



Teaching
Regulation
Agency

Mrs Pat Stalker: Professional conduct panel outcome

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

October 2021

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

Teacher: Mrs Pat Stalker

Teacher ref number: 0157229

Teacher date of birth: 22 April 1965

TRA reference: 17232

Date of determination: 15 October 2021

Former employer: Samuel Ward Academy Trust, Haverhill, Suffolk.

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 4 to 8 October 2021 and 11 to 15 October 2021 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mrs Pat Stalker, in a joint hearing together with Mr Howard Lay and Mr Andrew Prestoe.

The panel members were Mr Maurice McBride (lay panellist – in the chair), Ms Fiona Tankard (teacher panellist) and Mr John Armstrong (lay panellist).

The legal adviser to the panel was Mr Graham Miles of Blake Morgan LLP solicitors.

The presenting officer for the TRA was Miss Lucy Coulson of Counsel, instructed by Browne Jacobson LLP solicitors.

Mr Howard Lay was present and was represented by Mr Jonathan Storey of Counsel, instructed by Mr Colin Henderson.

Mr Andrew Prestoe was present on 4, 7 and 15 October 2021 only, but was represented throughout by Mr Tim Glover, Solicitor of the Association of School and College Leaders.

Ms Pat Stalker was present on 4 to 8, and 11 and 12 October 2021 and was represented by Mr Andrew Faux of Counsel instructed by Mr Faisal Sameja on 4 to 8 October 2021 and by Mr Sameja alone on 11 to 15 October 2021

The hearing was recorded and took place in public, save that the panel agreed to hear evidence relating to [REDACTED] in private.

Allegations

Mrs Pat Stalker

It was alleged that Mrs Pat Stalker was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst an Assistant Head from 2010 until May 2016, she:

1. Submitted or allowed or caused others to submit data in connection with the school's annual census in 2015 and 2016 that she knew or should have known to be incomplete and/or which failed to give a true picture of the school's performance.
2. Caused, allowed and/or failed to report exam malpractice after she became aware of it in connection with pupils' assessed work from 2012-2016, specifically in relation to:
 - a. Science coursework completed in the academic year 2016 - 2016 for which she received a 3 year ban from carrying out high level control AQA coursework in December 2016.
3. The facts as may be found proven at allegations 1 and 2 above amount to dishonesty and/or a lack of integrity.

Mrs Stalker admitted allegations 1, 2a and 3. Mrs Stalker also admitted that her conduct in respect of those allegations amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

Preliminary applications

Applications to admit additional documents

An application was made by the presenting officer to submit a revised opening note to correct an inaccuracy in the note previously circulated. There was no objection by the parties and the panel agreed to admit the revised document, whilst noting that it did not constitute evidence.

Mr Storey applied to admit additional documents, namely [REDACTED] and a statement of Individual A dated 31 August 2021. There was no objection by the other parties to the admission of these documents and the panel agreed to admit them. They were added to section 5 of the bundle as pages 205 to 211.

Mr Glover applied to admit additional documents, namely exhibits to the statement of Mr Prestoe, a further witness statement of Mr Prestoe, and his signed statement of agreed facts. There was no objection by the parties to the admission of these documents and the panel agreed to admit them. They were added to section 6 of the bundle as pages 58 to 96.

Mr Faux applied to admit additional documents, namely the response to Notice of Proceedings and a signed copy of the statement of agreed facts of Mrs Stalker. There was no objection by the other parties to the admission of these documents and the panel agreed to admit them. They were added to section 7 of the bundle as pages 291 to 299.

Application for evidence to be given by video link

The panel considered applications for some of the witnesses to give evidence by video link, rather than appear in person. Miss Coulson made an application in relation to Ms Witness B and Witness D. Mr Glover made an application in relation to Witness F. Mr Storey made an application in relation to Witness H, Witness I, Witness G and Witness J. There was no objection by any party to any of these applications. The panel agreed that, in the current circumstance and given the agreement of the parties, each named witness be permitted to give evidence by video link.

