

Women and Equalities Committee

Oral evidence: The use of non-disclosure agreements in discrimination cases, HC 1720

Wednesday 13 March 2019

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Watch the meeting

Members present: Mrs Maria Miller (Chair); Tonia Antoniazzi; Sarah Champion; Angela Crawley; Vicky Ford; Eddie Hughes; Jess Phillips.

Questions 410 - 483

Witness

I: Witness A, former teacher.

Written evidence from witnesses:

- [Witness A \(NDA0014\)](#)
- [Witness A \(NDA0090\)](#)

Examination of witness

Witness: A, former teacher.

Q410 **Chair:** Can we first apologise for the fact that the Victorians did not have any foresight in building facilities that were a little less intimidating than these? We have meetings in these rooms and we say they are just not really where we would like to be. Apologies for that.

Witness A: That is okay.

Chair: Thank you so much for coming in. We are really grateful. We are all Members of Parliament, except for this lady here, who is a Clerk, an employee of the House of Commons. We will go around the table and just say who we are and which bit of the country we represent. The wonderful thing about this place is that we all represent a different bit. Then we have just a series of questions. If at any time you want to stop or you think it is a stupid question, just tell us. We will try to keep it good. Also, one or two colleagues have to go off because at 11.30 the House starts to sit. Eddie has got to dash off, so do not take it personally. Sarah, do you want to start?

Sarah Champion: My name is Sarah Champion. I am a Labour MP for Rotherham in South Yorkshire.

Angela Crawley: Hello. I am Angela Crawley. I am an SNP MP for Lanark and Hamilton East.

Jess Phillips: I am Jess Phillips and I am an MP in Birmingham.

Chair: I am Maria Miller and I chair the Committee. I am from Basingstoke in Hampshire. Sorry, Luanne is also a Clerk. These two ladies are Clerks.

Eddie Hughes: I am Eddie Hughes. I am an MP in Walsall.

Tonia Antoniazzi: I am Tonia Antoniazzi, MP for Gower.

Chair: Brilliant and Jess is going to kick us off with some questions and we will see where we go from there.

Q411 **Jess Phillips:** Thanks very much for coming in. I just really want to know what made you want to give evidence to the Committee about non-disclosure agreements.

Witness A: It is because I feel that what happened to me was very unfair.

Q412 **Jess Phillips:** Do you want to give us just a little bit of background about what happened to you?

Witness A: Yes. Sorry, I have some notes in front of me.



Jess Phillips: That is absolutely fine and we have looked over some of it, but it is just for you to set the scene a little bit.

Witness A: I was promoted internally to a middle management position above two other candidates. I was interviewed and given the job. Then it became apparent quite quickly that there were a lot of issues. There was a culture of bullying. There were severe shortages of staff. There were constant complaints from parents and constant complaints from students. This was as soon as I had taken the job on, before I had had an opportunity to do anything at all. During my line management meetings, I would raise the issues to try to get them to understand and to hopefully support me in terms of putting strategies in place.

I started to become concerned because I kept being told that I was accountable for the results that year. I felt that it was beyond my control to deliver what they wanted with what I had. I telephoned the union and was told that in order to not be held accountable I would need to put into writing what was happening. Although I had spoken verbally about it on lots and lots of occasions, I did put it into writing. Basically, I was escorted from the premises straight away, told I could not come back until I had union representation and when I did go back for a meeting about a week later I was told that I could either go back to my previous position or leave. I wanted to leave at that point. I absolutely wanted to leave. I wanted to hand in my resignation, but I was not given the opportunity to do that. I was sent away and told that I needed to sign a non-disclosure agreement.

Q413 **Eddie Hughes:** Sorry, you were told that by whom?

Witness A: I had a union representative with me and the meeting was with the head teacher and the HR manager. The head teacher had given me the choice between going back to my previous position—

Q414 **Eddie Hughes:** With regard to the NDA, who was making that suggestion? Was that the union or the head teacher?

Witness A: The head teacher.

Q415 **Jess Phillips:** Did your union rep encourage you to sign that?

Witness A: Yes, they did, absolutely.¹

Q416 **Jess Phillips:** At the time, is that what you were expecting? You put in a grievance, essentially. You put a grievance in writing, whether formally or not you call it that, and immediately this action is taken.

Witness A: Yes.

