

NATIONAL COLLEGE FOR TEACHING AND LEADERSHIP

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Alison Louise Tiltman

Teacher ref no: 7282

Teacher date of birth: 11 December 1977

TA Case ref no: 0349185

Date of Determination: 23 April 2013

Former Employer: Porchester Community School, Hampshire

A. Introduction

A Professional Conduct Panel ("the Panel") of the National College for Teaching and Leadership convened on 23 April 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Ms Alison Louise Tiltman at a meeting.

The Panel members Mr Anthony Bald (Teacher Panellist – in the Chair), Mr Martin Pilkington (Lay Panellist) and Mrs Kathy Thomson (Teacher Panellist).

The Legal Adviser to the Panel was Mr Paul Owston of Berrymans Lace Mawer LLP Solicitors.

The meeting took place in private. The decision was announced in public and was recorded.

B. Allegations

The Panel considered the allegations set out in the Notice of Proceedings dated 13 August 2012.

It was alleged that Ms Tiltman was guilty of unacceptable professional conduct, in that:

Whilst employed at Porchester Community School, Porchester, Hampshire, between September 2008 and September 2009, she:

1. Submitted marks relating to GCSE Science coursework to the Examination Board for which there was no evidence of completed and marked coursework;
2. Submitted marks to the Examination Board that were different from those evidenced on the corresponding GCSE Science coursework;

3. Failed to undertake adjustments to marks following internal moderation for the GCSE Science “Investigations Coursework” completed by Teaching Group 11Y2;
4. Failed to complete the required number of GCSE Science Standard Procedures for Teaching Group 11X1;
5. Changed or enhanced students’ GCSE Science coursework that was submitted to the Examination Board; and
6. Submitted GCSE Science coursework produced by Pupil A, a Year 11 student, and submitted it to the Examination Board under the name of Pupil B, another Year 11 student.

C. Summary of Evidence

Documents

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

Anonymised pupil list – on pages 1 & 2

Notice of Proceedings & Teacher’s Response – on pages 3 – 12

Agreed Facts & Witness Statements – on pages 13 – 42

Teaching Agency Documents – on pages 43 – 416

Supplementary bundle of various documents – on pages 1 - 24

Agreed Facts

The Statement of Agreed Facts in the above supplementary bundle of various documents at pages 1 – 7 stated that:

1. Ms Tiltman accepts the factual allegations as set out at particulars 1-6.
2. Ms Alison Louise Tiltman (dob 11.12.1977) was a full time teacher at Porchester Community School, White Hart Lane, Porchester, Fareham, Hampshire PO16 9BD (“the School”) from 1 September 2008 until 16 December 2010.
3. On 21 October 2010 Hampshire Council wrote to the GTCE to inform them that allegations had been raised about Ms Tiltman by a Newly Qualified Teacher.
4. The allegations had been raised by Individual A on 15 June 2009. Individual A made a brief statement on 15 June 2009 in which she said that in May 2009 Ms Tiltman had informed her that she had to, “justify marks which she had made up previously because she hadn’t marked them”. Individual A also stated that Ms Tiltman had informed her that, “she had put in false marks to a computer so people would think she had marked the coursework but hadn’t”.

