



Teaching
Regulation
Agency

John Pugh: Professional conduct panel outcome

**Panel decision and reasons on behalf of the
Secretary of State for Education**

July 2020

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Professional conduct panel decision and recommendations, and decision on behalf of the Secretary of State

Teacher: Mr John Karl Pugh

TRA reference: 17830

Date of determination: 15 July 2021

Former employer: Holy Infant and St Anthony RC Primary School, Bolton

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 14 to 15 July 2021 by MS Teams to consider the case of Mr John Karl Pugh.

The panel members were Mr John Armstrong (lay panellist – in the chair), Ms Laura Flynn (teacher panellist) and Mr Martyn Stephens (lay panellist).

The legal adviser to the panel was Ms Clare Strickland of Blake Morgan solicitors.

The presenting officer for the TRA was Ms Sherelle Appleby of Browne Jacobson solicitors.

Mr Pugh was present and was represented by Mr Jonathan Storey of Counsel.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 20 November 2020.

It was alleged that Mr Pugh was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a Deputy Headteacher at Holy Infant & St Anthony RC Primary School from 1 September 2008 until 12 September 2018:

1. During the 2017/18 academic year, in relation to one or more Year 5 end-of-year Maths examinations, he amended one or more answers in his own hand after the examination had concluded:
 - a. to provide an answer in circumstances where the pupil had not given an answer themselves; and/or;
 - b. to amend the pupils' actual incorrect answer to the correct answer.
2. His conduct as may be found proven at 1 above lacked integrity and/or was dishonest, in that he knew or ought to have known that he was reporting final results which did not reflect the mark(s) that one or more pupils would have received from their own unaided work.

Mr Pugh has admitted the facts alleged, and admitted that they amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

The panel considered an application from Mr Storey that parts of the hearing should be held in private. The panel decided that it was in the public interest for the hearing to be held in public but decided it would hear certain parts of Mr Pugh's evidence in private.

[Redacted].

Summary of evidence

Documents

In advance of the hearing, the panel received a bundle of documents which included:

Section 1: Notice of proceedings, response and agreed statement of facts – pages 2 to 11

Section 2: Teaching Regulation Agency documents – pages 13 to 342

Section 3: Teacher documents – pages 344 to 573

Witnesses

The panel heard oral evidence from the following witnesses, all called on behalf of Mr Pugh:

- Mr Pugh
- Witness A [redacted].
- Witness B [redacted].

Decision and reasons

The panel announced its decision and reasons as follows:

Mr Pugh was employed as a deputy headteacher at Holy Infant and St Anthony RC Primary School ("the School") from 1 September 2008 until 12 September 2018. At the School, Year 5 pupils sit end-of-year assessments in a variety of subjects, including Maths. These assessments contribute to the summative assessment of each child's performance at the end of the year, which provides the baseline for pupil progress in Year 6, and helps the School to plan any interventions that may be required to support the pupils.

In June 2017, Individual A [redacted], received an expression of concern over the accuracy of end-of-year assessment results. So in June 2018, she personally reviewed all completed Year 5 assessment papers. In doing so, she noted that some Maths papers marked by Mr Pugh appeared to contain alterations to the pupils' answers. She also noted that Mr Pugh had not yet marked two Maths papers, for Pupil A and Pupil B. Individual A [redacted] reviewed these papers, and took copies of them, then left them for

Mr Pugh to mark. She reviewed them again after Mr Pugh had marked them, and noted that answers had been altered and added to these papers.

On 27 June 2018, Individual A [redacted] spoke to Mr Pugh and gave him a letter explaining that an investigation would take place into an allegation that he had falsified end-of-year assessment results. Initially, he denied it, but that evening, he contacted her and admitted the allegation.

At an initial investigatory meeting on 5 July 2018, Mr Pugh at first admitted that the changes he had made extended only to some "tick box" answers on some papers. When confronted with information about the alterations to answers given by Pupils A and B, he accepted having made them.

In an agreed statement of facts signed by Mr Pugh on 25 February 2020, Mr Pugh said that he had made alterations and additions to assessment papers completed by Pupils A and B. He also admitted making alterations and additions to assessment papers for other pupils, but that he could not remember the names of the other pupils, nor how many papers he amended. In his evidence to the panel, Mr Pugh said that he had altered papers of two pupils in addition to those of Pupils A and B.