Jess Phillips: That is phenomenal, I have to say. There must be a

¹ Witness provided additional information later: I have remembered that the union representative himself did not say much and did not advise me one way or the other, but the union representatives on the phone insisted that I should do this to ensure my reference



HOUSE OF COMMONS

grievance procedure.

Witness A: It happened so suddenly, which is why I have had so many problems coming to terms with it. There was just nothing in between at all.

Q417 **Tonia Antoniazzi:** I have been a teacher for 20 years before coming into this place and I completely resonate with what you have said. Just to put it into context, when you took the promotion, was it a head of department as in a subject or was it a head of year so that you would have responsibility for the results of the whole year group?

Witness A: It was a subject.

Q418 **Tonia Antoniazzi:** It was a subject. Was it a core subject?

Witness A: Yes.

Q419 **Tonia Antoniazzi:** It is just because of the enormity of that role. If it were geography it would not be as big as English, Maths or Science. That is the enormity of it. Was the HR manager an HR manager for the school or for the local authority?

Witness A: For the school.

Q420 **Tonia Antoniazzi:** They have a certain role to play as well on recommendations. I was just wondering is there parity within other schools locally or would they have their own policy?

Witness A: There was a senior leadership team of three and the HR manager was one of those three.

Q421 **Tonia Antoniazzi:** Was it an actual teaching member of staff then?

Witness A: No, she was not a teaching member of staff.

Q422 **Tonia Antoniazzi:** She was an admin post, but was part of the senior leadership team.

Witness A: Yes.

Q423 **Jess Phillips:** When they asked you to sign the non-disclosure agreement, did they give you a timeframe to sign it?

Witness A: I was sent an email with my agreed reference, which was two lines just saying that I had worked there and that I had reached a satisfactory standard. Then I did not reply to that because it for some reason went to my junk mail.

Jess Phillips: Because it was junk.

Witness A: I was then threatened with the fact that it would be retracted, that the offer of the NDA could be removed if I did not reply.

Q424 **Sarah Champion:** Was it a local authority school or an academy?



Witness A: I think it had academy status.

Q425 **Jess Phillips:** When they offered you the NDA, the settlement agreement, let us say, with a non-disclosure clause, did they say, "You have X number of weeks to go away think about this"? You had already been escorted off the premises, so you were already obviously not in school. Was there no timeframe given to you like, "This is what we are going to offer you. Come in and speak to us in a week".

Witness A: No, I felt under pressure.

Q426 **Jess Phillips:** You go into a meeting and they say, "This is the option".

Witness A: Yes, but it was a meeting in which I was expecting and I was told that we were going to discuss my return to work, so I went in expecting to discuss my return to work. Instead, I was offered the choice of going back to my previous role or taking the settlement agreement, neither of which I wanted to do. I wanted to resign. I just wanted to resign under normal circumstances.

Q427 **Eddie Hughes:** The question I was going to ask was do you think the legal advice you received before you signed the settlement was adequate, but what did the legal advice look like?

Witness A: There was not any. I assumed that the union was my legal advice. I kept repeatedly being told by the union that I needed to sign the NDA in order to secure my reference. Because they had sent me this two-line reference that did not in any way reflect what I had done, I felt that I could not walk away without a reference.

Eddie Hughes: Even though the reference that you ended up with was completely inadequate and inappropriate.

Witness A: No, because the union then said to me to write down what I would want in the reference. What I did was I got together all of the evidence I had. Because I had that evidence, I put it into a reference and the union got the school to sign that that was my agreed reference. Actually, I do have a very good reference from there, but I had to take the NDA in order to secure it.

Q428 **Eddie Hughes:** With regard to what was in the NDA, did you have any involvement in negotiating it?

Witness A: I had no idea that there could be negotiation involved.

Q429 **Eddie Hughes:** With regard to the confidentiality clause, were you advised about the content of that or the impact of them?

Witness A: No. I had a solicitor telephone me prior to signing it and the contract that I have a copy of was read to me.

Chair: Who arranged that?

Q430 **Eddie Hughes:** I was just about to say that. Who provided the solicitor?



HOUSE OF COMMONS

Where did their details come from?

Witness A: I certainly did not organise it independently. I think it was organised by the union.

Q431 **Jess Phillips:** Which union was it, if you do not mind me asking? If you do mind me asking, do not tell me.

Chair: It is okay. We will just redact it.