Application for part of the hearing to be in private

Mr Storey made an application on behalf of Mr Lay for evidence relating to [REDACTED] to be heard in private. There was no objection by the presenting officer or the other parties. The panel agreed that, whilst the hearing would take place in public, the hearing would go into private session should it be necessary to hear oral evidence referring to [REDACTED].

Application to act as a witness supporter

Mr Storey made an application that Mr Lay's wife be permitted to act as a witness supporter for Mr Lay. Specifically, the application was for Mrs Lay to be able to sit next to Mr Lay during the hearing and, if required, when giving evidence, in order to provide emotional support and practical assistance in navigating the bundle. There was no objection by any of the other parties. The panel agreed that Mrs Lay be permitted to act as a witness supporter in the manner outlined in Mr Storey's application.

Application in relation to the scope of the evidence

In her opening note, Miss Coulson indicated her intention to explore with all three teachers the alleged culture and history of cheating/pressure in the School. The panel considered an application by Mr Faux on behalf of Mrs Stalker, and by Mr Glover on behalf of Mr Prestoe, regarding the scope of the pleaded allegations. Mr Faux and Mr Glover submitted that the allegations were very specific as to the time period and conduct alleged, that the TRA should be held to that narrow case as pleaded, and that it would be unfair to allow a broad exploration of issues. Mr Faux and Mr Glover also referred to parts of the evidence which they submitted should be excluded. Mr Storey's position, on behalf of Mr Lay, was to agree with the applications of Mr Faux and Mr Glover in principle, but not make any specific submissions about evidence to be excluded.

After hearing the submissions, receiving legal advice and retiring to consider the matter, the chair announced the decision of the panel, as follows:

'The panel has considered an application by Mr Faux on behalf of Mrs Stalker, and Mr Glover on behalf of Mr Prestoe, regarding the scope of the pleaded allegations. Mr Faux and Mrs Stalker also referred to parts of the evidence that they say the panel should exclude which they submit goes beyond the scope of the allegations pleaded against Mrs Stalker and Mr Prestoe. Mr Storey's position on behalf of Mr Lay was to agree with the applications of Mr Faux and Mr Glover in principle, but not make any specific submissions about evidence to be excluded.

On behalf of the TRA, Miss Coulson submitted that evidence about the alleged culture of cheating and pressure within the school was relevant to the issue of culpability and was consistent with an investigative approach. The panel concluded that evidence concerning the alleged culture of examination malpractice and pressure felt by staff to participate in this alleged practice was of potential relevance to any assessment of culpability in relation to the pleaded allegations. The panel was clear that it would be wrong to make any findings of fact relating to alleged conduct beyond that specifically pleaded.

The panel took into consideration the submissions made by Mr Faux and Mr Glover about evidence that they said should be excluded from the bundle. Given the potential relevance of some of that evidence to establishing the wider culture of the leadership within the school, the panel determined that it would not exclude the evidence from the bundle at this stage, but would exercise extreme caution when making any factual determination against any individual teacher.'

Summary of evidence

Documents

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

Section 1: Case Management Hearing decisions and anonymised pupil list – pages 2 to 13

Section 2: Notices of Hearing and response – pages 15 to 23

Section 3: Teaching Regulation Agency witness statements – pages 25 to 118

Section 4: Teaching Regulation Agency documents – pages 120 to 542

Section 5: Mr Howard Lay documents – pages 2 to 211

Section 6: Mr Andrew Prestoe documents – pages 2 to 96

Section 7: Ms Pat Stalker documents – pages 2 to 300

The panel members confirmed that they had read all of the documents within the bundle in advance of the hearing and the additional documents that the panel decided to admit.

On Day 6 of the hearing, Mr Sameja made an application to admit an additional document consisting of a record of telephone calls between Mrs Stalker and her union representative dated 7 February 2021. This had been referred to in Mrs Stalker's oral evidence on Day 5 of the hearing. There was no objection by any of the parties and the panel agreed that this document should be added to section 7 of the bundle as page 301.

