



Teaching  
Regulation  
Agency

# **Mrs Lucinda Jones: Professional conduct panel meeting outcome**

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

**March 2022**

## Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	4
Documents	4
Statement of agreed facts	5
Decision and reasons	5
Findings of fact	5
Panel's recommendation to the Secretary of State	9
Decision and reasons on behalf of the Secretary of State	12

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

<b>Teacher:</b>	Mrs Lucinda Jones
<b>Teacher ref number:</b>	94/43918
<b>Teacher date of birth:</b>	28 September 1972
<b>TRA reference:</b>	19253
<b>Date of determination:</b>	21 March 2022
<b>Former employer:</b>	Nicholas Hammond Academy, Swaffham, Norfolk (the “School”)

### Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened a meeting on 21 March 2022 by video conference, to consider the case of Mrs Lucinda Jones.

The panel members were Mr David Raff (lay panellist – in the chair), Mr John Martin (teacher panellist) and Mrs Oluremi Alabi (lay panellist).

The legal adviser to the panel was Ms Sarah Valentine of Eversheds Sutherland (International) 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 Mrs Lucinda Jones that the allegations be considered without a hearing. The panel was provided with a signed statement of agreed facts jointly agreed by the presenting officer and the teacher. The panel considered the case at a meeting without the attendance of the presenting officer, Miss Rebecca Neeson, or the teacher, Mrs Lucinda Jones.

The meeting took place in private and was not recorded.

## **Allegations**

The panel considered the allegations set out in the notice of meeting dated 9 March 2022.

It was alleged that Mrs Lucinda Jones was guilty of unacceptable professional conduct and conduct that may bring the profession into disrepute in that whilst working as a teacher at the Nicholas Hammond Academy:

1. Between 10 July and 12 July 2019, she fabricated the candidate assessment work of at least 5 pupils;
2. Between 4 July 2019 and 8 July 2019, she submitted grades to the OCR without the evidence of the pupil's work available;
3. She provided assistance to the candidates beyond the permitted regulations;
4. She failed to retain candidates' work securely;
5. Her conduct at allegations 1 and 2 lacked integrity and/or was dishonest; and
6. Her conduct at allegations 3 and 4 fell short of the standards expected of the profession.

The teacher admits to the facts of all allegations (allegations 1 to 6) as outlined in a signed statement of agreed facts, signed 26 October 2021. Mrs Lucinda Jones further admits that the facts of each of the allegations amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

## **Preliminary applications**

There were no preliminary applications.

## **Summary of evidence**

### **Documents**

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

Section 1: Chronology, list of key people and anonymised pupil list – pages 1 to 2

Section 2: Notice of referral, response and notice of meeting– pages 3 to 15

Section 3: Statement of agreed facts and presenting officer representations – pages 16 to 22

Section 4: Teaching Regulation Agency documents – pages 23 to 323

Section 5: Teacher documents – pages 324 to 325

The panel members confirmed that they had read all of the documents within the bundle in advance of the meeting. No additional documents were submitted.

## **Statement of agreed facts**

The panel considered a statement of agreed facts which was signed by Mrs Jones dated 26 October 2021. Mrs Jones has accepted responsibility for her actions and has fully cooperated with the Teaching Regulation Agency.

## **Decision and reasons**

In advance of the meeting, the TRA agreed to a request from Mrs Jones for the allegations to be considered without a hearing in accordance with paragraphs 4.83 to 4.91 of the Disciplinary Procedures (2018). 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 noted that it was in the public interest to expeditiously dispose of this case in light of the admissions made and by virtue that there were no disputed facts which required consideration at a hearing.

Mrs Jones was employed as a teacher at the Nicholas Hammond Academy from 28 April 2003 to 31 August 2019. She was employed as Head of Vocational Education/ Teacher of Humanities. She predominantly taught Health and Social Care to Key Stage 4 and 5 students. Mrs Jones, as part of her role, was also the internal quality assurer for vocational qualifications in the Academy.

On 12 July 2019, the School's IT manager identified some unusual activity which related to pupils' OCR assignments being amended and resaved onto the network by Mrs Jones at times where the pupils would not have been in attendance at the School. An investigation was completed by the School (July 2019) and the Malpractice Committee of the Oxford Cambridge and RSA ("OCR") (December 2019) and Mrs Jones resigned on 31 August 2019.