Jess Phillips: We will redact any—

Witness A: It was [name of union].

Q432 **Eddie Hughes:** With regards to the limits of the confidentiality clause and the idea that it could prevent whistleblowing, would that have been discussed with you? Would this solicitor have mentioned that?

Witness A: At the time, I did not know what whistleblowing was. Honestly, that is something that has come onto my radar since then. In raising the grievance, and I did not actually even know I was raising a grievance at the time, I just wanted to make it clear to the senior leadership team what I was up against. I had no intention of taking that elsewhere.

Q433 **Tonia Antoniazzi:** Were your line manager meetings regular?

Witness A: Yes.

Q434 **Tonia Antoniazzi:** Were they robust?

Witness A: Can I say things that will be redacted?

Chair: Yes.

Tonia Antoniazzi: Yes.

Witness A: [Redacted].

Q435 **Tonia Antoniazzi:** Was your line manager a member of the senior leadership team?

Witness A: She was.

Q436 **Chair:** I know most people have not heard of whistleblowing, but if you had heard of whistleblowing you would have understood that, to be a whistleblower, you have to be acting in the public interest. This is what the law says. It is speaking out in the public interest. I am just interested, from you as somebody who is a teacher, do you think you would have thought that you would be acting in the public interest by speaking out?

Witness A: I did.

Q437 **Chair:** Would you think that was something not relevant to you?



HOUSE OF COMMONS

Witness A: No, I felt that I was acting in the interests of the students by raising it, which is why I did it. I was getting a constant stream of students complaining to me asking for me to do something.

Q438 **Sarah Champion:** What was the issue? What were they complaining about?

Witness A: They were not having teaching. There were not enough teachers.

Q439 **Chair:** If you would have known that whistleblowing was about the public interest and was an option, then because of the nature of your job you would have thought you could have spoken out in that way. Because of the nature of your job, it probably would have resonated with you.

Witness A: Yes.

Q440 **Tonia Antoniazzi:** Sorry, I am butting in again, but I want to get a feel of the size of your department. You were leading a department of how many?

Witness A: About [number].

Q441 **Tonia Antoniazzi:** What percentage or how many of the [number] were you having problems with staffing? If you were having staffing issues, was it because there were three people off? Were they on long-term sick? Were they on short-term sick?

Witness A: Can I choose afterwards what gets redacted and covered?

Chair: Yes.

Jess Phillips: It will be shared with you.

Angela Crawley: Just to reassure you, anything that you say in the next 45 minutes is completely confidential. You can say anything you want and then at the end you will get the report and you can redact anything you are not comfortable with. Please feel free to speak freely.

Chair: We have just approved that.

Q442 **Tonia Antoniazzi:** Honestly, two years ago I was not living with what you are living, but I know people who have gone through similar situations. I want it to come across to everybody so others who have not been teachers can get a feeling of the enormity of it and the pressure that is on you as a head of department to get those results. Sorry if I am being inappropriate, but I know how that feels when you live for the kids, day in and day out, and you work all the hours that you can.

Witness A: Sorry, what was your question?

Tonia Antoniazzi: I do go on a bit. You had [number] members in your department. You were leading that size. When you talked about staff shortages and there not being teachers there, what was the size of the



HOUSE OF COMMONS

problem that you had to deal with that the senior leadership team were not getting a grasp of?

Witness A: [Details of staffing circumstances in department].

Tonia Antoniazzi: The stress of that must have been unbelievable.

Witness A: Yes.

Q443 **Eddie Hughes:** That leads onto the next point. You said at the time you signed the NDA you were not in a fit state to make a rational decision. What could have been done differently to have helped you at that time?

Witness A: For it not to have happened so quickly, because the problem that I had was that I had been raising it, raising it and raising it whilst working ridiculous hours. I was absolutely beyond exhausted, because I kept saying, "This is not sustainable. I can't do it", whilst instead of letting it go I kept the balls in the air for quite a long period of time. Then when I did eventually put it into writing and then that happened, I was just not able to process what was happening because I did not think that could happen. I just did not think that could happen.

Q444 **Eddie Hughes:** In terms of who should have offered that support, the union should have been because they would have experience of dealing with this in multiple cases, whereas this would be unique to you. They could have offered more support.