On Day 10 of the hearing, Mr Sameja made an application to admit an additional document consisting of a YouGov report entitled, 'Exploring the issue of off-rolling' dated 9 May 2019. There was no objection by any of the parties and the panel agreed that this document should be admitted.

Witnesses

The panel heard oral evidence from:

- Witness A, [REDACTED];
- Witness B, [REDACTED]; (by video link);
- Witness C, [REDACTED];
- Witness D, [REDACTED]; (by video link);
- Witness E, [REDACTED];
- Mr Andrew Prestoe;
- Witness F, [REDACTED]; (by video link);
- Mrs Pat Stalker;
- Mr Howard Lay;
- Witness G, [REDACTED]; (by audio link);
- Witness H, [REDACTED]; (by video link);
- Witness I, [REDACTED]; (by video link);
- Witness J, [REDACTED]; (by video link);

Decision and reasons

The panel carefully considered this case and reached decisions in relation to each teacher.

These allegations arise out of events that took place at the Samuel Ward Academy ('the School'), which was previously known as Samuel Ward Upper School. It converted to academy status in the academic year 2010-11, later becoming an integral part of the Samuel Ward Academy Trust ('the Trust'). In 2018 it was renamed the Unity Schools Partnership.

Mr Howard Lay was the head teacher of the School from 2000 until 2012. He became the Executive Head Teacher in 2012 and CEO of the Trust in 2013.

Mr Andrew Prestoe was a deputy head teacher of the School between 2010 and 2013, when he became Head of School. In 2016, he left to take the headship of another school within the Trust.

Mrs Pat Stalker was an assistant head teacher of the School between 2010 and 2016.

The School had been rated by Ofsted as outstanding in 2008 and again in 2012.

It was relevant to these proceedings that as CEO of the Trust, Mr Lay kept in close contact with the senior leadership of the School, including maintaining an office at the School.

In 2018, an internal investigation took place following a number of concerns raised by members of staff about examination malpractice in respect of coursework. The investigation confirmed a number of instances of exam malpractice and resulted in the exposure of the practice of 'off-rolling' at a senior level within the School. Also, during this investigation, some instances of safeguarding concerns were identified in relation to Mr Prestoe.

The panel was aware that the general term 'off-rolling' can be interpreted in different ways. For the purposes of these proceedings, off-rolling at the School was defined by the panel as the deliberate removal of some Year 11 pupils' names from the School's SIMS system immediately prior to the January census. The names of the removed pupils were re-entered onto the School roll very shortly after the census date. The purpose of this exercise was to ensure that a small percentage of pupils unlikely to achieve five GCSEs graded A to C were not included in the School's results data, thereby misrepresenting the School's GCSE performance.

In considering this case, the panel was very conscious that the allegations against each of the teachers referred to specified periods of time. The panel was presented with evidence of events pre-dating those periods of time. The panel was invited by the

presenting officer to consider that wider evidence of the culture within the School as being of potential relevance to the pleaded allegations. The panel understood that it would be wrong to make any findings of fact relating to alleged conduct beyond that specifically pleaded in the allegations. However, the panel considered that it was important to understand the background culture and practices within the School in order to make findings on culpability.

The panel accepted the legal advice provided.

The panel heard evidence from a number of former teachers and a current teacher at the School called by the TRA. On behalf of the teachers, the panel also heard evidence from the three teachers who are the subjects of these proceedings together with a number of former teachers of the School, a former School Improvement Partner and a head teacher of another school at which one of the teachers has been working.

Findings of fact

It was alleged that you are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst an Assistant Head from 2010 until May 2016, you:

- 1. Submitted or allowed or caused others to submit data in connection with the school's annual census in 2015 and 2016 that you knew or should have known to be incomplete and/or which failed to give a true picture of the school's performance.**

Mrs Stalker admitted allegation 1 and signed a statement of agreed facts.

