



Teaching
Regulation
Agency

Ms Gillian Hardman: Professional conduct panel outcome

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

July 2023

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

Teacher:	Ms Gillian Hardman
Teacher ref number:	542790
Teacher date of birth:	05 May 1983
TRA reference:	20422
Date of determination:	20 July 2023
Former employer:	Inscape House School, Cheadle

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 18, 19 and 20 July 2023 to consider the case of Ms Gillian Hardman.

The panel members were Mr Paul Millett (lay panellist – in the chair), Ms Christine McLintock (teacher panellist) and Mr Clive Ruddle (lay panellist).

The legal adviser to the panel was Ms Ellie Floyd of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Ms Leah Redden of Browne Jacobson solicitors.

Ms Gillian Hardman was present and was represented by Mr Rhys Johns of Counsel.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegation(s) set out in the notice of proceedings dated 28 April 2023.

It was alleged that Ms Gillian Hardman was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a teacher at Inscape House School (“the School”) between 20 August 2018 and 8 August 2021:

1. During the 2020-21 academic year, in respect of the Teacher Assessed Grades for the GCSE Geography assessment, she:
 - a. Submitted work as part of Pupil A’s assessment which was not of her own;
 - b. Informed the School the moderation of Pupil A’s work was completed months before the submission deadline when in fact Pupil A’s work had not been moderated prior to the submission deadline;
 - c. Informed the School Pupil A’s work had been completed in February 2021 under exam conditions when in fact she was working remotely from home;
2. Her conduct as may be found proven at 1 above lacked integrity and/or was dishonest;
3. She caused and/or permitted the functional skills exam papers to be left insecurely stored in classrooms.

During the hearing, Ms Hardman admitted allegation 1a, amended allegation 1b and allegation 1c. In relation to the admitted allegations, Ms Hardman further admitted that those allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. Allegations 2 and 3 were not admitted by Ms Hardman.

Preliminary applications

An application was made by the presenting officer to amend the Notice of Proceedings by amending the following allegations:

1. Allegation 1b to remove reference to the word “months” to state that Ms Hardman informed the School the moderation of Pupil A’s work was completed before the submission deadline.

Before making an amendment, the panel was required to consider any representations made by the presenting officer and by the teacher, and the parties were afforded that opportunity. The teacher did not object to the application.

In relation to the amendment to allegation 1b, the panel considered that the amendment proposed did not change the nature, scope or seriousness of the allegations. There was

no prospect of the teacher's case being presented differently had the amendment been made at an earlier stage, and therefore no unfairness or prejudice caused to the teacher. The amendment clarified the allegations and reflected the evidence in the bundle. The panel considered it in the interests of justice to amend the allegation to prevent it failing as a result of the drafting.

The panel therefore decided to amend the allegations as follows:

1. During the 2020-21 academic year, in respect of the Teacher Assessed Grades for the GCSE Geography assessment, she:
 - b. Informed the School the moderation of Pupil A's work was completed before the submission deadline when in fact Pupil A's work had not been moderated prior to the submission deadline.

Summary of evidence

Documents

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

Section 1: Chronology – pages 8 to 9

Section 2: Notice of proceedings – pages 11 to 22

Section 3: Teaching Regulation Agency witness statements – pages 24 to 309

Section 4: Teaching Regulation Agency documents – pages 311 to 386

Section 5: Teacher documents – pages 388 to 654

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

Witnesses

The panel heard oral evidence from the following individuals, called by the TRA:

- Witness A, [REDACTED]
- Witness B, [REDACTED];
- Witness C, [REDACTED]

Ms Hardman also gave evidence.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case before it and reached a decision.

Ms Hardman had been employed at Inscape House School (“the School”) since 20 August 2018 as a teacher. The School conducted an investigation on 21 June 2021. On 19 July 2021, the School invited Ms Hardman to attend a disciplinary hearing. Ms Hardman resigned on 8 August 2021.

Findings of fact

The findings of fact are as follows:

The panel found the following particulars of the allegation(s) against you proved, for these reasons:

- 1. During the 2020-21 academic year, in respect of the Teacher Assessed Grades for the GCSE Geography assessment, she:**
 - a. Submitted work as part of Pupil A’s assessment which was not of her own;**

Ms Hardman admitted that she had submitted work as part of Pupil A’s assessment which was not of her own but denied that this was intentional. Ms Hardman admitted that she included an exemplar piece of work that she had completed within the submission of work for Pupil A and that she had done this in error.