Witness A: Yes, they were quite unsympathetic, I would say. It was treated as a foregone conclusion. Rather than saying, "You have these options. This is what you could do", they basically said to me, [redacted]. That was said on more than one occasion. Then they just kept saying I needed to do it in order to secure my reference.

Q445 **Eddie Hughes:** What did you think would happen if you breached the NDA? Did you get any legal advice on that?

Witness A: I was absolutely terrified. I still do not know what I can say and what I cannot say.

Q446 **Eddie Hughes:** What are you scared of? What do you think the implications would be if you did?

Witness A: I do not honestly know what they would be. I really do not know what they would be, but my problem was that because it had happened so quickly and it was something that I did not think could happen, my brain ran away with me in terms of, "If that can happen, anything can happen". That is where I have been stuck ever since.

Q447 **Chair:** Presumably your concern will be around your reference and any financial compensation you had.

Witness A: Yes.

Q448 **Chair:** Would that be that both of those could be withdrawn or revoked?



HOUSE OF COMMONS

Was that it?

Witness A: I thought it would be worse than that, actually, that I would be taken to court.

Q449 **Chair:** For what reason?

Witness A: For breaking a legal contract.

Q450 **Chair:** Did you get any advice on that?

Witness A: No. I have since read back through the contract and I still do not really know. The wording is such that I do not really understand what I can and cannot say. What I did not at the time consider asking was what I would say at interview when I was asked the question, "Why have you left your job?" I did not consider asking those questions.

Q451 **Jess Phillips:** Before you signed it, did they ask you if you had taken legal advice?

Witness A: Yes.

Q452 **Jess Phillips:** Did they check that you understood what was going on?

Witness A: By reading the contract, yes. Yes, I signed the contract, which looking back on it now I can see says that I have signed to say I had legal advice, but I do not remember—

Q453 **Jess Phillips:** But nobody actually verbalised that to you and made it clear to you. The organisation requesting that you sign it did not say, "We are just going to make sure you fully understand that nobody should be entering into this without having had proper legal advice".

Witness A: Do you mean the school?

Jess Phillips: Yes.

Witness A: No.

Jess Phillips: The relations were so broken.

Witness A: It was not that. There was no contact between me and the school other than at that one meeting, where I was expecting to be returning to work.

Q454 **Jess Phillips:** It was then all just done via email and phone. Essentially, you were left completely on your own.

Witness A: Completely, yes.

Q455 **Angela Crawley:** I appreciate this is quite stressful. It is probably quite an exceptional circumstance anyway, but can I ask you a bit about the particulars of how you feel the NDA affected you? Do you feel that it still affects you now? Do you still feel the repercussions of breaching that agreement?



HOUSE OF COMMONS

Witness A: Yes, I do. The way that it affected me was horrendous. At risk of sounding too dramatic, it was absolutely life-changing, because I felt that my career that I had worked so hard for was just pulled away from me overnight. I was not able to talk about it, so I did not. I did not. I just walked straight back into another job and carried on as normal. Then a year later I took on another permanent job and got to performance management, where in teaching you need to have data in order to pass through. I did not have it and I could not explain why I did not have it. I did at that point just feel absolutely desperate. I just left and I have not taught since.

Q456 **Angela Crawley:** You have left the teaching profession entirely.

Witness A: I have. I teach privately because I still really enjoy it, but I do not teach in schools and I have not done since the day that I realised I could not get through my performance management.

Q457 **Chair:** Sorry, can you decode that for those of us who are not teachers? What do you mean by performance management?

Witness A: Every year you go through a performance management process where you talk about your achievements from the previous year. It is all recorded. A lot of that is based on the exam data of your students which obviously I did not have. On my CV it says that I went from being head of department to being a supply teacher. I cannot explain that away, because I cannot explain why it happened.

Vicky Ford: That is incredible.

Q458 **Angela Crawley:** In retrospect, if you were to give advice to another person on an NDA, would you advise them not to sign or not to take part in that process?

Witness A: It comes down to the reference. It was never about the money. It was never about the money. I did not want to sign that NDA. I did not want the settlement agreement. I wanted to resign from my job, knowing that I had the reference I deserved. That was not given as an option.

Q459 **Angela Crawley:** Do you think that NDAs should be banned in cases of discrimination? Do you have a view on that?