The panel carefully considered the case and reached a decision.

## **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. Between 10 July and 12 July 2019, you fabricated the candidate assessment work of at least 5 pupils;**
- 2. Between 4 July 2019 and 8 July 2019, you submitted grades to the OCR without the evidence of the pupil's work available;**

- 3. You provided assistance to the candidates beyond the permitted regulations;**
- 4. You failed to retain candidates' work securely;**
- 5. Your conduct at allegations 1 and 2 lacked integrity and/or was dishonest; and**
- 6. Your conduct at allegations 3 and 4 fell short of the standards expected of the profession.**

The panel noted that the allegations were admitted by Mrs Jones within the statement of agreed facts signed by the teacher on 26 October 2021. Additionally, the panel noted Mrs Jones' admissions within the signed notice of referral dated 19 November 2020 and her supporting statement received by email on 14 November 2021.

The panel firstly considered allegations 1 to 4. In addition to the documentation above the panel also considered the investigation reports completed by the OCR and the School disciplinary investigation. The panel accepted that whilst it was not bound by these decisions a review of the statements and evidence collated assisted the panel in making its determination.

The panel found that Mrs Jones had fabricated candidate assessment work for at least 5 pupils (Pupils A, B, C, D and E) between 10 July and 12 July 2019. The pupils were not aware the assignments had been fabricated. When interviewed as part of the investigation Pupil A stated that "it is not mine, the last two bits are not mine." Pupil B also stated that "half of this I have not added" and Pupil C commented that she was upset to see that there were significant changes to some of her assignments. The panel noted that Mrs Jones admitted to fabricating a number of assessments for Pupils A, B, C, D and E during this period and, therefore, found the facts proven in relation to allegation 1.

The panel found that Mrs Jones had submitted grades to the OCR between 4 and 8 July 2019 without evidence of the pupil's work. Mrs Jones confirmed in a letter dated 12 August 2019 that she had "submitted grades despite not being in possession of the pupil's work until 9 July 2019."

The panel also noted that Pupil A confirmed that she did not write an assignment for one of the assessment units and that Mrs Jones had said it was not needed and that she would sort it out for her. The panel found that Mrs Jones submitted a grade to the OCR for Pupil A when she had not received the relevant assignment from Pupil A. The panel found similar actions had taken place by Mrs Jones for Pupils B and C. Mrs Jones admitted this conduct and the panel found allegation 2 proven.

The panel considered the 'Suspected Malpractice in Examinations and Assessments' booklet and noted that providing improper assistance is "any act where assistance is given beyond that permitted by the specification or regulations to a candidate or group of

candidates, which results in a potential or actual advantage in an examination or assessment.” The panel found that Mrs Jones breached these regulations through her conduct. The panel determined that Mrs Jones breached several regulations in the ‘Centre Handbook for Health and Social Care’ namely, that she amended pupils’ work and completed work for them. Mrs Jones admitted that she had provided assistance beyond that permitted by the regulations. The panel, therefore, found allegation 3 proven.

The panel then considered whether Mrs Jones had failed to securely retain pupils’ work. The panel found that assignments relating to an assessment unit were unaccounted for. Further, that Mrs Jones could not locate all the assignments completed by the pupils and was unable to provide an explanation to the School as to why the work was not securely stored. The panel acknowledged that Mrs Jones admitted this allegation and, therefore, found allegation 4 proven.

The panel having on balance found all allegations 1 to 4 proven then turned to consider whether Mrs Jones’ conduct lacked integrity and was dishonest (allegations 1 and 2) and whether it fell seriously short of the standards expected of the profession (allegations 3 and 4). The panel determined that the actions of Mrs Jones displayed a significant departure from the conduct expected of teachers.

The panel found that Mrs Jones knew that her actions were wrong. The panel determined that Mrs Jones knew that amending and adding to the pupils assignments and submitting grades for incomplete and missing assignments was dishonest. In her supporting statement she said “I fully understand that what I did was wrong.” The panel determined that a reasonable person would conclude that Mrs Jones’ actions were dishonest in that if undiscovered they would have led to the examinations being graded inaccurately.

