it must have been when E.... was running around.

Appendix 5

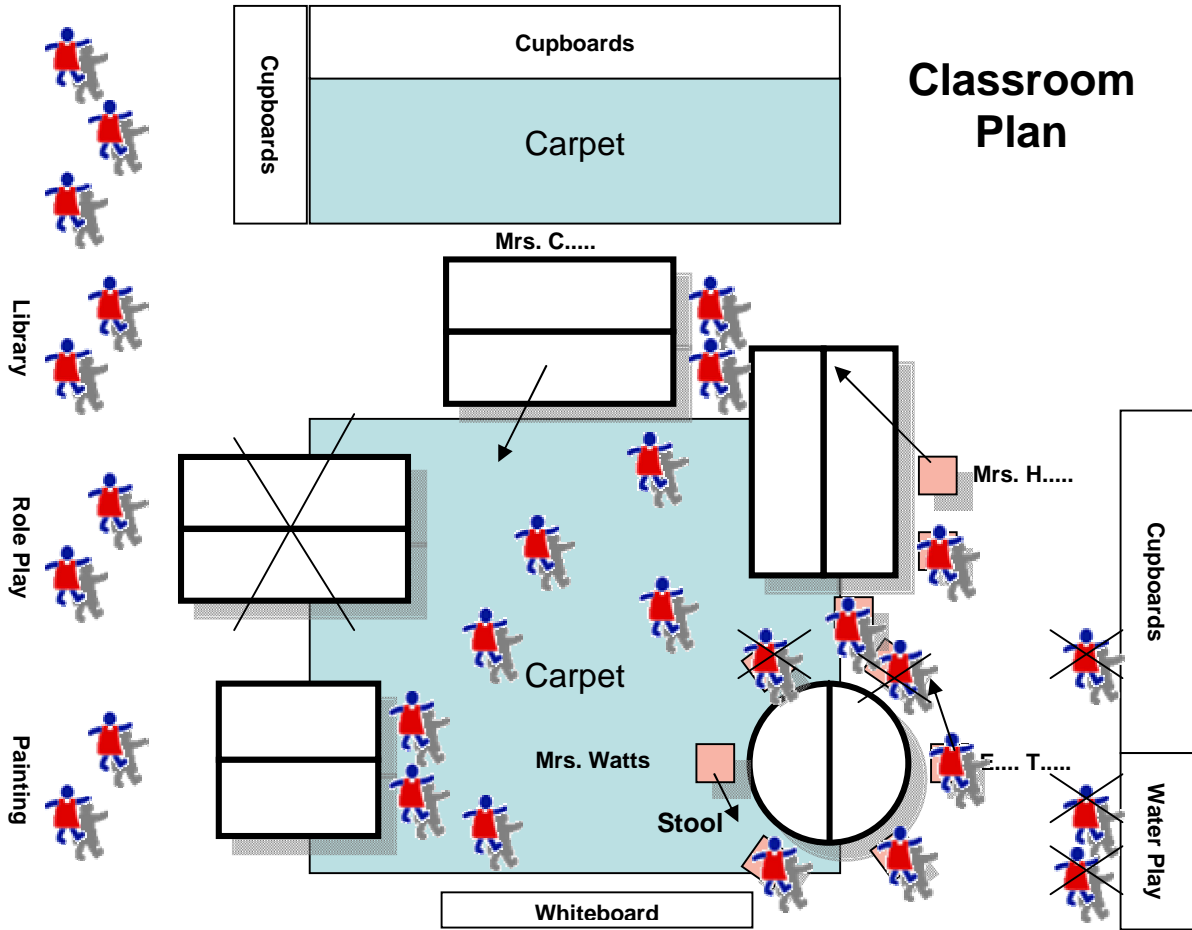
Classroom plan Mrs Watts



Classroom Plan