Witness A: In education, there is no place for them at all because there needs to be transparency for the safeguarding of students and staff. If NDAs historically were to protect business interests, that does not apply in education. It is just the fact that I never had an opportunity to talk to anybody else other than that one head teacher who made that decision. He was not accountable for it at all.

Q460 **Tonia Antoniazzi:** I just wanted to bring up the whole thing about performance management. Were you in a supply post when you were doing your performance management?



HOUSE OF COMMONS

Witness A: No, I was not. I took a supply post instantly afterwards and then went into another permanent position.

- Q461 **Tonia Antoniazzi:** It is always difficult when you are moving because you have to look at your different targets and you have to specify and measure. For everybody to know, if you have moved into a new role and there has been a gap of supply teaching, there may have been a situation with the new line manager that they could have been more supportive about it without actually knowing the background. Did you find yourself in a situation where they were not taking you through that performance management more supportively?

Witness A: No, I did not give them the opportunity. I panicked. I just panicked because I did not know what to do.

- Q462 **Tonia Antoniazzi:** Was there any advice or mental health support or support from the union that you could get to get yourself through that process?

Witness A: Absolutely not, no. I have since written to them explaining what I had been through in the hope that they could readjust that for other people. They were very dismissive.

- Q463 **Tonia Antoniazzi:** Did you not find any like-minded colleagues to discuss it with, from your previous school or other teachers?

Witness A: I did not ever get to speak to anybody from my previous school again. Apparently, they were forbidden to contact me, so I was never contacted by anybody from the school ever again.

- Q464 **Tonia Antoniazzi:** How many years had you been at the school?

Witness A: [time period]

- Q465 **Angela Crawley:** I appreciate this is difficult and obviously you have particular circumstances where you signed the NDA, I presume on the basis that they would provide you with some form of reference. We have heard from individuals who felt they had no choice but to sign the NDA or they risked either walking away with no money and potentially no reference, or going to tribunal. I do not know what question I am trying to ask here. Do you think that the use of NDAs in your instance and many others has been misused? What would you recommend?

Witness A: In my case, it was 100% misused. It was absolutely unnecessary for me to sign an NDA, in that all I wanted was to resign. I would not have gone into another job and badmouthed the employer because of what that would have made me look like. I am a professional. I would not have done it. I do not see the need. I just do not see the need for an NDA in education.

- Q466 **Angela Crawley:** Just to play devil's advocate, what if someone said that the employer was less likely to settle, offer that reference or negotiate? What would you say to that response?



HOUSE OF COMMONS

Witness A: I would say that there needs to be a way in which—the reference needs to be provided. If somebody has done good work over a period of time, there has to be a way for them to get the reference. It is not fair for the victim to have to sign an NDA in order to get it, because essentially I have not been able to move on with my career because of it, yet the head teacher was able to do that without anybody overseeing that.

Q467 **Tonia Antoniazzi:** I might go off-piste a little bit. If you were in an academy, and I do not have a great knowledge of the academy system in England because obviously I have taught most of my career in Wales, where is the accountability for the HR? If it is not a local authority school then the accountability lies, if I am correct, completely with the head teacher.

Witness A: Yes.

Chair: I believe it is in a local authority school as well, having had cases in my constituency.

Q468 **Tonia Antoniazzi:** Sometimes if you have somebody from HR coming in from the local authority, they may be biased, but they have a better overview of what is going on and how NDAs are used. It is a fact that the senior leadership team do not like being criticised. By you putting it in writing as a criticism to them, which you were well within your rights to do, that is not something that they could cope with normally. They do not like that, do they? Was there a policy or an HR policy in the school that you were made aware of through this process?

Witness A: No. I do not think there was anything there.

Q469 **Tonia Antoniazzi:** Was there no history of NDAs being used in the school previously that you were aware of?

Witness A: Not that I was aware of, no. It was a new head.

Q470 **Tonia Antoniazzi:** How long had he been in post?

Witness A: [Time period] but he had previously worked at the school as a part of the senior leadership team.

Q471 **Tonia Antoniazzi:** He had left and come back.

Witness A: He had been promoted.

Q472 **Tonia Antoniazzi:** Right, okay. Sorry, I will go back to my question. If you were going to say three things, what are your main concerns about the use of NDAs in schools?

Witness A: I wrote them down. If there are issues in terms of safeguarding, wellbeing of staff and pupils, people need to be able to speak out about that. That is really important. As well, there needs to be transparency in terms of everything. Even if it is a competency issue, it is important that is not covered over.