When considering integrity the panel accepted that this extended beyond dishonesty. The panel determined that Mrs Jones’ actions did lack integrity. She failed to maintain the standards that are required of her as a member of the teaching profession. The panel noted that her conduct extended beyond her and impacted on the integrity of the School, her colleagues, the pupils and the wider community. Teachers are role models within society and through her conduct and lack of integrity she undermined these principles. The panel found that allegations 5 and 6 were proven.

### **Findings as to unacceptable professional conduct and conduct that may bring the profession into disrepute**

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

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, February 2022 which is referred to as “the Advice”. The panel was satisfied that the conduct of Mrs Jones, in relation to the facts it found proven, involved breaches

of the Teachers' Standards. The panel considered that with reference to Part 2, Mrs Jones 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, and at all times observing proper boundaries appropriate to a teacher's professional position.

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 was satisfied that the conduct of Mrs Jones fell significantly short of the standards expected of the profession.

The panel found that Mrs Jones failed to demonstrate high standards of personal and professional conduct. As an experienced teacher and the internal quality assurer for the Health and Social Care course, the panel considered that she would have been fully familiar with, and should have abided by, the standards and the required ethos and ethical behaviours expected of her.

It is a fundamental principle within the profession not to complete pupils' work or amend pupils' work once submitted for final examination grading. Additionally, the panel found that a failure to securely store pupils' work was again a departure from the profession's standards. The panel acknowledged that Mrs Jones admitted these allegations and found that Mrs Jones had acted dishonestly and without integrity.

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 determined that Mrs Jones would have an influential role in their learning and through her actions they might consider that acting dishonestly was acceptable. The panel found that this was an instance of serious dishonesty.

Mrs Jones' actions potentially had a hugely detrimental impact on the pupils whose education journey was adversely affected. Further, the pupils had submitted their assignments trusting that Mrs Jones would submit these to the OCR to enable accurate assessment. Mrs Jones failed to consider the wider implications and adverse impact of her actions on the pupils, the School and her colleagues. The panel concluded that there is no doubt that Mrs Jones' misconduct would bring the profession into disrepute.



Having found the facts of particulars 1 to 6 proven, the panel further found that Mrs Jones' 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 considered whether it would be an appropriate and proportionate measure in the public interest. 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 a punitive effect.

### The public interest

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, declaring and upholding proper standards of conduct and the interests of retaining the teacher in the profession.

In light of the panel's findings against Mrs Jones, which involved dishonesty, a lack of integrity and conduct that was unacceptable professional conduct and conduct that may bring the profession into disrepute, there was a strong public interest consideration. The panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mrs Jones was not to be 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 Jones was outside that which could reasonably be tolerated by those within the profession.

### Proportionality

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 Jones.

### The Advice

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 Jones. 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 proven.

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;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up; and
- deliberate action in serious contravention of requirements for the conduct of an examination or assessment leading to an externally awarded qualification or national assessment (or deliberate collusion in or deliberate concealment of such action) particularly where the action had, or realistically had the potential to have, a significant impact on the outcome of the examination assessment.

The panel considered the impact of Mrs Jones' actions in its findings and determinations where it concluded the facts proven, and that her actions amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel considered whether a prohibition order was proportionate in view of the adverse findings and the information that would be published on the TRA website. The panel determined that the circumstances of this case and Mrs Jones' misconduct could not appropriately be dealt with solely by the publication of adverse findings on the TRA website.

### Mitigation

Even though the behaviour found proven 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 found that Mrs Jones' actions were deliberate, calculated and self-serving. The panel concluded that Mrs Jones was not acting under duress.

The panel acknowledged that Mrs Jones demonstrated remorse for her actions and showed an understanding of the severity of her actions and the consequences for her pupils and colleagues. In her supporting statement Mrs Jones stated "I made the stupid decision to complete some work for them" and "I am deeply sorry that my actions have caused such concern and issues for the students and the school." The panel noted that Mrs Jones stated that she fully understood that "what I did was wrong and failed to meet the standards expected." The panel also noted that Mrs Jones had engaged and cooperated with the TRA. However, she did not provide any references, medical

evidence or documentation regarding subsequent remedial activity. Furthermore, in the absence of any evidence to that effect the panel did not determine that Mrs Jones had made an exceptional contribution to the profession.

The panel acknowledged that Mrs Jones in both engagement with the School's investigation process and in her supporting statement dated 14 November 2021 indicated that she was [redacted].

