



Teaching
Regulation
Agency

Richard Williams: Professional conduct panel meeting outcome

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

July 2021

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

Teacher:	Mr Richard Williams
Teacher ref number:	0641369
Teacher date of birth:	7 March 1976
TRA reference:	19138
Date of determination:	15 July 2021
Former employer:	Alderman Knight Special School, Gloucestershire

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 15 July 2021, to consider the case of Mr Richard Williams.

The panel members were Mr Neil Hillman (teacher panellist – in the chair), Ms Charlotte Kelly (lay panellist) and Dr Martin Coles (former teacher panellist).

The legal adviser to the panel was Mr Matthew Corrie of Blake Morgan LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Williams that the allegation be considered without a hearing. Mr Williams provided a signed statement of agreed facts and admitted unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Williams or any representative instructed on his behalf.

The meeting took place in private, save for the announcement of the panel’s decision, which was announced in public and recorded.

Allegations

The panel considered the allegation set out in the Notice of Meeting dated 28 June 2021.

You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed at Alderman Knight Special School you;

1. Failed to register pupils and/or submit pupil work for the Sports Leaders UK Level 1 and/or 2 Qualification in or around 2019;
2. Led students to believe that they had successfully completed the Level 1 and/or 2 Sports Leadership course specifically by;
 - a) Holding yourself out as delivering the course to them when in fact you had not entered them adequately or at all;
 - b) Informing and/or permitting them to believe that their work had been submitted and/or that they had completed the course;
 - c) Providing them with falsified certificates when they had not in fact completed the course or achieved any certification;
 - d) Forging the signature of Individual A on one or more certificates.
3. Your conduct as may be found proven at Allegation 1 and/or 2 above was dishonest and/or lacked integrity.[SIC]

Mr Williams admitted the facts of the allegation and that his conduct amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

Preliminary applications

There were no preliminary applications.

The panel amended allegation 2 d so as to spell Individual A 's name correctly.

Summary of evidence

Documents

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

Section 1: Response to Notice of Referral – pages 2 to 7

Section 2: Correspondence from representative regarding Professional Conduct Meeting– page 9

Section 3: Statement of Agreed Facts– pages 11 to 14

Section 4: Teaching Regulation Agency documents – pages 16 to 126

Section 5: Teacher documents – pages 128 to 131

Section 6: Notice of Meeting – 132 to 133

The panel members confirmed that they had read all of the documents within the bundle, in advance of the meeting.

Statement of agreed facts

The panel considered a Statement of Agreed Facts, which was signed by Mr Williams on 7 September 2020.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Williams for the allegation to be considered without a hearing.

The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

The panel proceeded to carefully consider the case, having read all the documents, and reached a decision.

The panel accepted the advice of the legal advisor.

Between 1 September 2011 and 31 August 2019 Mr Williams was employed as a Physical Education Teacher at Alderman Knight Special School ("the School"). Between 2013 and 2019 part of his role included the running of the Sports Leaders course in respect of a group of pupils within the School. This involved the registration of pupils on the course, the supervision of the pupils on the course and the submission of their work.

Mr Williams accepts that he did not, in fact, correctly register any pupils on the Sports Leadership course or submit their work.

In November 2019 a parent of one of the pupils concerned contacted the School seeking a copy of their child's Sports Leaders qualification. The matter was raised with Mr Williams by a colleague at the School and it was confirmed by Mr Williams that the relevant certificates would be provided. In January 2020 Mr Williams provided forged certificates in respect of three pupils.

Findings of fact

The findings of fact are as follows:

1. Failed to register pupils and/or submit pupil work for the Sports Leaders UK Level 1 and/or 2 Qualification in or around 2019

Mr Williams admitted the facts of the allegation within the Statement of Agreed Facts and also within the email from his union representative dated 14 May 2020.

The panel noted that there was evidence within the bundle provided that supported this allegation, in particular:

- Evidence from the Sports Leaders compliance report that in 2013 – 2015 and 2017 - 2018 pupils had been registered but then their registration was cancelled. Further, that in 2017 – 2019 no pupils were registered;
- The screenshots from the Sports Leaders database;
- The evidence of Individual B, compliance manager at Sports Leaders, in which she states that in 2013 three pupils were registered but names never provided and that in 2017 no learners were registered;
- The evidence of Individual C, Examinations Officer at the School, that she found a box of written work in a cupboard which had not been submitted for assessment.