5. Two teachers – Individual B (Head of Science) and Individual C (second in charge of Science) - then undertook an analysis of the work that they found in Ms Tiltman's coursework boxes. This showed discrepancies with the work that had been submitted to the Examination Board.
6. On 19 June 2009, Individual D (Headteacher) met Ms Tiltman and her representative to inform her of the allegations. Ms Tiltman informed Individual D that she had some of the missing work at home. She was given the opportunity to go home to collect the work on that day, but declined.
7. On 22 June 2009 Ms Tiltman did provide Individual D with a small pack of papers. The papers were still incomplete and this could not be followed up with Ms Tiltman at that time as she was off sick from 23 June to 13 July 2009.
8. Individual D commenced an investigation and Ms Tiltman was suspended on 3 September 2009 whilst the investigation was carried out.
9. Individual B, who had been Head of Science at the school since April 2005, prepared a statement in relation to the investigation dated 1 December 2009. In his statement he set out the coursework process adopted by the school.
10. Individual B explained the coursework marks were to be inputted onto the school's computer system and then the related work put into marked boxes in a storage cupboard at the back of his room.
11. Staff were aware that draft work could be collected in and checked. Students were given general non-specific guidance about how to improve their work. However, once a piece of work was finally marked then no further improvements would be allowed.
12. Individual B stated that Ms Tiltman was difficult to monitor as she consistently missed deadlines for marking work and entering data onto the system.
13. He also stated that he had discussed Ms Tiltman's attitude to the more routine parts of her role, such as the marking of books and work, on a regular basis.
14. Individual B also referred to the fact that Ms Tiltman had failed to put marks onto the computer system until well after the school's deadline that year. He stated that it was close to the time for moderation when the marks were inputted onto the system and they were lower than he had expected, based on the representations of Ms Tiltman.
15. When the allegations were made by Individual A, Individual B looked for Ms Tiltman's coursework. He states that he could not find the coursework for Ms Tiltman's classes and the coursework covered. He did, however find the coursework boxes in her room. He examined one of the boxes and found the work to be chaotic and not organised properly. He also checked the marks and discovered there was little correlation between the marks on the computer and the marks on the work that he had reviewed.

16. Individual B stated, “that it seemed likely that Alison Tiltman had not completed the suitability test with the students and had only completed half the standard procedures. I believed that the marks that she entered on the computer must have been, in many cases, false. The fact that the only suitability tests completed and marked were those sent to the moderator made it occur to me that she may either have written them herself or got those students to do so afterwards to support the marks submitted”. Ms Tiltman’s position is that where students had not completed the coursework, she submitted a false mark and where she had not marked completed coursework handed in by students she submitted marks that were either based on earlier preliminary marks or simply estimated marks.
17. Individual C, a Science Teacher at the school since September 1997 and second in the department, assisted Individual B in the investigation and she also discovered errors in Ms Tiltman’s marking. She made a statement in relation to the investigation which is dated 15 October 2009.
18. Individual C stated that Ms Tiltman was an experienced Science Teacher. She further stated that during the departmental moderation that took place in May 2009 she had marked about five, “investigations” by Ms Tiltman’s students. She said that she annotated marks on the work and signed them. This was done in front of Ms Tiltman. She further marked other work and gave a sheet of paper with annotated comments regarding the marking to Ms Tiltman.
19. Ms Tiltman failed to amend the marks accordingly. However at a meeting on 14 July 2009 Ms Tiltman contradicted this as she stated that she had amended coursework.
20. A further meeting took place on 21 July 2009. A number of allegations were put to Ms Tiltman, including those numbered 1-5 set out in the particulars above, albeit worded in slightly different terms.
21. At that meeting Ms Tiltman denied all of the allegations and alluded to the fact that Individual A may have deliberately got her into trouble and possibly hidden work. In relation to missing schoolwork she stated, “I honestly can’t explain why it’s missing, it breaks my heart that someone would do that to the kids”.
22. Subsequent to the meeting on 21 July 2009 a further meeting was arranged for 3 September 2009.
23. The allegations were formally put to Ms Tiltman who was represented by Simon Pettet, NASUWT representative. Ms Tiltman stated at the outset that she often logged on with the remote access system. She felt that it was possible that students could log on to the system and alter their marks.
24. She further stated that other members of staff could access the marks and tamper with coursework.

