

THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Ms Dorothy McLaughlin
TA Case ref no: 9380
Date of Determination: 4th January 2013
Former Employer: Monkseaton High School, Tyne & Wear

A. Introduction

A Professional Conduct Panel (“the Panel”) of the Teaching Agency convened on 4th January 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Ms Dorothy McLaughlin.

The Panel members were Ms Gill Goodswen (Teacher Panellist– in the Chair), Mr Damian Thurston (Teacher Panellist) and Mr Mahfia Choudhury (Lay Panellist).

The Legal Adviser to the Panel was Mr Nick Leale of Blake Laphorn Solicitors.

The Presenting Officer for the Teaching Agency was Ms Melinka Berridge of Kingsley Napley Solicitors. The case proceeded by way of meeting and Ms Berridge was therefore not present.

Ms Dorothy McLaughlin was not present and was not represented.

The meeting took place in private. The decisions were announced in public and recorded.

B. Allegations

The Panel considered the allegations set out in the Notice of Meeting dated 17 December 2012.

It was alleged that Ms Dorothy McLaughlin was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:

Whilst employed at Monkseaton High School, Tyne & Wear, she:

1. Provided inappropriate assistance to a student in an ICT examination;
2. Undertook an investigation around her own conduct in relation to 1 above in response to written concerns received by the school from OCR;
3. Fabricated information for the investigation in relation to 1 above, which could have implicated a student.

Ms McLaughlin had admitted all of the allegations and that the allegations amounted to unacceptable professional conduct/conduct that may bring the profession into disrepute by way of Statement of Agreed facts dated 30th November 2012.

C. Summary of Evidence

Documents

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

Section 1 – Notice of Meeting and Response Pro Forma (pages 1-4)

Section 2 - Agreed facts and representations (pages 5-16)

Section 3 - Teaching Agency documents (pages 17-259)

Section 4 – Teacher representations (pages 260-266)

The Panel Members confirmed that they had read all of the documents in advance of the hearing.

D. Decision and Reasons

The Panel announced its decision and reasons as follows:

We have now carefully considered the case before us and have reached a decision.

We confirm that we have read all the documents provided in the bundle in advance of the meeting.

This case relates to a teacher who it is alleged provided inappropriate assistance to a student in an ICT examination and then inappropriately investigated this matter herself and fabricated evidence for the purposes of that investigation.

Findings of fact

The allegation and particulars of allegation in the case are as follows :

It was alleged that Ms Dorothy McLaughlin was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:

Whilst employed at Monkseaton High School, Tyne & Wear, she:

1. Provided inappropriate assistance to a student in an ICT examination;
2. Undertook an investigation around her own conduct in relation to 1 above in response to written concerns received by the school from OCR;
3. Fabricated information for the investigation in relation to 1 above, which could have implicated a student.

Our findings of fact are as follows:

1. We find this factual particular proved. Ms McLaughlin has admitted that this fact is made out both in the agreed statement of facts and her full response at page 264. We are satisfied from the OCR pre-release instructions at pages 181-184 (particularly page 183) that Ms McLaughlin's annotations on the work are indicative of inappropriate assistance having been given to the relevant student.
2. We find this factual particular proved. It is clear from the evidence (and it is admitted) that Ms McLaughlin undertook the investigation, which clearly related to her own conduct.
3. We find this factual particular proved. Ms McLaughlin has admitted that this fact is made out both in the agreed statement of facts and her full response at pages 265-266. She also accepted this conduct took place by way of her response to the disciplinary hearing on 8th May 2012. It is clear from the evidence that the student's statement (which we have not seen but has been repeatedly referred to in the evidence) contained reference to a private tutor having annotated the relevant document. Ms McLaughlin clearly played a significant role in this inaccurate and fabricated document being produced (see pages 111 (bottom), 133 (middle), 141 and 215 (paragraph 4) of the bundle). Ms McLaughlin would have been well aware at the time of production of this document that the inappropriate annotations on the relevant document were in fact hers. In addition the document produced could have implicated the student as it was inaccurate and, it seems, prepared in his name.

Findings as to Unacceptable Professional Conduct

We find Ms McLaughlin guilty of unacceptable professional conduct and conduct that may bring the profession into disrepute.

The admitted and proved facts amount to misconduct of a serious nature and demonstrate a significant falling short of the standard of behaviour expected of a teacher.

With regard to the facts surrounding particular 1 we are satisfied that such conduct demonstrates a clear failure to maintain high standards of ethics and behaviour which had the potential to bring the profession into disrepute. Ms McLaughlin has 15 years teaching experience and was the school's lead teacher in ICT at the relevant time. She was trained in moderation and even though she had not received any recent relevant training the OCR pre-release information was clear in outlining the part the teacher was not allowed to play in the relevant task. Her annotations on the student's work demonstrate a clear and deliberate example of what amounts to unacceptable assistance as indicated at page 183 of the bundle. Such behaviour indicates a lack of integrity on Ms McLaughlin's part.

On its own, we form the view that factual particular 2 does not amount to unacceptable professional conduct or conduct that may bring the profession into disrepute. The letter from the OCR dated 24th February 2012 was passed to Ms McLaughlin and it is clear that the internal workings of the school and previous

practice in relation to such matters were such that it was not unreasonable for Ms McLaughlin to proceed on the basis that she should investigate the matter.

With regard to factual particular 3 we are content that the proved conduct amounts to unacceptable professional conduct and conduct which could have brought the profession into disrepute. By playing the role that she did in fabricating evidence relating to an internal investigation concerning an ICT examination, Ms McLaughlin has failed to uphold trust in the profession and demonstrated poor standards of ethics and ultimately a lack of integrity. She was well aware that the annotations on the student's document were hers but allowed a document to be created that at least implied that they were added to the document by an external private tutor.

Panel's Recommendation to the Secretary of State

In this case we recommend against the imposition of a Prohibition Order by the Secretary of State.

Although we are satisfied that Ms McLaughlin has demonstrated a lack of integrity by way of her conduct we are content that she has not at any time set out to deliberately disadvantage students.

A number of mitigating circumstances present in this case. The school was suffering a turbulent time, the substantive Headteacher had recently left, the Deputy was acting Headteacher and there was an Executive head. This had led to a lack of clear lines of communication. There was also a lack of clear procedures in place and the Department was under-staffed due to lack of recruitment and staff sickness. Ms McLaughlin's health was poor due to the stress she was suffering from. We have no doubt that Ms McLaughlin was a committed teacher who was not supported well by the school's leadership, both before and after the departure of the Headteacher in February 2012.

It should also be noted that the relevant fabricated evidence was destroyed when Ms McLaughlin reflected on the appropriateness of its creation and potential use.

In all the circumstances we are content that a Prohibition Order would not be a proportionate measure in this case and is not required in the public interest or to protect children.

Secretary of State's Decision and Reasons

I have given very careful consideration to this case. Ms McLaughlin has been found guilty of unacceptable professional conduct and conduct that may bring the profession into disrepute. It is important that the public can have confidence in the public examination system and behaviour that undermines that confidence fall below that expected of a teacher.

The panel has taken into account a number of relevant factors. It has also taken into account the need for proportionality and that it should act in the public interest.

I have also given careful consideration to the recommendation of the panel and I support their recommendation that in this case a prohibition order would not be proportionate or in the public interest.

NAME OF DECISION MAKER: Alan Meyrick

Date: 7 January 2013