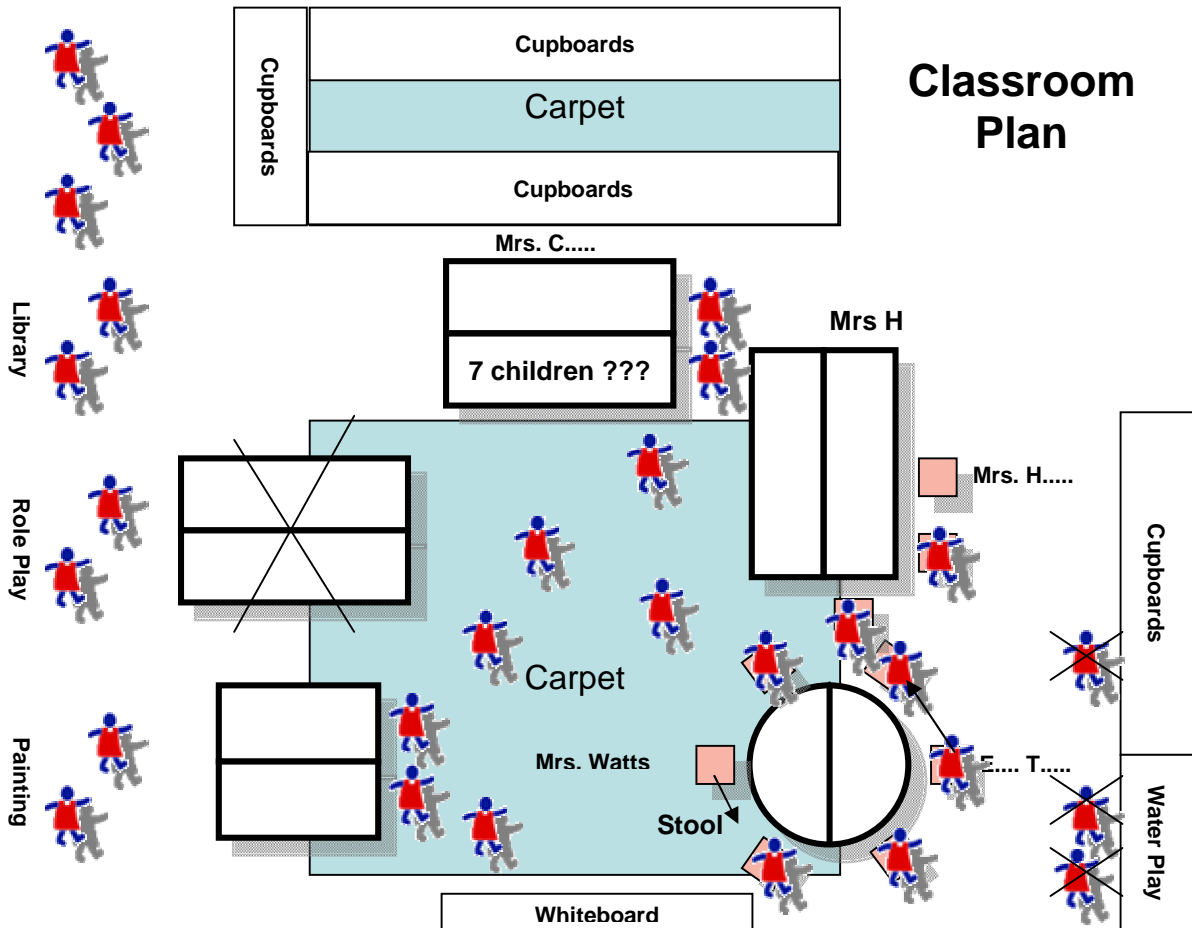
Appendix 6

Classroom plan - E H.....



Appendix 7

Classroom plan - E C.....



Appendix 8

..... Primary

Headteacher: Mr A.W.K... B.A.