The panel did not have sight of the TAG form or the pieces of work submitted by Ms Hardman for Pupil A’s Geography GCSE. The panel noted that whilst it would have been helpful for this evidence to have been included within the bundle, the evidence provided by the witnesses and Ms Hardman was consistent in relation to the contents of the TAG form, and that three pieces of work had been submitted by Ms Hardman.

Ms Hardman admitted that she had submitted an exemplar document that she had prepared within the submission of Pupil A’s work for her Geography GCSE. The panel also heard evidence from Witness B and Witness C that Pupil A was shown a copy of the work that was submitted by Ms Hardman for the Geography GCSE and she confirmed that she had not completed two out of the three of the pieces of work. The evidence of Ms Hardman and all of the witnesses evidence that Pupil A is highly intelligent and articulate. The panel were therefore satisfied that she would have been able to recognise whether work had or had not been completed by herself.

Ms Hardman stated that, on 17 June 2021, she created Word documents and had copied and pasted the work that had been completed earlier by Pupil A from Microsoft Teams. Further, that in the process of copying and pasting, she had erroneously included the

exemplar document that she herself had produced. The panel did not accept that Ms Hardman had copied and pasted the earlier work of Pupil A from Microsoft Teams as a likely explanation. Witness B and Witness C stated that they were granted access to both Ms Hardman and Pupil A's Microsoft Teams accounts and that there was no evidence of this work on either account. Further, that the IT department had confirmed that there were no documents that had been archived or deleted from Microsoft Teams. The panel were therefore satisfied that, on the balance of probabilities, two out of the three pieces of work submitted by Ms Hardman for Pupil A's Geography GCSE had been completed by Ms Hardman and not Pupil A.

The allegation was, therefore, found proved.

b. Informed the School the moderation of Pupil A's work was completed before the submission deadline when in fact Pupil A's work had not been moderated prior to the submission deadline;

Ms Hardman accepted that the School deadline for submission of the TAGs and supporting evidence was 14 June 2021, and that she was aware of this deadline in advance. The deadline for the School to submit its TAGs to the relevant awarding body was 18 June 2021. Ms Hardman also confirmed that she was aware of these deadlines in advance. During oral evidence, Ms Hardman admitted that moderation of Pupil A's Geography work was not completed and she had not submitted the TAG and supporting evidence to the School by 14 June 2021.

The panel had sight of documents from the School's disciplinary investigation. During oral evidence, Ms Hardman and Witness A stated that Ms Hardman was absent from work [REDACTED] on 17 June 2021, which the panel understands was the last working day before the School was required to submit TAGs to the awarding body. Ms Hardman and all witnesses stated that on 17 June 2021, Witness A and Ms Hardman's line manager attended Ms Hardman's property to collect the TAG for Pupil A and supporting evidence. Ms Hardman admitted that she completed the TAG form on 17 June 2021. The oral evidence of Ms Hardman and the witnesses was consistent in that the TAG form stated that Pupil A's work had been "moderated by LS."

The panel had sight of email correspondence between Ms Hardman and the external moderator ('LS') between 17 June 2021 and 18 June 2021. At 15:00 on 17 June 2021, Ms Hardman emailed the external moderator stating: "please can you cast your eyes over these papers for me and let me know if you agree with the marks" with a subject heading of "Need a little moderation help please". On 18 June 2021, the external moderator responded to Ms Hardman with her comments in respect of the papers.

During oral evidence, Ms Hardman stated that she had completed and submitted the TAG form on 17 June 2021 which stated that Pupil A's work had been moderated before moderation was completed by the external moderator on 18 June 2021. Ms Hardman further stated that she understood the importance of moderation as part of the

assessment process and that moderation of work was required before TAGs were submitted for pupils.

The allegation was, therefore, found proved.

c. Informed the School Pupil A's work had been completed in February 2021 under exam conditions when in fact she was working remotely from home;

During the hearing, Ms Hardman admitted this allegation but stated that she incorrectly selected the option on the TAG form that a practice paper dated February 2021 had been completed by Pupil A under exam conditions by mistake. During oral evidence, Ms Hardman stated that she had made this mistake due to "panic" and [REDACTED] at the time of completing the TAG form at home on 17 June 2021.