The panel considered that Mr Williams had not registered the pupils on the Sports Leader course and that he did not submit pupil work.

The panel accepted the admission and found this allegation proven.

2. Led students to believe that they had successfully completed the Level 1 and/or 2 Sports Leadership course specifically by;

a. Holding yourself out as delivering the course to them when in fact you had not entered them adequately or at all;

Mr Williams admitted the facts of the allegation within the Statement of Agreed Facts and also within the email from his union representative dated 14 May 2020.

The panel noted that there was reference in the bundle that the pupils had requested their certificates. Further, there were text messages between Individual C and Mr Williams in which Individual C states that parents were asking why their child had not received their certificate. Further, there was evidence from Individual C that Mr Williams was responsible for the teaching, management and administration of the course.

The panel considered that it was able to infer from the evidence that Mr Williams had given the impression to the pupils that they had been registered on and had participated in the course. Further, the issuing of certificates would have led the pupils to believe that they had successfully completed the course. Moreover, the panel infers from the fact that pupils believed that they had completed the course and were due certificates in this regard that Mr Williams had held himself out as having delivered the course to them, when in fact, they had not been registered on the course.

The panel, therefore, accepted the admission and found this matter proved.

b. Informing and/or permitting them to believe that their work had been submitted and/or that they had completed the course;

Mr Williams admitted the facts of the allegation within the Statement of Agreed Facts and also within the email from his union representative dated 14 May 2020.

For the same reasons as set out above under allegation 2 a. the panel inferred that Mr Williams had given the impression that work had been submitted and the course had been completed. Therefore, the panel considered that this permitted the pupils to believe that this was the case.

The panel had no evidence upon which it could conclude that Mr Williams explicitly informed the pupils that their work had been submitted or that they had completed the course.

Therefore, the panel accepted the admission and found the allegation proven on the basis set out above, namely, that Mr Williams had permitted the pupils to believe that their work had been submitted and that they had completed the course.

c. Providing them with falsified certificates when they had not in fact completed the course or achieved any certification;

Mr Williams admitted the facts of the allegation within the Statement of Agreed Facts and also within the email from his union representative dated 14 May 2020. Further, in the letter from Mr Williams to Sports Leaders dated 20 February 2020, Mr Williams accepted that he had issued the certificates.

There was clear evidence within the bundle in support of this allegation:

- The copies of the certificates;
- The evidence from Individual C as to the certificates having an outdated logo and no watermark;
- The evidence from Individual B that no certificates had been issued by Sports Leaders over the relevant period.

The panel, therefore, accepted the admission and found this matter proved.

d. Forging the signature of Individual A on one or more certificates.

As above, Mr Williams admitted the facts of the allegation within the Statement of Agreed Facts and also within the email from his union representative dated 14 May 2020. Further, in the letter from Mr Williams to Sports Leaders dated 20 February 2020, Mr Williams accepted that he had issued the certificates.

There was clear evidence within the bundle in support of this allegation:

- The sample of a genuine certificate being compared with those which were provided by Mr Williams;
- The evidence of Individual B to the effect that confirmation had been received from Individual A that the signature was not hers.

The panel, therefore, accepted the admission and found this matter proved.

3. Your conduct as may be found proven at Allegation 1 and/or 2 above was dishonest and/or lacked integrity

Despite the admission, in relation to allegation 1, the panel was not satisfied that Mr Williams' conduct would be considered as having been dishonest by the standards of ordinary decent people.

However, the panel reached the view that Mr Williams' conduct in this regard lacked integrity. It was apparent that he had responsibility for delivery and management of the Sports Leaders course and had attended training as to what this entailed. The panel, therefore, inferred that he knew that he was required to register pupils on the course and to submit their work. By his conduct Mr Williams let down the pupils concerned, the parents and the School. This fell significantly short of the ethical standards expected of teachers and his conduct lacked integrity.