25. At that meeting Ms Tiltman was informed that OCR, the Examinations Board, was going to investigate the matter as they considered that there was evidence of malpractice.
26. Ms Tiltman has responded specifically to the allegations in a response document. In terms of the allegations she stated that she had informed Individual A that she (Holly), "could put the marks you have on the database and if they are incorrect, you can change them later". She said that she was aware that they could be changed after moderation so this was not an issue. Ms Tiltman no longer attributes any blame to Individual A.
27. She further stated that in terms of the outstanding work, she had informed both Individual A and Individual B that she had a couple of outstanding pieces and that even after moderation she and other members of staff were chasing students for coursework.
28. She stated that, in relation to the allegation, she had submitted coursework on behalf of the students, that she had told Individual A, "it was as if I had written it due to the amount of help I had been giving students" and, "it would be easier to do it myself".
29. Individual D continued his enquiry and convened a further meeting to take place on 20 November 2009. At that meeting Individual D explained to Ms Tiltman that he had made further enquiries of a number of students. He said that he had shown a piece of work that had been allegedly undertaken by Pupil O to a pupil. Pupil O stated that she did not recognise the work and that she would not have been able to produce it.
30. Ms Tiltman stated that she could not explain why Pupil O had not recognised the work. She said that she could not have produced it as she did not have a colour printer at home. This was pointed out as being a contradiction of other information that Ms Tiltman had provided to Individual B.
31. Other pupils informed Individual D that they had no recollection of the work that was submitted to the Examination Board.
32. When she was asked if she could explain how tables of pupils' work were on her computer and in the same folder, Ms Tiltman responded by saying that students often worked on her computer and that she may have left her log on open.
33. Ms Tiltman also said that some of the tests had been finished just before the internal moderation. However, Individual D pointed out that the results were created on the computer at the end of March and none of the pupils acknowledged that they had carried out the four different tests.
34. Individual D obtained documentary evidence from Pupil J, Pupil M and Pupil O. All confirmed that only some of the work that they were shown by Individual D was theirs and that some of the work that had been submitted on their behalf, was not, in fact, their own and that they did not recognise it.

35. A dismissal hearing was set up to take place on 14 January 2010. Ms Tiltman did not attend due to ill health.
36. The hearing was reconvened to take place on 30 September 2010. Ms Tiltman did not attend but was represented.
37. Her resignation was tendered at that meeting and accepted. Subsequently, the matters set out at number 6 of the particulars above came to light. Ms Tiltman's position is that this was not deliberate but something done in error. Ms Tiltman accepts she should have taken more care and that this error should never have occurred.
38. In November 2010, following its own investigation, the OCR Examination Board found Ms Tiltman guilty of serious professional malpractice and barred her from involvement in examinations and assessments for two years until December 2012.
39. At the hearing of this matter that was listed to take place on 24 October 2012, Ms Tiltman indicated that she had admitted some or all of the allegations. In her witness statement submitted two days before the hearing Ms Tiltman indicated that she was depressed at the relevant time in which the conduct giving rise to the allegations had taken place. It was agreed that in order to ensure a fair hearing, an adjournment would be granted in order for a psychiatric assessment to be undertaken, a report prepared on that assessment and that this would be available for the Panel's consideration.
40. Joint instructions were submitted to Individual E, Consultant Forensic Psychiatrist.
41. A report has been finalised.
42. Ms Tiltman admits the facts of the allegations and that the conduct alleged is evidence of unacceptable professional conduct.

D. Decision and Reasons

The Panel announced its decision and reasons as follows.

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

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

It is alleged that whilst Ms Tiltman was employed at Porchester Community School she failed in a number of respects to properly deal with GCSE Science Coursework.

At the outset, we considered very carefully whether, in the public interest and/or the interests of justice, this matter should be considered at a hearing. The history of the events in question and these proceedings is one of a complete change in Ms Tiltman's response to the allegations. At the outset, she denied the allegations and indeed sought to blame others. She has now made an almost complete admission

and does not wish to put her case forward at a hearing. It is not entirely clear at what point this change of heart occurred and the reason for that. Nevertheless, both parties are clear that they consider it appropriate for the matter to proceed by way of a meeting and we consider that we have sufficient information to consider matters properly on that basis. Further, we have had regard to the considerable time that it has taken for the matter to reach this point, having last been adjourned at the start of a three day hearing where three witnesses attended to give evidence, and the further time that would pass before any hearing.

Findings of Fact

Our findings of fact are as follows:

We have found the following particulars of the allegations against Ms Tiltman proven, for these reasons:

Whilst employed at Porchester Community School, Porchester, Hampshire, between September 2008 and September 2009, she:

1. Submitted marks relating to GCSE Science coursework to the Examination Board for which there was no evidence of completed and marked coursework;
2. Submitted marks to the Examination Board that were different from those evidenced on the corresponding GCSE Science coursework;
3. Failed to undertake adjustments to marks following internal moderation for the GCSE Science "Investigations Coursework" completed by Teaching Group 11Y2;
4. Failed to complete the required number of GCSE Science Standard Procedures for Teaching Group 11X1;
5. Changed or enhanced students' GCSE Science coursework that was submitted to the Examination Board; and
6. Submitted GCSE Science coursework produced by Pupil A, a Year 11 student, and submitted it to the Examination Board under the name of Pupil B, another Year 11 student.