Mrs Stalker said that, late in 2010, she was aware that the process of off-rolling within the School, but was not involved herself in off-rolling during the academic year 2010-2011. In 2011-2012, Mrs Stalker said that she may have been involved in the process of off-rolling to the extent that she engaged in discussions as to the behaviour and likely attainment of pupils in her house group, but was not present when pupils were selected or taken off the roll. Mrs Stalker also admitted that, in 2012-2013, she regularly provided information as to the behaviour and likely attainment of pupils.

Mrs Stalker admitted that, in the academic years 2014-2015 and 2015-2016, she was actively involved in the discussion and selection of pupils to remove from the roll, based on her opinion and that of colleagues as to pupil behaviour and attainment. Mrs Stalker admitted that she was part of a meeting to discuss this in 2015, that everyone in the meeting understood the off-rolling process and that nobody required an explanation of how or why this was to be done.

Mrs Stalker said that she had not personally removed any pupil names from the register and that she did not know how to do this. However, she admitted that she was asked to

sit with the [REDACTED], Individual B, as pupil names were removed from the roll. She recalled that Individual B stated that she had been doing this for years.

Mrs Stalker admitted that, as a consequence of her involvement in discussions regarding the off-rolling of pupils, she allowed or caused others to submit data in connection with the School's annual census in 2015 and 2016 that she knew was incomplete and did not give a true picture of the School's performance.

The panel found allegation 1 proved.

2. Caused, allowed and/or failed to report exam malpractice after you became aware of it in connection with pupils' assessed work from 2012 - 2016, specifically in relation to:

a. Science coursework completed in the academic year 2015 – 2016 for which she received a 3 year ban from carrying out high level control AQA coursework in December 2016.

Mrs Stalker admitted allegation 2a and signed a statement of agreed facts.

Mrs Stalker admitted that, in December 2016, the examination board, AQA, imposed a suspension on her involvement in AQA's examinations, lasting until the summer of 2019. The letter confirming her suspension stated:

'During this period Mrs Stalker must have no involvement with any aspect of AQA's examinations or assessments. She may not come into contact with any of AQA's secure materials, materials within e-AQA, nor invigilate examinations, nor authenticate controlled assessment or coursework, nor may marks for such work be submitted by Mrs Stalker be submitted to AQA as part of any formal assessment...For this period, Mrs Stalker is also ineligible to hold any examining/moderating, training or advisory role with AQA.'

Mrs Stalker admitted that the allegation of malpractice investigated by AQA was one of *'improper assistance – assisting candidates in the production of controlled assessments beyond the extent permitted by the regulations; failure to complete the controlled assessments in line with the specified AQA/JCQ regulations and breach of security – failure to keep live confidential controlled assessment material secure.'*

Mrs Stalker admitted the following in relation to the Science coursework malpractice allegation.

- a. A few days prior to the deadline for submission of the Science coursework in 2016, it became known to the department that a number of pupils had performed badly in the coursework or had not completed it at all.

- b. Those pupils were then required to attend the science room on 4 May 2016 to complete their new coursework. Mrs Stalker was responsible for this session and how the controlled coursework assessment was then completed.
- c. The number of pupils that attended to complete their coursework was approximately one classroom's worth. It would have been appropriate for Mrs Stalker to halt the process and arrange for the School to notify AQA of the situation.
- d. Mrs Stalker allowed the pupils not to complete the practical elements of the coursework, despite this being an essential element of the coursework. The practical element had to be completed before the pupil completed 'Paper 2'. Mrs Stalker admitted providing the pupils with the data that they needed for the coursework. The pupils should have obtained the data themselves from completion of the practical of the coursework.
- e. Mrs Stalker supervised and marked the controlled assessment papers and had been fully aware that the practical element had not been completed. Section 1 of the ISA paper was required to be conducted under high control conditions. The JCQ Instructions for conducting controlled assessments document stated that under high control conditions, *'the centre must ensure that all candidates are within direct sight of the supervisor throughout the session(s); candidates complete their work independently; interaction with other candidates does not occur and no assistance of any sort is provided.'* The AQA specification for GCSE Science A stated that, *'a candidate is only allowed to have one attempt at each ISA and ISAs that are currently valid must not be given back to candidates.'*
- f. The Science department failed to ensure completed pupils' coursework was promptly collected in and safely stored away, prior to being sent off. Instead, the completed coursework was left in the room where the additional pupils attended to complete their coursework on 4 May 2016 and could, therefore, have been accessible to those additional pupils. This was contrary to the JCQ instructions for conducting controlled assessments which stated, *'secure storage is defined as a securely locked cabinet or cupboard'* and *'secure storage is required from the point at which candidates embark on producing work for assessment. All work that will be submitted for assessment must always be collected at the end of each session and stored securely between sessions'*. The AQA GCSE Science Guidance on controlled assessments stated that ISA papers *'should be treated in the same way as for any external exam paper and kept under strictly secure positions.'*