The panel had sight of the witness statements and documents from the School's disciplinary investigation. The evidence of the witnesses during the hearing was consistent that Pupil A had not been in school in February 2021 and could therefore not have completed the past paper in school under exam conditions. Ms Hardman accepted that Pupil A was not in school in February 2021 and stated that the past paper had been completed by Pupil A at home and not under exam conditions.

The allegation was, therefore, found proved.

2. Her conduct as may be found proven at 1 above lacked integrity and/or was dishonest;

Having found allegation 1a, allegation 1b and allegation 1c proven, the panel considered whether Ms Hardman's conduct lacked integrity and/or was dishonest.

During the oral evidence, Ms Hardman admitted that she had left the TAG and preparation of supporting evidence for the Geography GCSE until the "last minute." Ms Hardman further stated that in the months preceding the deadline for submission, she had "prioritised" the English and Maths qualifications, and Geography "came last" and "went on the backburner." Ms Hardman acknowledged that she was "wrong to leave Geography [until the] last minute" and it should have been given equal priority. Ms Hardman explained that she completed the TAG form on 17 June 2021 whilst Witness A and her line manager were in attendance at her home, and had later created the Word documents containing the supporting evidence, whilst she [REDACTED] and in a "panic". The panel did not accept the evidence of Ms Hardman that she completed the TAG form whilst Witness A and her line manager were in attendance at her home as the evidence of the TRA's witnesses was consistent in that the TAG form was submitted by Ms Hardman later that day. In any event, the panel were satisfied that, on 17 June 2021, Ms Hardman knew that she had not prepared the TAG form, nor the supporting evidence and that she had not had Pupil A's work moderated as required.

Ms Hardman stated that she had created the Word documents containing the supporting evidence for Pupil A's TAG on 17 June 2021 by "copying and pasting" Pupil A's work from Microsoft Teams. The panel considered the evidence of Witnesses B and C that they had access to Ms Hardman and Pupil A's Microsoft Teams accounts and had found no evidence of the work contained within the Word documents. They further stated that the IT department could find no evidence of any documents that had been archived or deleted. The panel were satisfied that, on the balance of probabilities, Ms Hardman did not copy and paste Pupil A's work from Microsoft Teams into the Word documents, and had submitted work that been produced by herself and not Pupil A. The panel were satisfied that Ms Hardman knew that two of the three pieces of the work she had submitted had not been completed by Pupil A, and that to the standards of ordinary decent people this conduct was dishonest.

Ms Hardman accepted that the TAG form stated "moderated by LS" before she had sent the work to the external moderator to be moderated. During oral evidence, she stated that she knew she had done it "the wrong way round" but "was confident that the grades weren't going to change." Ms Hardman accepted that by submitting the TAG form stating that moderation was complete, before the work had been sent to the external moderator, would have given the impression to the School that moderation was complete. The panel were satisfied that, on the balance of probabilities, Ms Hardman had informed the School the moderation of Pupil A's work was completed before the submission deadline when she knew that Pupil A's work had not been moderated when she stated it had been on the TAG form. The panel were satisfied that to the standards of ordinary decent people this conduct was dishonest.

The panel considered Ms Hardman's explanation that she had made an error on the TAG form by selecting the option stating that Pupil A had completed the past paper dated February 2021 under exam conditions, due to [REDACTED] and "panic" on 17 June 2021. Ms Hardman accepted that Pupil A was not in school at this time and could not have completed the past paper in school. The panel were satisfied that Ms Hardman intentionally selected this option on the TAG form in the knowledge that Pupil A did not complete the work under exam conditions. The panel were satisfied that to the standards of ordinary decent people this conduct was dishonest.

The Panel considered that the public would expect teachers to afford equal priority to all pupils, subjects and qualifications they teach. The panel agreed that to knowingly put a subject, qualification and pupil on the "backburner" demonstrates a lack of integrity. The panel considered Ms Hardman to have knowingly breached the policies and procedures of the School and had not adhered to the ethical standards of the teaching profession. The panel noted from the evidence that Ms Hardman's behaviour demonstrated a pattern of dishonesty which culminated in her conduct on 17 June 2021. The panel found that, on the balance of probabilities, Ms Hardman had acted dishonestly and without integrity.