Ms Tiltman has made admissions in respect of the allegations in her statement dated 24 October 2012, and we have accepted the evidence in that regard in the Statement of Agreed Facts, signed by the Claimant's Solicitor on 28 March 2013.

We have also considered the Teaching Agency's documents in relation to the School's and Examination Board's investigations into the events that form the basis of the allegations. These detail and support the facts alleged and include original documents in relation to the coursework and the marking and/or assessment of that. In addition to the statements produced in relation to the investigations the Teaching Agency obtained three statements - from Individual D (Headteacher of Porchester School), Individual B (Head of Science at Porchester School) and

Individual C (Science Teacher at Porchester School) which detail the events in question in a credible manner and clarify and support the evidence found in the documents.

Ms Tiltman's admission in relation to allegation 4 does not specifically admit to a failing on her part. Nevertheless, she accepts that not all of the pupils completed the Procedures. It is our view that, having regard to the well understood nature of a teacher's duties in relation to such Procedures, that it is the latter that is alleged. The documents in this regard clearly show that the pupils did not complete the Procedures and this is admitted by Ms Tiltman. Accordingly, the facts of this allegation are proved.

Findings as to Unacceptable Professional Conduct

Having found the facts of the allegations proved we further find that those amount to unacceptable professional conduct.

This is because:

Ms Tiltman's actions constituted misconduct of a serious nature, falling significantly short of behaviour expected of a teacher.

We have noted Ms Tiltman's admission, in her statement and the Statement of Agreed Facts, that her actions amount to unacceptable professional conduct.

Ms Tiltman's actions breached the GTC Code of Conduct and Practice for registered teachers, effective from 1 October 2009. Specifically she:

Failed to put the wellbeing, development and progress of children and young people first by failing to demonstrate self-awareness and take responsibility for accessing help and support in order to ensure that her own practice does not have negative impact on learning or progress; and

Failed to work as part of whole school team by failing to recognise the important role of the school in the life of the local community, and take responsibility for upholding its reputation and building trust and confidence in it; and

Failed to demonstrate honesty and integrity and uphold public trust and confidence in the teaching profession by failing to:

- exercise her responsibilities in relation to the examination and assessment of achievement in a fair, transparent and honest way; and
- maintain reasonable standards in her own behaviour to enable her to maintain an effective learning environment.

Ms Tiltman's actions also breached the latest Teachers' Standards published by the Department for Education. Specifically she:

Failed to promote good progress and outcomes of pupils by failing to be accountable for pupils' attainment, progress and outcomes; and

Failed to make accurate and productive use of assessment by failing to know and understand how to assess the relevant subject and curriculum areas, including statutory assessment requirements; and

Failed to fulfil her wider professional responsibilities by failing to:

- develop effective professional relationships with colleagues, knowing how and when to draw on advice and specialist support; and
- take responsibility for improving teaching through appropriate professional development, responding to advice and feedback from colleagues.

Failed to demonstrate consistently high standards of personal and professional conduct by failing to have an understanding of, and always act within, the statutory frameworks which set out her professional duties and responsibilities.

Upholding the integrity of the examination process is a fundamental part of a teacher's role and one in which a teacher is placed in a position of enormous trust. It is made entirely clear to all teachers that they must discharge their responsibilities in this regard in a proper manner; to fail to do so can have serious and damaging consequences for pupils and a school and undermines the public's faith in the examination process. Ms Tiltman's failings therefore represent a considerable departure from the behaviour expected of a teacher.

Panel's Recommendation to the Secretary of State

When considering what sanction, if any, to recommend we have had regard to "The Prohibition of Teachers – DfE advice on factors relating to decisions leading to the prohibition of teachers from the teaching profession". In particular we have had regard to the protection of the interests of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct. We have sought to approach the issue bearing in mind the principle of proportionality.