Findings of fact

The findings of fact are as follows:

The panel found the following particulars of the allegations against you proved, for these reasons:

- 1. During the 2017/18 academic year, in relation to one or more Year 5 end-of-year Maths examinations, you amended one or more answers in your own hand after the examination had concluded:**
 - a. to provide an answer in circumstances where the pupil had not given an answer themselves; and/or;**
 - b. to amend the pupils' actual incorrect answer to the correct answer.**

Mr Pugh admitted this allegation and it was supported by the material within the bundle. The allegation was therefore found proved.

In an agreed statement of facts signed by Mr Pugh on 25 February 2020, Mr Pugh said that he had made alterations and additions to assessment papers completed by Pupils A and B. He also admitted making alterations and additions to assessment papers for other pupils, but that he could not remember the names of the other pupils, nor how many papers he amended. In his evidence to the panel, Mr Pugh said that he had altered papers for two pupils in addition to Pupils A and B. The panel did not

consider it necessary to resolve any discrepancy between these two statements, as it did not consider it was material to the seriousness of the allegations or the issues for the panel to determine.

2. Your conduct as may be found proven at 1 above lacked integrity and/or was dishonest, in that you knew or ought to have known that you were reporting final results which did not reflect the mark(s) that one or more pupils would have received from their own unaided work.

Mr Pugh admitted this allegation at the hearing and in his responses to notice of proceedings dated 24 February 2020 and 14 April 2021, a statement of agreed facts signed by him on 25 February 2020, and his witness statement dated 14 June 2021. It was supported by other material within the bundle and evidence to the panel during the hearing. The allegation was therefore found proved.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute

Having found the allegations proved, the panel went on to consider whether the facts of those proven allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as “the Advice”.

The panel was satisfied that the conduct of Mr Pugh, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Pugh was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect ...
 - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach ...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

In making these findings, the panel had regard to:

- Part 1 of the Teachers' Standards, which requires teachers to:
 - Promote good progress and outcomes by pupils. The panel received evidence and accepted that assessments play a significant part in supporting pupils to make good progress and achieve good outcomes. Therefore, the integrity of the assessment process is of significant importance. Mr Pugh's actions undermined the integrity of that process.
 - Develop effective professional relationships with colleagues, knowing how and when to draw on advice and specialist support. Mr Pugh accepted that he had failed to do this, and that his actions amounted to a betrayal of the professional and personal relationship he had with his head teacher.
- Mr Pugh's evidence that by changing their answers, he had failed to respect the dignity of his pupils and their true attainment.

The panel considered that honesty, integrity, and fair play are fundamental British values, and concluded that by dishonestly falsifying assessment results, Mr Pugh failed to uphold these values. In short, he cheated. In the panel's view, this is a serious departure from the high standards of ethics and behaviour expected of a teacher.

Mr Pugh gave evidence, with which the panel agreed, about the potential negative impact of his proven conduct, including that:

- He could have created a false impression of the extent of pupil progress at the end of year 5, which could in turn have had a negative impact on their initial performance and attainment in year 6. The pupils, their parents, and the School would be working from an inaccurate baseline, and this might mean that necessary interventions were not put in place in a timely way.
- It undermined the confidence of the School leadership team and governing body in the accuracy of School performance data, thus making self-evaluation very difficult.

The panel also considered whether Mr Pugh's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The panel concluded it did not. Although his conduct was dishonest, it did not amount to a criminal offence.

Notwithstanding that his conduct did not amount to a criminal offence, for the reasons set out above, the panel was satisfied that the conduct of Mr Pugh amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

Accordingly, the panel was satisfied that Mr Pugh was guilty of unacceptable professional conduct.

When considering whether his conduct was likely to bring the profession into disrepute, the panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

The panel received evidence from Individual A [redacted] and Witness A [redacted] about the negative impact that Mr Pugh's conduct had on their impression of him. And the panel agreed with Mr Pugh's evidence about the negative impact that his proven conduct would have on others who knew about it:

- It would undermine confidence of pupils and their families.
- It would undermine the confidence of his colleagues, to whom he was in a leadership position and who held him in high regard.
- He failed to live up to the expectations and values of his faith, which could in turn undermine the faith of others.
- He had let down his family and himself by failing to uphold values.

The panel therefore found that Mr Pugh's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of particulars 1 and 2 proved, the panel further found that Mr Pugh's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case.