The panel considered whether it would be proportionate or not to conclude this case with no recommendation of prohibition. The panel was concerned about the seriousness of the incidents and the implications this had on the pupils and their educational development. The panel noted that there had been media interest at the time of the misconduct which may have adversely affected the pupils and the School.

When considering a prohibition the panel noted that the OCR had also issued a ban to Mrs Jones following their investigation. This ban will prevent Mrs Jones' involvement in the OCR regulated curriculum until December 2022.

The panel was of the view that a prohibition order was both proportionate and appropriate. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

### Review Period

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 panel considered the list of behaviours at paragraph 50 within the Advice which would weigh in favour of not offering a review period on public interest grounds. The panel determined that none of the behaviours listed in this section of the Advice applied to the facts of this case. Further, the panel did not consider the facts of this case to be so exceptional that a prohibition order without provision of a review period should be made.

The panel then considered the length of the review period taking into account any conduct listed in paragraph 51 of the Advice which was relevant to Mrs Jones' behaviour.

The panel determined that as Mrs Jones was found to have committed a serious act of dishonesty and acted without integrity, a lengthy review period is necessary in the public interest. Having considered the individual merits and circumstances the panel determined that a review period of 5 years would be appropriate as it was satisfied that this would be necessary to protect the public interest and the impact on the teacher is proportionate.

## 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 conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Mrs Lucinda Jones should be the subject of a prohibition order, with a review period of five years.

In particular, the panel has found that Mrs Jones 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, and at all times observing proper boundaries appropriate to a teacher's professional position.

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 Mrs Jones fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include amending and adding to pupils assignments and submitting grades for incomplete and missing assignments, conduct 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 Mrs Jones, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect pupils. The panel has observed, "Mrs Jones' actions potentially had a hugely detrimental impact on the pupils whose education journey was adversely affected." 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, "Mrs Jones demonstrated remorse for her actions and showed an understanding of the severity of her actions and the consequences for her pupils and colleagues."

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "In light of the panel's findings against Mrs Jones, which involved dishonesty, a lack of integrity and conduct that was unacceptable professional conduct and conduct that may bring the profession into disrepute, there was a strong public interest consideration. The panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mrs Jones was not to be treated with the utmost seriousness when regulating the conduct of the profession." 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 Mrs Jones herself and the panel commented that she was an experienced teacher and the internal quality assurer for the Health and Social Care course. The panel also commented "Mrs Jones had engaged and cooperated with the TRA. However, she did not provide any references, medical evidence or documentation regarding subsequent remedial activity. Furthermore, in the absence of any evidence to that effect the panel did not determine that Mrs Jones had made an exceptional contribution to the profession."

A prohibition order would prevent Mrs Jones from teaching. A prohibition order 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 concerning dishonesty, "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 determined that Mrs Jones would have an influential role in their learning and through her actions they might consider that acting dishonestly was acceptable. The panel found that this was an instance of serious dishonesty."

I have also placed considerable weight on the finding of the panel that "Mrs Jones' actions were deliberate, calculated and self-serving."

I have given less weight in my consideration of sanction therefore, to the contribution that Mrs Jones 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, 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 a 5 year review period.

I have considered the panel's comments "Mrs Jones was found to have committed a serious act of dishonesty and acted without integrity, a lengthy review period is necessary in the public interest. Having considered the individual merits and circumstances the panel determined that a review period of 5 years would be appropriate as it was satisfied that this would be necessary to protect the public interest and the impact on the teacher is proportionate."

The Advice makes it clear when considering the length of review period and the relevant conduct that may indicate a longer review period. I have therefore considered whether a 5 year 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, the factors which mean a five-year review period is necessary are, the serious dishonesty found proven, the impact on the profession and pupils.

I consider therefore that a five year review period is required to satisfy the maintenance of public confidence in the profession.

**This means that Mrs Lucinda Jones is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England.** She may apply for the prohibition order to be set aside, but not until 5 April 2027, 5 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will

meet to consider whether the prohibition order should be set aside. Without a successful application, Mrs Jones remains prohibited from teaching indefinitely.

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

Mrs Lucinda Jones has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date she is given notice of this order.

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

**Decision maker: Sarah Buxcey**

**Date: 28 March 2022**

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