xx xxx xxxxxxxxxxxx
xxxxxxx xxxxxxxx
Chorley
Lancs

28th September 2007

Dear Mrs Watts

PRIVATE & CONFIDENTIAL: SUSPENSION FROM WORK

- A.8.1** I am writing to confirm my decision to suspend you from work with effect from Thursday 27th September 2007 pending an investigation into an allegation that you smacked a child on the hand. This is potentially serious in nature and given the nature of the allegation it is not appropriate for you to remain in work at the present time. My decision to suspend you from work is a precautionary measure, initially for a Section 47 Child Protection investigation of the incident to take place. A strategy meeting involving social services, the police and the school, as part of this process, has been arranged for next week and you will receive further correspondence following that meeting.
- A.8.2** I realise that much of this will have come as a shock to you and I would like to point out that the decision to suspend you should not be taken as any indication that I believe you to be guilty of any misconduct. Having said this, I have enclosed, for your information, a copy of the School's Disciplinary Procedure which provides for suspension in circumstances such as this and which I would urge you to familiarise yourself with.
- A.8.3** I will keep the situation under regular review and if I consider it appropriate to lift the suspension I will notify you and arrange for your return to school.
- A.8.4** I confirm that during the period of suspension, you will receive full pay although you are instructed not to attend work during this time. It is also essential that during your suspension you do not attempt to visit the school or make contact with any staff or pupils without my prior permission. If there are any personal belongings which you need to recover, please feel free to ring me and we will make the necessary arrangements for their recovery and collection.
- A.8.5** At some point in the future it may be that the school has to carry out its own investigation and that as part of that investigation, you will be required to attend an interview. I will let you have details in advance including details of your right to be accompanied.
- A.8.6** If you have not already done so, I would urge you to seek the advice and support of your trade union or professional association.

This is an OCR version of the original report. Paragraph numeric formatting has been applied to facilitate cross-referencing. No other changes have been made. Names have been changed – to protect the innocent !

A.8.7 You may find it helpful in the present circumstances to contact the County Council's Employee Welfare and Counselling service. They can be reached on 01772 533331 and their service is free and entirely confidential.

A.8.8 If you need to discuss any issue with the school during the period of suspension or to seek clarification on your position, please do not hesitate to contact me on the above number.

Yours sincerely

A..... K...

Head teacher

Appendix 9

Statement by Mrs. Jane Watts

Incident : Alleged Child Assault	Injured Party : Miss E.... T.....
Address : Primary School Chorley Lancashire	Date of Incident : 26 September 2007
Location : Reception / Year 1 Classroom	Time of Incident : 14:00
	Those Present : Mrs. Jane Watts (Teacher) Mrs. E..... C..... (Nursery Nurse) Mrs. E..... H..... (Support Assistant)

This statement is my response to the allegation of assault on Miss E.... T..... on Wednesday, 26 September 2007.

This statement comprises two sections :

1. Notes of 27 September 2007

On the day of my suspension, I wrote down all of the events pertaining to the time period of the alleged assault and the morning of the 27 September 2007. At this time, I was ignorant of the nature of the allegation and I had to presume the injured party to be Miss E.... T....., based on the conversation that I had with her mother on the morning of Thursday, 27 September 2007. (*These notes were then lodged with my solicitor and have remained unaltered.*)

2. Additions – Police Arrest, Wednesday, 31 October 2007

At 10:00, Wednesday, 31 October 2007, I was officially cautioned, arrested and charged of criminal assault by detective constables at Leyland Police Station. I was unaware of any details of these charges other than my presumption that the injured party was Miss E.... T..... and that it had been her mother who had reported me to the head teacher. The only factual information that I had was based on the two newspaper articles published in the Lancashire Evening Post and the Chorley Guardian.

During my interrogation, I was shocked to discover the nature of the reported allegation and that it had been Mrs. E..... H....., support assistant, who had reported the alleged assault after allowing some 20 hours to elapse. I was made aware that the alleged incident took place during a group activity at a table.

Closing Comment :

1. The police have concluded that there is no case to answer following my interview at Leyland Police Station. They expressed comments relating to the validity of Mrs. H.....'s observations. In particular, they questioned the delay in Mrs. H..... reporting the alleged incident.

In conclusion, I did not assault E.... T.....

Name : _____

Signature : _____

Witness : _____

Signature : _____

Date : _____

1. Notes of 27 September 2007 – produced on the 27 September 2007

Wednesday 26thSeptember2007

Afternoon Session: 12.55 pm. - 2.15pm.

Teacher Mrs. Watts

Nursery Nurse Mrs. C.....

Special Needs Support Assistant Mrs. H.....

12.55 - 1pm Registration

1- 1.15

Phonics activity on the carpet -
Alphabet song sounds song.

Mrs C..... was making peg dolls with a group of children as part of History topic - Old toys.

