

Headteacher dismissed for relationship with sex offender

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A headteacher's decision not to inform her school of her non-romantic relationship with a convicted sex offender was a fair basis for dismissal.

A was appointed as a headteacher of a primary school in 2009 having 23 years' unblemished service in teaching. She had a long-standing relationship with a man, IS, which, whilst not romantic, was more than simply financial – they holidayed together and jointly owned a house in which IS lived and A occasionally stayed. In 2010, IS was convicted of making indecent images of children and was restricted from contact with children.

A sought advice from various sources, including police and governors at another school, regarding whether she should disclose her relationship with IS. She understood from those she spoke to that it would not be necessary.

The school later learned of A's relationship with IS and of his conviction. It suspended A and, after investigating, dismissed her for gross misconduct on the basis that the failure to disclose conflicted with her safeguarding duties and had put children at risk. The school also relied on A's refusal to accept that she was in error in not disclosing her relationship. A's appeal against the decision was dismissed.

The Court of Appeal held that the school's decision to dismiss A was within the range of reasonable responses to the situation. Given that A was a headteacher with safeguarding responsibilities, she should have realised that she had a duty to inform the school of her association with IS. The fact that A failed to report it, and then failed to acknowledge her error, made her dismissal reasonable. The Court of Appeal noted that the school did not point to exactly what risks were posed to the children by A's association with IS, but held that this was not necessary because it was easy to imagine the potential issues.

The judgment made clear that dismissal due to an association with someone like IS would not inevitably lead to dismissal in every case. The key here seemed to be A's reaction to the situation. However, it is not clear from this case in which

circumstances teachers would be justified in not disclosing this kind of information.

A v B and another [2016] EWCA Civ 766

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