The panel carefully considered whether the public interest in protecting pupils required a prohibition order, in light of its earlier finding about the potential adverse impacts of Mr Pugh's proven misconduct. The panel considered that, if he were to go on and repeat his misconduct, there would be a risk of harm to pupils. But the panel concluded that there was no risk of repetition in this case. It reached this conclusion in light of:

- Evidence about Mr Pugh's insight into his proven misconduct. He made admissions shortly after the misconduct came to light and engaged fully with local and TRA procedures. The panel considered that Mr Pugh had reflected deeply on what had happened, and had sought to identify factors that led to his misconduct in 2018. It was evident to the panel that Mr Pugh showed true remorse, and fully appreciated the impact his misconduct could have had on pupils, his School, his colleagues and head teacher, and the profession as a whole. The panel found his evidence about this to be open, honest, reflective and straightforward. The panel concluded that Mr Pugh had a clear understanding of his wrongdoing.
- Evidence about the steps that Mr Pugh has taken to remediate his misconduct. The panel considered that his oral and written evidence clearly demonstrated that he has put in place effective measures and strategies to address the factors that led to his misconduct, and ensure that he is well placed not to repeat it should he find himself under similar pressures in future. [Redacted].
- Evidence that there has been no repetition of his proven misconduct since June 2018, and that on the contrary, his performance (both in the classroom and in his management function) since then has been exemplary. The panel received evidence from senior colleagues who have worked with him since June 2018, and who are aware of his proven misconduct, that he has conducted himself honestly and with integrity. The panel was particularly impressed with Witness B [redacted] evidence about a specific occasion when Mr Pugh has been forthright with assessment data and open to strategies to improve progress and attainment. He has also been fully transparent with her and others at his current school about his past wrongdoing, and the TRA proceedings.
- Evidence that before his proven misconduct in June 2018, Mr Pugh was a teacher of exemplary character.

The panel considered the other relevant public interest considerations set out in the Advice, namely the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

The panel also decided that there was a strong public interest consideration in retaining Mr Pugh in the profession, since there was strong and positive evidence about his abilities as an educator. It was clear from the evidence of Witness A [redacted], Witness

B [redacted], and the written testimonials presented to the panel, that Mr Pugh has made, and continues to make, a valuable contribution to the profession.

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Pugh.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Pugh. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were potentially relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up.

The panel earlier concluded that Mr Pugh's dishonesty, lack of integrity, and lack of fair play amounted to a breach of fundamental British values. The panel did not though find that it undermined the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance. Accordingly, this factor on page 12 of the Advice was not present.

By its finding of unacceptable professional conduct, the panel was clear that Mr Pugh's conduct was a serious departure from the personal and professional conduct elements of the Teachers' Standards. But the panel was also clear that not every finding of unacceptable professional conduct needs to result in a prohibition order.

The panel assessed that Mr Pugh's conduct, although unacceptable, was not at the most serious end of the spectrum for which prohibition might be appropriate:

- It did not involve either public or statutory pupil assessments, and involved data that would not have been published outside the School.
- Although it was repeated, it was limited in nature, and took place in respect of a small number of pupils across two dates close together in June 2018.
- Thanks to the careful actions of Individual A [redacted], it did not in fact result in any actual harm to pupils.

The panel also considered the mitigating features set out at page 14 of the Advice. The panel was satisfied that Mr Pugh's actions were deliberate and were not the result of duress. However, the panel did note the significant personal pressure he was under at

the time, partly as a result of circumstances outside his control, and partly as a result of his failure to address pressures in his professional life.

The panel was satisfied that Mr Pugh had a previously good history and the panel accepted that the incident was out of character. The panel received a significant number of character references from people who had worked with Mr Pugh prior to the incident, as his leaders, peers, and juniors. The panel heard from Witness A [redacted], who had been Mr Pugh's head teacher between September 2013 and September 2014, and who spoke in glowing terms about Mr Pugh's abilities as a teacher. Witness A [redacted] also spoke of his shock and disappointment when he found out what Mr Pugh had done, but this did not undermine his assessment of Mr Pugh's considerable strengths as a teacher.

His assessment of Mr Pugh's strengths was echoed by that of Witness B [redacted], Mr Pugh's [redacted]. And Individual B [redacted] who had worked with Mr Pugh between May 2019 and December 2020, said:

John makes an incredibly positive impact on the lives of not just our Year 5 pupils, who are a very challenging class, but also the wider school community through his work for our Rights Respecting School award and Religious Education leadership.