The allegation was, therefore, found proved.

3. She caused and/or permitted the functional skills exam papers to be left insecurely stored in classrooms.

Ms Hardman denied this allegation and stated that she had put the completed and uncompleted functional skills papers within an unlocked cupboard in a locked classroom. During oral evidence, Ms Hardman stated that all members of staff had a key to the classroom. The panel had sight of the guidelines in relation to the storage of the functional skills exam papers, and the witness evidence, and agreed that Ms Hardman had not stored the functional skills exam papers in accordance with the guidelines and had left them insecurely in an unlocked cupboard.

The panel considered that Ms Hardman had attempted to give the exam papers to the exams officer, Witness A, for secure storage. During oral evidence, Witness A accepted that she “may” have asked Ms Hardman to retain them and “keep them safe”. However, during the hearing Ms Hardman stated that, earlier that morning she had informed a colleague that the exam papers would be stored in the unlocked cupboard over the weekend if they were not stored in the exams office. The panel considered that there was therefore sufficient time for Ms Hardman to ensure that the exam papers were stored securely during the day before leaving the School.

The allegation was, therefore, found proved.

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 Ms Hardman, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The preamble to Part 1 states that teachers act with honesty and integrity. The panel considered that, by reference to Part 2, Ms Hardman was in breach of the following standards:

Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.

The panel had found that Ms Hardman had submitted work as part of Pupil A’s assessment which was not Pupil A’s work and had informed the School that moderation of Pupil A’s work was completed before the submission deadline when it had not been. Further, that she had informed the School that the past paper was completed by Pupil A under exam conditions when it had not. In doing so, the panel was satisfied that Ms

Hardman had not acted with proper and professional regard for the ethos, policies and practices of the School.

The Panel also noted that, during the hearing, Ms Hardman repeatedly stated that her conduct “fell significantly short of the professional standards” that were required of her.

The panel was satisfied that the conduct of Ms Hardman fell significantly short of the standard of behaviour expected of a teacher.

The panel also considered whether Ms Hardman’s conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that the offence of fraud or serious dishonesty was relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual’s conduct would amount to unacceptable professional conduct.

The Advice states that it is likely that a panel will consider a teacher’s behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15, including a 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.

Accordingly, the panel was satisfied that Ms Hardman was guilty of unacceptable professional conduct.

The panel took into account the way the teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils 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 considered that Ms Hardman’s conduct could potentially damage the public’s perception of a teacher.

The panel therefore found that Ms Hardman’s actions constituted conduct that may bring the profession into disrepute.

Having found the facts of particulars 1a, 1b, 1c and 2 proved, the panel further found that Ms Hardman’s conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel did not find that Ms Hardman's actions in relation to allegation 3 amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute as she had attempted to give the exam papers to the exam officer in accordance with the policies and procedures of the School.

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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Ms Hardman and whether a prohibition order is necessary and proportionate. 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 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 wellbeing of pupils; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; the interest of retaining the teacher in the profession.

In the light of the panel's findings against Ms Hardman, namely: that she submitted work as part of Pupil A's assessment which was not of Pupil A's; that she informed the School the moderation of Pupil A's work was completed before the submission deadline when in fact Pupil A's work had not been moderated prior to the submission deadline; that she informed the School Pupil A's work had been completed in February 2021 under exam conditions when in fact she was working remotely from home; and that this conduct lacked integrity and was dishonest, there was a strong public interest consideration in respect of the maintenance of public confidence in the profession.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Hardman 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 Ms Hardman was outside that which could reasonably be tolerated, particularly in light of the significant implications for both Pupil A and the School.

Whilst there is evidence that Ms Hardman had ability as an educator and had 20 years' experience as a teacher, the panel considered that the adverse public interest

considerations above outweigh any interest in retaining Ms Hardman in the profession, since her behaviour fundamentally breached the standard of conduct expected of a teacher.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times. The panel also considered that Ms Hardman had significantly let down Pupil A and her teaching colleagues due to her conduct and her own admission that she had put Geography “on the backburner.”

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher’s behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, 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 well-being of pupils, and particularly where there is a continuing risk;
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests;
- 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.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider whether there were mitigating circumstances.