In respect of allegations 2 a – d the panel considered each of these matters separately but reached the same conclusion on each in that it was found that Mr Williams' conduct was both dishonest and lacked integrity.

In respect of each of these allegations Mr Williams knowingly gave the impression that the pupils had completed the course. This was misleading and the panel was satisfied that such conduct would be considered dishonest by the standards of ordinary decent people.

In regard to allegations 2 c. and d. Mr Williams, in an attempt to conceal his previous failures, forged documents. The panel considered that this was dishonest as set out above but also because he knowingly forged documents with the purpose of misleading the pupils and others. The panel was satisfied that this would be considered dishonest by the standards of ordinary decent people.

The panel considered that Mr Williams' conduct at allegations 2 a – d fell far short of the ethical standards required of teachers and so lacked integrity.

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

Having found all of the allegations proved, the panel went on to consider whether the facts of those proved 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 Williams in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Williams 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...

Further, the Teachers' Standards require teachers to act with honesty and integrity. Mr Williams failed in this regard on a number of occasions over a prolonged period. In this regard his conduct must be considered to be a grave breach of the standards required of a teacher. In addition, Mr Williams failed to be accountable for pupils' attainment, progress and outcomes as required by the Teachers' Standards.

Moreover, the panel considered that by failing to register and administer the course as required Mr Williams's conduct let pupils down in that they were given the false impression that they had taken part in and completed a qualification. The Sports Leaders qualification is a nationally recognised qualification and the potential impact on the pupils concerned should not be overlooked.

The panel was satisfied that the conduct of Mr Williams fell significantly short of the standards expected of the profession and found that the conduct amounted to unacceptable professional conduct.

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 they behave.

By his conduct, Mr Williams failed to act in the best interests of the pupils concerned or of the School. He did not act in a manner consistent with what is required of a teacher and the panel considered that the misconduct was serious and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, and likely to be damaging to the public's perception of teachers.

The panel therefore found that Mr Williams' actions constituted 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.

The panel had regard to the principle that 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, namely: the protection of pupils; the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

The panel found that Mr Williams failed to register pupils on the Sports Leaders course and failed to submit pupil work in relation to this course. Given that Mr Williams was responsible for the management, administration and teaching of this course and the effect this failure may have had on the pupils concerned this was a serious failing. This failure took place over a prolonged period and during this time Mr Williams gave the impression that the course was being appropriately delivered and ultimately that it had been satisfactorily completed. Further, when matters came to light, rather than being candid and admitting what had been taking place, Mr Williams forged certificates in an

attempt to conceal his conduct. The panel considered that the dishonesty was not an isolated incident but that it took place over a period of time and then was aggravated by the attempt to conceal it.

The conduct clearly had the potential to adversely affect the pupils concerned in that through Mr Williams' failure they were not registered on the course, did not complete the course and were misled into believing that they had gained the qualification. This is significant as it was a formal and nationally recognised qualification. Therefore, in the panel's view, there was a strong public interest in this case in respect of the protection of pupils.

Moreover, as well as impacting on the pupils, Mr Williams' conduct was likely to have had a reputational impact on the School. In a similar vein, by acting in this way, in particular by behaving dishonestly and without integrity, the panel considered that Mr Williams' conduct was relevant to both the maintenance of public confidence in the profession and to the declaration and upholding of proper standards of conduct.

The panel considered that public confidence in the profession would be likely to be seriously weakened if conduct such as that found against Mr Williams were not treated with the utmost seriousness.

The panel decided that the conduct found proven against Mr Williams was outside that which could reasonably be tolerated.

The panel also considered the public interest in retaining Mr Williams in the teaching profession and noted that he wished to remain within the profession and that in support of his application for his role at the School there were some positive references, although now around ten years old. However, the panel considered that the other public interest factors engaged in this case outweighed both Mr Williams' own interest and the public interest in retaining him in the profession.

Notwithstanding 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 Williams.

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 Williams.

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 the panel considered relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up;

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

The panel noted that Mr Williams had a, hitherto, good record in that there have been no previous findings against him. [redacted]

In spite of these mitigating factors, the panel found no evidence to suggest that Mr Williams' actions were not deliberate or that he had been acting under duress.