We have concluded that in this instance it is appropriate to recommend that a Prohibition Order be made.

We have carefully considered the documents that we have been provided with and in particular the submissions made on behalf of Ms Tiltman, the references she has provided and the medical report of Individual E.

Ms Tiltman's behaviour constituted a serious departure from the standards expected of a teacher, whether by reference to the GTC Code of Conduct and Practice, the personal and professional conduct elements of the latest Teacher's Standards or the well understood standards expected of a teacher in relation to the examination process. Further, her misconduct was such that it risked seriously affecting the education of pupils and the reputation of the school. Having regard to this and given

the fundamental importance of maintaining the integrity of the examination process, we consider that Ms Tiltman's behaviour is incompatible with being a teacher.

Ms Tiltman has now accepted her failings and has cooperated with these proceedings. She has also sought to explain what led to the events in question. Moreover, we have had regard to the references from several sources at her current school which testify to the qualities she has demonstrated in her current role. We do not consider though that, even now, Ms Tiltman has adequately shown that she understands the serious nature of her failings or the harm they may have caused to others; she has shown no regret in that regard, as opposed to the regrets she has expressed about the damage to her career. That is, despite having more than enough time and assistance to address these issues.

We have noted and accept the detailed expert evidence of Individual E. It is clear that Ms Tiltman has a troubled personal history and has suffered from mental ill health, including the time of the events in question. Nevertheless, Individual E does not consider that at any point Ms Tiltman lost touch with reality or suffered a psychotic episode. Her state of health does not therefore explain her initial denials or the allegations she sought to make against colleagues. They were a source of distress and also prolonged matters unduly. We have also noted Individual E's reference to treatment that might benefit Ms Tiltman; we have been presented with no evidence suggesting that she has acted on this advice. In light of that, we cannot conclude that she fully understands the issues that Individual E has raised or that she has the intention of addressing these.

In the absence of an appropriate course of treatment it appears from the history set out by Individual E and the illness that he diagnoses, there is likely to be a reoccurrence of the issues that have caused Ms Tiltman to appear before us. Our primary concern in this regard is the wellbeing of pupils. We do not consider that Ms Tiltman's submissions have adequately addressed this issue.

We recommend that Ms Tiltman should be allowed to apply to set aside the Prohibition Order but not before three years have elapsed. That will allow her sufficient time to consider the recommendations made by Individual E and, if she wishes to do so, undertake the treatment that he recommends or some other suitable course of treatment. Further, we would hope that such treatment should assist Ms Tiltman in developing a full and proper understanding of her failings and we would expect the outcome of that to be reported on and submitted in relation to any future application.

Secretary of State's Decision and Reasons

I have given very careful consideration to this case and to the recommendations that the panel has made to me both in terms of sanction and also review period.

The panel has found all of the allegations made against Ms Tiltman to be proved. It is essential that the public can have confidence in the public examination system. Teachers have a key role to play in ensuring that such confidence is maintained. It is also essential that teachers ensure that through their conduct relating to examinations, pupils are not disadvantaged or harmed in any way.

Ms Tiltman's actions are a serious departure from the standards expected of a teacher. Her conduct had the potential to undermine the examinations system, the reputation of the school and the reputation of the wider profession. Her actions also impacted upon the pupils who sat the examinations.

It is essential that decisions relating to prohibition are in the public interest and are also proportionate. I have therefore given careful consideration to both of those matters. In my view a Prohibition Order is proportionate and in the public interest. Ms Tiltman's conduct was a very serious departure from the standards that are clearly set out.

I have also given careful consideration to the issue of a review period.

The panel has considered some evidence relating to mitigation and in particular to ill health. I have considered the recommendation of the panel and I support their recommendation that Ms Tiltman is given a review period of 3 years.

This means that Ms Alison Tiltman 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 2016, 3 years from 1 May 2013 at the earliest**. If she does apply, a panel will meet to consider whether the Prohibition Order should be set aside. Without a successful application, Ms Alison Tiltman remains barred from teaching indefinitely.

This Order takes effect from the date on which it is served on the Teacher.

Ms Alison Tiltman 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.

NAME OF DECISION MAKER: Alan Meyrick

Date: 24 April 2013