Whilst I am aware that the allegations are of a serious nature and must be fully considered, it would be a travesty to Holy Family and one to the entire teaching profession should he not be able to continue [to practice].

The panel received credible and consistent evidence of Mr Pugh being not only an outstanding classroom teacher but also a dedicated and selfless school leader. This evidence ranged from Mr Pugh's colleagues and school leaders over a number of years right up to the present day. The panel placed particular weight on evidence before it that Mr Pugh was immensely capable of inspiring hard to reach pupils in challenging schools.

When considering proportionality, and the need to uphold confidence in the profession and declare and uphold proper standards, the panel noted that the proven misconduct took place in June 2018, but it has not been possible (through no fault of any party) to bring these proceedings to be close before now. The panel considered that an ordinary intelligent citizen would recognise the considerable strain that this would place on Mr Pugh, and would take this into account when deciding what further action is required to uphold confidence and declare proper standards for the profession.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Given that the nature and severity of the behaviour were at the

less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession.

In the particular circumstances of this case, the panel considered that prohibition was not necessary, and therefore does not recommend that the Secretary of State should make a prohibition order.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of sanction.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found both allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Mr John Pugh should not be the subject of a prohibition order. The panel has recommended that the findings of unacceptable professional conduct and conduct likely to bring the profession into disrepute should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Mr Pugh is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect ...
 - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach ...

- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel finds that the conduct of Mr Pugh fell significantly short of the standards expected of the profession.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Pugh, and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, “Thanks to the careful actions of Individual A [redacted], it did not in fact result in any actual harm to pupils.”

I have also taken into account the panel’s comments on insight and remorse, set out as follows, “Evidence about Mr Pugh’s insight into his proven misconduct. He made admissions shortly after the misconduct came to light and engaged fully with local and TRA procedures. The panel considered that Mr Pugh had reflected deeply on what had happened, and had sought to identify factors that led to his misconduct in 2018. It was evident to the panel that Mr Pugh showed true remorse, and fully appreciated the impact his misconduct could have had on pupils, his School, his colleagues and head teacher, and the profession as a whole. The panel found his evidence about this to be open, honest, reflective and straightforward. The panel concluded that Mr Pugh had a clear understanding of his wrongdoing.”

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “The panel carefully considered whether the public interest in protecting pupils required a prohibition order, in light of its earlier finding about the potential adverse impacts of Mr Pugh’s proven misconduct. The panel considered that, if he were to go on and repeat his misconduct, there would be a risk of harm to pupils. But the panel concluded that there was no risk of repetition in this case.”

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to

consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Pugh himself and the panel comment “The panel received credible and consistent evidence of Mr Pugh being not only an outstanding classroom teacher but also a dedicated and selfless school leader. This evidence ranged from Mr Pugh's colleagues and school leaders over a number of years right up to the present day. The panel placed particular weight on evidence before it that Mr Pugh was immensely capable of inspiring hard to reach pupils in challenging schools.” A prohibition order would prevent Mr Pugh from teaching. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel’s comments concerning Mr Pugh’s contribution to the profession. The panel has said, “there was a strong public interest consideration in retaining Mr Pugh in the profession, since there was strong and positive evidence about his abilities as an educator. It was clear from the evidence of Witness A [redacted], Witness B [redacted], and the written testimonials presented to the panel, that Mr Pugh has made, and continues to make, a valuable contribution to the profession.”

In addition I have given weight to the following comment from the panel “Evidence about the steps that Mr Pugh has taken to remediate his misconduct. The panel considered that his oral and written evidence clearly demonstrated that he has put in place effective measures and strategies to address the factors that led to his misconduct, and ensure that he is well placed not to repeat it should he find himself under similar pressures in future.”

I have considered the panel’s comments “The panel was of the view that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession.”

For these reasons, I have concluded that the publication of the findings of unacceptable professional conduct and conduct that may bring the profession into disrepute is proportionate and in the public interest.

A handwritten signature in black ink, appearing to read 'S Buxcey', with a horizontal line underneath.

Decision maker: Sarah Buxcey

Date: 20 July 2021

This decision is taken by the decision maker named above on behalf of the Secretary of State.