Q473 **Tonia Antoniazzi:** Was it a role of the governing body at any point?

Witness A: The problem I had is that I was told by the HR manager that the chair of governors wanted to speak to me about issues that I had raised verbally. In the letter, I had written that I would be happy to speak to the chair of governors. The day that I was escorted off the premises, I was just coming into work and I was taken into a room by the head teacher, alone, who was very abusive and told me that the chair of governors was in agreement with everything he said.

Tonia Antoniazzi: But there is no evidence of that.

Witness A: There is no evidence and I never spoke to her. I never had a chance to speak to anybody other than him and the HR manager.

Q474 **Tonia Antoniazzi:** It would be interesting to see if there were any minutes to any meetings that they had to discuss their HR issues with the governors. Sorry, I digress. You suggested NDAs make it too easy to get rid of teachers. How do you respond to the suggestion that they are largely used to speed up the dismissal of poorly performing teachers, to ensure that pupils' education does not suffer for a long time?

Witness A: I completely disagree, because what you then have is a situation where that teacher goes off, goes to another school and the cycle continues. Whether the students are in your school, another school or any school, they have a right to a good education. By covering it up, it is just creating more of a problem.

Q475 **Tonia Antoniazzi:** Was there any system in the school for the pupil voice to be heard and the staff voice to be heard? You mentioned earlier on about the pupils coming to you complaining and saying they were not happy. Was there a way of that being fed back that would not necessarily be via you? Were there other routes for them to express, whether it would be student council or surveys regularly about, "Are you happy in the school?"

Witness A: [Redacted]

Q476 **Vicky Ford:** I am sorry, I came in a bit late. What I would like to know is, if you could have had an agreed reference and had an agreed communication with the head of governors, whether or not there are certain things that we should be suggesting you should have the right to and then the NDA would be okay. Do you think NDAs should never be used in any circumstances? We are looking elsewhere in this investigation as to whether there should be some set terms of NDAs. If it had included your right to have an agreed reference, your right to have that closing out conversation you needed to have with the chair of governors to alert him to the safeguarding issues, are those the sorts of things that you think would have made this whole system better? Do you think there should be no NDA ever?



HOUSE OF COMMONS

Witness A: The problem with the NDAs is in terms of you being able to move forwards. I do not think my situation would have been as traumatic if all of those things had been in place, if I had been able to have the exit interview, if I had been able to say the things that I needed to say and if I had been allowed to hand over to my colleagues. All of those things that should have happened did not happen.

Vicky Ford: And had a reference so that you could apply for jobs and know what to say in the next job interview.

Witness A: Yes. If there is nothing to hide, why do you need an NDA?

Q477 **Chair:** There might be circumstances with teachers. Teachers are quite vulnerable to allegations. There may be erroneous allegations made against a teacher, who may then not be able to stay at a school because of those allegations. They may be quite sensitive allegations. I can see how in that sort of instance there might be an argument to be made, but I really pick up on the point you make around competency cover-up. You always have to put the children first.

Witness A: Yes.

Q478 **Chair:** It is quite a complex thing, because you are in a very vulnerable profession. You are high profile. You are there. People can say things. I suppose that is why sometimes NDAs might be useful to the profession, to give some confidence.

Witness A: Yes, and if the right advice is there. All of my issues arise from the fact that I had no advice and that I was treated so badly on the way out.

Chair: That fear of the unknown.

Witness A: Actually, had all of those things not been there and it had been explained to me what I could or could not say and how to move forward, then it probably would not have affected me in the same way.

Chair: Yes, it is knowledge, information and structure.

Witness A: Yes.

Q479 **Tonia Antoniazzi:** I just wanted to say that that would give the teachers the opportunity, if that structure were in place, to speak out about the issues affecting student welfare, which is what you did. Do you want to expand on that? Is it a system that needs to be in place to provide teachers with that ability that you would like to see in teaching?

Witness A: Yes, absolutely, especially in this climate where the heads are so powerful.

Tonia Antoniazzi: They are and they are more powerful because who are they responsible to in those situations? That needs answering. Also, to bring up what you said, Chair, about sensitive issues and where NDAs



HOUSE OF COMMONS

maybe be appropriate, I think when there is a sensitive issue and there may be inappropriate behaviour, maybe on the part of the teacher, an NDA is not appropriate because they will just hang you out to dry. That would be in the front page of the local newspaper, because the post is very vulnerable.