2 Groups of children were engaged in independent activities.

Mrs H..... was working with her two children- Old Teddy Fact Sheet.

1.15- 2.15

Whilst leaving the carpet for her next activity E... was behaving in a silly manner making dancing movements and moving her arms around. She was in a small area between a circular table and water tray and cupboards. She was totally unaware of her surroundings and the movements of the other children.

As I walked past her I put my hand on one of hers and told her to stop it. She was immediately refocused. We looked at each other and went to our activities.

I was working with groups of children writing facts about an old teddy. E... was working with the second of the groups and was becoming increasingly fidgety and noisy not only distracting the child seated next to her but also taking very little care or notice of what she was writing or where she was writing it. After numerous attempts, and rubbings out and being given one to one help the task still remained uncompleted. As soon as I turned my attention to another child E... once again became fidgety and noisy. I then spoke sternly to once again remind E... of the task in hand. E... was not happy at having to finish her work but did not appear distressed.

2.15pm. - 2.30pm Afternoon break.

Mrs. C..... was one of the staff on duty and did not report any incidents with E... or any signs of distress.

2.30pm. As the classroom had been left in a mess before afternoon break the children took a few minutes to rectify this.

P.H.S.E.

Following on from Tuesday's Assembly the children were asked to think about what they were good at and tell Ben their circle time "Friend". E... enjoyed this activity and joined in enthusiastically. She told Ben that she is good at swimming.

To complete this activity the children drew and coloured in a picture.

I then gathered all the children together to sing songs and say their goodbyes making up a song to encourage them to creep and collect their belongings. At no time during this session did E.... show any signs of distress in fact she joined in enthusiastically and with enjoyment.

After Mrs C.....'s class had left the building I led the children outside to meet and greet their parents' I remained in the playground talking to parents and was not approached by E....'s mother. I then returned to the classroom for a further 15 minutes before attending the weekly Staff Meeting. I left the premises at 5pm with Mrs C.....

Thursday 27th September 2007

8.55am. I collected the children from the playground at the start of the school day.

Discussions with 2 parents

1. After school club arrangements.
2. Reading books.

9.05am.

E.... arrived late with mother who was carrying a small child. Mrs T..... appeared happy and relaxed and stood in the midst of the children for a chat.

She said that E.... hadn't wanted to come to school this morning as she had said that Mrs. Watts had smacked and shouted at her. E.... was standing quietly by her mother during the conversation.

I replied that she had been silly and I had told her off but I had not smacked her.

The conversation was repeated a few times still using the word smacked after which I repeatedly said "I did not smack her".

Mother told E.... that if she didn't listen then she would get told off by Mrs Watts and that she had to listen and be good.

E.... was extremely distressed by this point and wanted to give her mum and baby lots of hugs and kisses and was not willing to be left until she was content.

Mrs T..... still appeared relaxed.

E.... found her friends and sat arm in arm with them whilst the register was taken.

E.... had an enjoyable morning producing some lovely writing and beautiful behaviour.

2. Additions – Police Arrest, Wednesday, 31 October 2007

The police told me that Mrs. H..... heard me shout at Miss E.... T..... whilst I was sitting at one of my classroom circular tables at 14:00, Wednesday, 26 September 2007. The police also told me that Mrs. H..... supported her statement by saying that she heard a 'flesh-on-flesh' sound at the time.

I was unable to recall a clear memory of the time and events of the alleged incident. I do recollect sitting at the table and that E.... was seated directly opposite me. There were other children seated around the table at the time maybe another four or five. I can remember Mrs. H..... sitting with her children.

As I have already stated in Section 1, E.... had been distracted that afternoon and had not been paying attention. The task that she had was relatively easy and in order to regain her attention, I tapped the table in front of her. There were pencils, papers, books, etc. on the table. E.... was not upset at the time and finished her work.

The table is made from two semi-circular tables and is approximately 1.2 metres in diameter and 60 cm high. At the time, I was sitting on a child's chair with my legs under the table. In order to rub out her writing, I stretched and pulled the book towards me using a pencil or ruler to give me the extra reach. At no time did I stand up, as my legs remained under the table and my chair in place. The fact is that I did not smack E.... T.....