In her oral evidence, Mrs Stalker asserted that she was not aware of a culture of cheating in the School and that she had never encouraged anyone to cheat or cheated herself prior to 4 May 2016. She said that it had been agreed that the pupils should not do the coursework on the same day as the English exam as this would be detrimental to the pupils. Mrs Stalker said that she was the only Science Teacher free the following day and

so she agreed to conduct the coursework. Once the pupils started to arrive, she realised that there were many more pupils than expected. She said that she realised it would have been impossible to do the practical element within the time constraints and with the number of pupils present. She did not wish the pupils to end up with no marks at all. She said that her '*heart took over her head*' and asserted her motivation in not following the guidelines was the pupils' interests rather than the School's.

The panel found allegation 2a proved.

3. The facts as may be found proven at allegations 1 and 2 above amount to dishonesty and/or a lack of integrity.

Mrs Stalker admitted that her actions in allegation 1 and 2 were dishonest and lacked integrity.

As to her conduct in allegation 1, Mrs Stalker admitted that she knew the process was wrong and that it should not be occurring. She appreciated that this was a way of manipulating the School's performance data by wrongly removing pupils' names from the census.

As to her conduct in allegation 2a, Mrs Stalker was aware at the time that her actions were in breach of the AQA/JCQ regulations.

The panel was satisfied that Mrs Stalker's conduct in allegations 1 and 2a was dishonest by the standards of ordinary decent people.

The panel was also satisfied that her conduct in allegations 1 and 2 was a breach of the ethical standards of the teaching profession and, therefore, lacked integrity.

The panel found allegation 3 proved.

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

Having found allegations 1, 2 and 3 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.

Mrs Stalker admitted that her actions amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel took these admissions into account, but made its own determinations.

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 Mrs Stalker, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mrs Stalker 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;
- 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 also considered whether Mrs Stalker's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The panel found that none of these offences was relevant.

The panel was satisfied that the conduct of Mrs Stalker amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

Accordingly, the panel was satisfied that Mrs Stalker was guilty of unacceptable professional conduct.

As to conduct that may 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 findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

The panel therefore found that Mrs Stalker's 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. 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 maintenance of public confidence in the profession, declaring and upholding proper standards of conduct, and the interest of retaining Mrs Stalker in the profession.

In the light of the panel's findings against Mrs Stalker, which involved findings of dishonesty and lack of integrity relating to participating in the off-rolling of pupils and one instance of examination malpractice, there was a strong public interest consideration in the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct, which had to be balanced with the public interest in retaining the teacher in the profession.

The panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mrs Stalker were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mrs Stalker was outside that which could reasonably be tolerated.

The panel decided that there was a strong public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon her abilities as an educator and she is able 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 Mrs Stalker.

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 Mrs Stalker. 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 relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- dishonesty especially where it has been repeated;

It was clear to the panel that the practice of off-rolling that occurred in this case was wholly unacceptable. Part of the School's reputation was founded on the outstanding ratings that the School had achieved and had maintained. The panel believed that a school's continued outstanding status ought to be based on accurate and honest

attainment data. Off-rolling as practised by the school in this case called into question the overall validity of the School's reputation.