Q480 Vicky Ford: Just to go back through that, there may be circumstances you can see. Say there have been allegations by pupils against their teacher that were not true and you want to make sure that the school will not disclose them, you will not disclose them and that is agreed. What I am trying to say is if you think about ways that you would have improved this, it would be very helpful to have those for this Committee as well.

Chair: Yes. What you have outlined in terms of having information, having a reference, knowing the implications and all the things you detailed earlier would be great.

Witness A: Absolutely. There is not a problem with them per se, necessarily, if you have a voice. Had I been put on competency procedures, the irony is there is an appeal process, but with what happened to me there was nothing. I have had no voice at all.

Q481 Chair: You have obviously had the union involved throughout. Do you think there is more that unions could do to support teachers who are in a similar situation?

Witness A: Absolutely, yes.

Q482 Chair: For instance? Do you have any examples of things?

Witness A: More advice about options and that there are other options available. Definitely, just in terms of the emotional support as well, I was given the number of a counsellor and that was the extent of the support. Actually, that is not that helpful necessarily, in that you have your counselling and you talk about how you feel, but actually that counsellor does not have the knowledge to help you. It is more about having somebody who understands the implication of what you are going through, but also understands what can be done about it in order to move forward.

Chair: A colleague or a friend.

Witness A: Yes.

Q483 Sarah Champion: I just want to say thank you for coming. You are being incredibly brave. How long ago did this happen?

Witness A: [Number] years ago.

Sarah Champion: I am speaking as Sarah, not as a member of this Committee at the moment, if you do not mind, Chair. Over the last three months, we have been doing this inquiry and we have had some remarkable, really high-level lawyers, businesses and people for whom



HOUSE OF COMMONS

this is all that they do. We keep on asking them what happens if someone breaks an NDA and they go, "Well, to be quite honest, nothing". I would say to you that you are clearly a passionate teacher. My suggestion would be that you apply for the jobs that you want to apply for and you say to them, "I am really sorry. Because I raised concerns around student welfare, I am under an NDA so that is why I cannot give you the back stuff".

Also, if the head of governors is still there, I would go to them and I would ask to have that meeting and explain to them. I would also be looking at asking for those back performance records. The problem you have is, because they are an academy, you are not able to do a Freedom of Information and if they were a local authority you would be able to and get that information that they hold on you. I would have thought under data protection that you would be able to get those past documents on you, so I would definitely try that because it makes me really angry that we are losing a really good teacher. For anyone that is interviewing you, I think that screams out loud and clear.

Chair: What I would just say is obviously we are not legal advisers and we are not legally trained.

Sarah Champion: No, I am not talking as an MP or as a Committee member. I am talking as Sarah.

Chair: But you are talking within a Committee of the House, so I just really need to underline that we are not legally trained. We cannot give you legal advice. What Sarah has just said is very sensible, but I would check it out with a lawyer or a union rep before acting on it.

Q484 **Sarah Champion:** I appreciate it, Chair, for covering my back. You have been very open and the question I would ask is is there anything else that you want us to know before you leave here?

Witness A: No.

Sarah Champion: Thank you. Thank you, Chair.

Q485 **Chair:** Can I just say, it is very easy when you are in that sort of situation to basically pull the drawbridge up and move on. To have the courage to come here today, speak to a group of people you have never met before and to have the resilience to do that is remarkable. What struck me is how upset you are still, [number] years on, about it. That is completely unacceptable. What Sarah has just said is we have heard a lot of evidence. In fact, last week we had a very learned gentleman in front of us, an expert in this area, a professor, who was saying he did not understand whistleblowing law and saying in open session that—what did he say? He said something was criminal. I did not write it down—it should be professional misconduct for somebody to draw up a contract that had unenforceable clauses in it. We have just heard today why that should be the case, because the fear that has put you under is just completely



HOUSE OF COMMONS

unacceptable. Nobody should be frightened because they have signed something they do not know the consequences of.

Because you sound like you are really interested in this, read the evidence that was given to us last week and read the report when we bring it out. You will find it on our website. That will help you understand that the way in which you have been treated is just wrong. Even within the current law, it is wrong.

Witness A: Yes, thank you.

Chair: Thank you for coming along. [Redacted].