The panel took into account that Mr Williams' admitted the conduct and that he has expressed remorse. However, the panel was not satisfied that he had shown adequate insight such that it could exclude the risk that he would behave in a similar way in the future.

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, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Williams. .

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Williams.

The panel went on to consider whether or not it would be appropriate to recommend that a review period of the order should be considered. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours is fraud or serious dishonesty.

The panel concluded that Mr Williams' conduct met the criteria for serious dishonesty. In reaching this view the panel recognised that there is a spectrum of dishonesty and that not all dishonest conduct found proved amounts to serious dishonesty. However, in the circumstances of this case, the panel considered that the dishonesty was serious in that it took place over a prolonged period and when it came to light Mr Williams sought to cover up his conduct. In addition, the conduct had the potential to have serious consequences for both the School and the pupils.

The panel noted that Mr Williams had admitted his conduct and expressed remorse. However, it was not satisfied that Mr Williams had demonstrated adequate insight.

The panel considered that because of the serious dishonesty found proven it was not appropriate to recommend a review period.

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 both sanction and review period.

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 all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Mr Richard Williams should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Williams 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...

I have considered the following comment from the panel related to Teacher Standards "Further, the Teachers' Standards require teachers to act with honesty and integrity. Mr Williams failed in this regard on a number of occasions over a prolonged period. In this

regard his conduct must be considered to be a grave breach of the standards required of a teacher. In addition, Mr Williams failed to be accountable for pupils' attainment, progress and outcomes as required by the Teachers' Standards.”

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

The findings of misconduct are particularly serious as they include a failure to register pupils on the Sports Leaders course and failure to submit pupil work in relation to this course, actions found to be dishonest.

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 Williams, 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, “The conduct clearly had the potential to adversely affect the pupils concerned in that through Mr Williams' failure they were not registered on the course, did not complete the course and were misled into believing that they had gained the qualification. This is significant as it was a formal and nationally recognised qualification. Therefore, in the panel's view, there was a strong public interest in this case in respect of the protection of pupils.” A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, “The panel took into account that Mr Williams' admitted the conduct and that he has expressed remorse. However, the panel was not satisfied that he had shown adequate insight such that it could exclude the risk that he would behave in a similar way in the future.” In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “as well as impacting on the pupils, Mr Williams' conduct was likely to have had a reputational impact on the School. In a similar

vein, by acting in this way, in particular by behaving dishonestly and without integrity, the panel considered that Mr Williams' conduct was relevant to both the maintenance of public confidence in the profession and to the declaration and upholding of proper standards of conduct." I am particularly mindful of the finding of dishonesty in this case and the impact that such a finding has on the reputation of the profession.

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 Williams himself and the panel comment "The panel also considered the public interest in retaining Mr Williams in the teaching profession and noted that he wished to remain within the profession and that in support of his application for his role at the School there were some positive references, although now around ten years old."

A prohibition order would prevent Mr Williams 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 dishonesty. The panel has said, "The panel concluded that Mr Williams' conduct met the criteria for serious dishonesty. In reaching this view the panel recognised that there is a spectrum of dishonesty and that not all dishonest conduct found proved amounts to serious dishonesty. However, in the circumstances of this case, the panel considered that the dishonesty was serious in that it took place over a prolonged period and when it came to light Mr Williams sought to cover up his conduct. In addition, the conduct had the potential to have serious consequences for both the School and the pupils."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Williams has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended that no provision should be made for a review period.

I have considered the panel's comments "The panel noted that Mr Williams had admitted his conduct and expressed remorse. However, it was not satisfied that Mr Williams had demonstrated adequate insight.

The panel considered that because of the serious dishonesty found proven it was not appropriate to recommend a review period."

I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, two factors mean that a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the serious dishonesty found and the lack of full insight.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

This means that Mr Richard Williams is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegation(s) found proved against him, I have decided that Mr Williams shall not be entitled to apply for restoration of his eligibility to teach.

This order takes effect from the date on which it is served on the teacher.

Mr Richard Williams has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this order.



Decision maker: Sarah Buxcey

Date: 21 July 2021

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