

# Britain: Head teacher's conviction for assaulting 10-year-old pupil quashed on appeal

**Tania Kent**  
**9 September 2000**

The conviction of a head teacher for assaulting a 10-year-old child, and her successful appeal overturning the verdict last week, raises serious and disturbing questions.

Marjorie Evans from Gwent, South Wales, was suspended in September 1999 from her primary school following a complaint that she had slapped the face of a 10-year-old child. In July this year, Evans, who has 35 years teaching experience, was given a three-month suspended jail sentence after being found guilty of common assault. The magistrates' court heard that a confrontation had developed between the head teacher and pupil over the child's work trays. The young boy said that Evans had become angry with him over the incident and dragged him by his tie to the special needs unit where she slapped him in the face. The head teacher denied the allegations, stating that she merely restrained the child according to legally accepted procedures when he attempted to hit and head-butt her.

Evans' conviction rested on the evidence of Sandra Cutler, the special needs teacher, who said that in the staff room Evans had demonstrated how she had used her right hand to hit the boy. Another child also gave evidence that he had witnessed the alleged assault.

But last Friday the head teacher's conviction was overturned on appeal, when the court was shown a police video of the child she had allegedly slapped. In this the child stated that there was a "plot" to get rid of Mrs Evans. The tape was never shown to the stipendiary magistrate who had tried and convicted the head teacher in the original trial because of restrictions then in force on using video evidence in Magistrates' Courts. (Under a new bill, such evidence will be allowed in these courts.)

The trial drew enormous attention from the media, politicians and the trade unions, who almost universally

supported the head teacher. The case was used to demand a clampdown on "unruly" youngsters, more discipline in schools, increased power of expulsions, the reintroduction of corporal punishment and new laws criminalising children for assaulting teachers.

But there has been no attempt to explain why schools, supposedly centres of learning and enlightenment, have become a battlefield between teachers, pupils and parents alike. This would necessitate delving into issues which none of the official parties and the trade unions are capable of addressing.

The incident is a microcosm of the type of atmosphere and problems that prevail in many state schools across the country. The 10-year-old boy in question comes from a broken home and had learning problems. Diagnosed as suffering from Attention Deficit Hyperactivity Disorder (ADHD), he was on the antidepressant drug Ritalin, known to cause mood swings. The boy was attached to an educational special needs unit in the school—one of tens of thousands of children with learning and emotional difficulties who have been thrown into mainstream schools that lack adequate provisions to meet their special needs. Many schools find themselves in a terrible situation: they are under increasing pressure to improve standards and test results while being understaffed and under funded, at the same time they have to deal with children who have increasingly complex social problems. The sense of desperation this can produce emerges graphically in this case.

The sympathy the press and politicians have espoused for Evans is strangely at odds with their usual rants against teachers, who are generally presented as the source of the crisis in the education system. But they have no genuine concern for any of those involved in the South Wales incident, or for the everyday problems of teachers

and pupils alike. They have jumped on this incident to promote reactionary policies, which will only compound the crisis in the classroom.

For the politicians, press and unions the only answer to social problems is increased state powers. The decision to prosecute the head teacher—a course of action opposed by the child's mother—is a graphic example of where this has led. The resulting court case has also revealed the draconian and undemocratic nature of the assault on children's legal rights. Whilst children can now be tried as adults in Britain, they are often denied the type of legal protection that an older person could expect as of right. In this case, the child—who it should be remembered has learning difficulties and was the subject of the alleged assault—was interrogated by the police without any legal representative present. Only one month ago, the evidence they so obtained was deemed inadmissible; it was then admitted at the appeal case to discredit the child.

At the appeal, the boy was made to give evidence via a two-way video link. He twice broke down in tears and left his seat, once to flee the room. When he returned a few minutes later, the Judge admonished him, demanding he answer questions put to him.

The Conservative Party and the right wing tabloid press, led by the *Sun*, were overjoyed at the appeal court's decision. Labour's School Standards Minister Estelle Morris also welcomed the verdict as “sensible”. Leaders of the teaching unions said that it should mark a sea change in the way schools deal with disruptive pupils. Nigel de Gruchy, general secretary of the National Association of Schoolmasters and Union of Women Teachers said: “We have zero tolerance of bad behaviour on the streets, so why not in the classroom? Assaulting a police officer is treated differently to a punch up on the terraces, and the same should apply where a teacher is the victim.” The National Union of Teachers called for greater powers to expel unruly pupils.



To contact the WSWs and the  
Socialist Equality Party visit:

**[wsws.org/contact](https://www.wsws.org/contact)**