There was no evidence that the teacher’s actions were not deliberate.

There was no evidence to suggest that Ms Hardman was acting under extreme duress, e.g. a physical threat or significant intimidation. Ms Hardman left the Geography TAG until so late in the process that by her own admission she “panicked” and this led to the conduct found proven in allegation 1.

The panel considered whether Ms Hardman had a previously good history and whether there was evidence of her demonstrating exceptionally high standards in both her personal and professional conduct and having contributed significantly to the education sector. Although the panel noted that Ms Hardman had 20 years' experience as a teacher, it noted that no references were provided by any former and/or current colleagues that could attest to her abilities as a teacher. The panel accepted that the incident was out of character.

Ms Hardman has stated that her behaviour fell significantly below the professional standards required of her. Ms Hardman's legal representative further stated that, in light of the panel's findings, Ms Hardman accepts that prohibition "is not inappropriate." During the hearing, Ms Hardman recognised the implications of her conduct on Pupil A and her colleagues. The panel accepted that she had demonstrated a degree of insight and remorse as to the consequences of her behaviour on Pupil A and her colleagues. However, throughout the hearing she maintained that her conduct was not dishonest but was the result of mistakes she had made.

Proportionality

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 would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Ms Hardman of prohibition.

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 Ms Hardman. Ms Hardman's breach of multiple Teachers' Standards and the significant consequences of her misconduct and dishonesty were significant factors in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. 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 cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of a longer period

before a review is considered appropriate. These cases include fraud or serious dishonesty. The panel found that Ms Hardman was responsible for serious dishonesty.

In making its recommendation in relation to the length of the review period, the panel considered Ms Hardman's teaching experience and her insight and expression of remorse as to the consequences of her behaviour on Pupil A and her colleagues. The panel also considered that the incidents occurred during unprecedented circumstances caused by the Covid-19 pandemic and at a time of increased stress and uncertainty for Ms Hardman and the teaching profession.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period of 2 years.

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 Ms Gillian Hardman should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Ms Hardman is in breach of the following standards:

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.

The panel finds that the conduct of Ms Hardman fell significantly short of the standards expected of the profession.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published

finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Ms Hardman 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 children/safeguard pupils. The panel has observed, "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." 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, "Ms Hardman has stated that her behaviour fell significantly below the professional standards required of her. Ms Hardman's legal representative further stated that, in light of the panel's findings, Ms Hardman accepts that prohibition "is not inappropriate." During the hearing, Ms Hardman recognised the implications of her conduct on Pupil A and her colleagues."

The panel goes on to record that it "...accepted that she had demonstrated a degree of insight and remorse as to the consequences of her behaviour on Pupil A and her colleagues. However, throughout the hearing she maintained that her conduct was not dishonest but was the result of mistakes she had made." In my judgement, the lack of full 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, "The panel considered that Ms Hardman's conduct could potentially damage the public's perception of a teacher." 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 Ms Hardman herself. The panel observe that, "Although the panel noted that Ms Hardman had 20 years'

experience as a teacher, it noted that no references were provided by any former and/or current colleagues that could attest to her abilities as a teacher. The panel accepted that the incident was out of character.”

A prohibition order would prevent Ms Hardman 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 the lack of full insight or remorse. I am also particularly mindful of the panel’s findings of dishonesty.

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Hardman 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 full 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 a two-year review period. In doing so the panel noted that, “The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. These cases include fraud or serious dishonesty. The panel found that Ms Hardman was responsible for serious dishonesty.”

I have also noted the panel’s comments in recommending a two year review period, “In making its recommendation in relation to the length of the review period, the panel considered Ms Hardman’s teaching experience and her insight and expression of remorse as to the consequences of her behaviour on Pupil A and her colleagues. The panel also considered that the incidents occurred during unprecedented circumstances caused by the Covid-19 pandemic and at a time of increased stress and uncertainty for Ms Hardman and the teaching profession.”

I have therefore decided that a two 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.

This means that Ms Gillian Hardman 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 31 July 2025, two 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, Ms Hardman remains prohibited from teaching indefinitely.

A handwritten signature in black ink, appearing to read 'M. Cavey', enclosed within a thin black rectangular border.

Decision maker: Marc Cavey

Date: 26 July 2023

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