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.

As to her involvement in the off-rolling of pupils in 2015 and 2016, the panel was satisfied that Mrs Stalker was not the architect of the practice and that she refused to participate in extending the practice to another school within the Trust.

With regard to the exam malpractice in May 2016, the panel accepted Mrs Stalker's account that this was an isolated event. The panel noted that in December 2016, the examination board, AQA, imposed a suspension on her involvement in AQA's examinations, lasting until the summer of 2019.

Mrs Stalker did have a previously good history.

The panel considered a number of written testimonials in support of Mrs Stalker. One of these, from Individual I, who worked at the Samuel Ward Academy [REDACTED], initially as a [REDACTED], then subsequently as [REDACTED] said:

'I have known Pat since 2004. Pat and I [REDACTED] at Samuel Ward Academy. I eventually went on to become an [REDACTED]. In the time I spent working with Pat, I observed her dedication and genuine passion for science and teaching on a daily basis. Her primary motivation was wanting only the best for each and every student. Pat has a natural talent for explaining a subject and guiding even the most difficult students not only to understand, but also to retain, what she was teaching.'

Another testimonial, from Individual J, who worked with Mrs Stalker between 2008 and 2016, said:

'Pat was always delighted with the efforts of her students, I remember sitting in her office looking through some of the homework her students had produced, she was so excited by the efforts it was a pleasure to witness. Her passion for learning was infectious, she saw no boundaries and always encouraged students and staff she managed. She understood fear of learning and built confidence in the abilities of others no matter what that ability was. I know Pat has so much to offer the teaching profession. Apart from her incredible subject knowledge she has such a passion for the genuine success of young people whatever that is. I have witnessed her receiving knowledge of a student who had left the school in difficult family circumstances but had managed to get his life on track; that for Pat was a success story.'

The panel heard that, during a review of the School's science department, Mrs Stalker was described as the only outstanding teacher in the department.

In the view of the panel, Mrs Stalker demonstrated considerable insight into her failures and displayed remorse. She said that, after resigning from the School in April 2018, she had found life very difficult and did not go out for months. Apart from doing voluntary work at the local hospital and for the RSPCA, she had not worked, but would like the opportunity to return to education. Mrs Stalker admitted all the allegations found proved against her at the earliest opportunity and has co-operated with the TRA throughout these proceedings.

It was submitted on behalf of Mrs Stalker that the misconduct that has been found proved in his case occurred between five and eight years ago and she was referred to the TRA in May 2018. The case was first listed for hearing in July 2019. In accordance with the judgment in *Selvarajan v GMC* [2008] EWHC 182, the panel accepted that the longer the threat of prohibition order is hanging over a teacher's head the more severe such a sanction will be. Although this was not a decisive consideration, it was a factor that the panel took into account when assessing proportionality.

The panel 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. 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.

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 all of the 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 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 Mrs Stalker 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;
- 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.

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 Mrs Stalker, and the impact that will have on her, 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 that the behaviour found, “involved findings of dishonesty and lack of integrity relating to participating in the off-rolling of pupils and one instance of examination malpractice. A prohibition order would therefore prevent the risk of repetition in the future. I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “Mrs Stalker demonstrated considerable insight into her failures and displayed remorse”. I have 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, “The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual’s status as a teacher, potentially damaging the public perception.”

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 Mrs Stalker. Amongst other evidence the panel comment, “Mrs Stalker was described as the only outstanding teacher in the department.”

A prohibition order would prevent Mrs Stalker from teaching and would also clearly deprive the public of her 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, “the recommendation of no prohibition order would be both a proportionate and an appropriate response.”

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

A handwritten signature in blue ink, appearing to read 'Alan Meyrick', followed by a vertical line.

Decision maker: Alan Meyrick

Date: 20 October 2021

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