



Teaching
Regulation
Agency

Ms Catherine Jones: Professional conduct panel outcome

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

June 2018

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

Teacher: Ms Catherine Jones
Teacher ref number: 9761246
Teacher date of birth: 2 June 1976
TRA reference: 15798
Date of determination: 7 June 2018
Former employer: Stoneleigh Academy (Primary), Oldham

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 5 to 7 June 2018 at the Ramada Hotel, The Butts, Coventry, CV1 3GG to consider the case of Ms Catherine Jones.

The panel members were Mr John Elliott (lay panellist – in the chair), Mrs Marjorie Harris (former teacher panellist) and Dr Robert Cawley (teacher panellist).

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

The presenting officer for the TRA was Mr Ian Perkins of Browne Jacobson LLP solicitors.

Ms Jones was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 24 January 2018.

It was alleged that Ms Catherine Jones was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that she failed to maintain appropriate professional standards whilst working as headteacher at Stoneleigh Academy (Primary) ("the Academy") between 1 September 2012 and 20 May 2016 in that she:

1. Inappropriately used Academy funds, including that she:
 - a. Removed £350 from the PTA fund without proper authorisation and contrary to policy;
 - b. Failed to have in place procedures for properly recording, storage and/or payment of funds raised for charity by the Academy;
 - c. Allowed friends and/or family to attend trips paid for by the Academy funds including:
 - i. one or more trips to Manchester United Football ground and/or games;
 - ii. a trip to Tropical World.
 - d. Bought items on the Academy credit card for her own use and/or consumption;
 - e. Bought items from PC World on the Academy account for her personal use including a printer and/or flat scanner and/or iPad.
2. Failed to ensure proper administration of attainment data and/or controlled conditions for SATS including:
 - a. Prior to the DfE visit in November 2015 amending the target tracker to show higher grades for one or more pupils than they were actually achieving;
 - b. arranging for "readers" to be provided to pupils who were not entitled to this assistance in 2013/2014.
3. Failed to ensure that safeguarding procedures were correctly in place at the Academy in that:
 - a. The Academy had no formal safeguarding policy;
 - b. No proper procedures were in place for risk assessment of school trips;
 - c. Staff were allowed to transport pupils in their own car including lone pupils;

- d. No central record of safeguarding incidents was kept;
 - e. She failed to submit a report to social services in Easter 2016, following concerns raised by SENCO;
 - f. In February 2016, she allowed her partner to be the only male adult on an Academy trip and accompany boys to the toilet with no evidence that an appropriate DBS check was in place.
4. Used her school iPhone inappropriately in that she:
 - a. Recorded and/or stored pornographic images;
 - b. Communicated inappropriately with staff and/or governors and/or the wider Academy community via electronic messages.
 5. Posted inappropriate materials on Facebook which were accessible to the wider Academy community.
 6. Recruited staff without following policy procedures for safer recruitment.
 7. Failed to comply with conditions of her suspension from duty by contacting staff and being on school property.
 8. Failed to return to the Academy one or more iPads when requested to do so.
 9. Her actions set out at 1 and/or 2 as may be found proven above were dishonest.

No admissions were made by or on behalf of Ms Jones as to facts or unacceptable professional conduct or conduct that may bring the profession into disrepute.

C. Preliminary applications

Application to proceed in the absence of Ms Jones

In the absence of the teacher, Mr Perkins made an application to proceed with the hearing in the absence of Ms Jones. After hearing submissions from Mr Perkins and receiving legal advice, the chair announced the decision of the panel as follows:

'The panel had decided that the hearing should proceed in the absence of Ms Jones for the following reasons:

- The Notice of Proceedings was sent to Ms Jones in accordance with Rule 4.11
- Despite repeated attempts by the TRA to elicit a response, Ms Jones has not engaged with these proceedings. The panel is satisfied that she has decided not to participate and has, thereby, voluntarily waived her right to attend.

- There is no application for an adjournment and no purpose could be served by an adjournment.
- There is a public interest in the proper regulation of the profession and the protection of the public and the need for hearings to take place within a reasonable time.
- The TRA has made arrangements for five witnesses to attend this hearing to give evidence. The panel has taken into account the interests of those witnesses and the costs associated with their attendance in balancing fairness to Ms Jones, fairness to the TRA as regulator and the wider public interest.'

D. Summary of evidence

Documents

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

Section 1: Anonymised pupil list – page 2

Section 2: Notice of Proceedings – pages 4 to 33

Section 3: Teaching Regulation Agency witness statements – pages 35 to 76

Section 4: Teaching Regulation Agency documents – pages 78 to 614

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

Witnesses

The panel heard oral evidence from the following witnesses called by the presenting officer:

- Witness A, [Redacted] (Curriculum and Quality) at Oldham College and [Redacted];
- Witness B, teacher and former [Redacted] at the Academy;
- Witness C, former teacher at the Academy.
- Witness D, [Redacted] at the Academy;
- Witness E, Teaching Assistant and [Redacted] at the Academy.

E. Decision and reasons

The panel announced its decision and reasons as follows:

The panel has carefully considered this case and has reached a decision.

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing.

Ms Catherine Jones was appointed as headteacher of the Academy with effect from 1 September 2012. The Academy was sponsored by Oldham College Community Trust ("the College"). On 22 March 2016, the College was notified of concerns about Ms Jones by two members of staff at the Academy. Ms Jones was suspended from duty on 31 March 2016 and Witness A was appointed to act as Investigating Officer. Witness A held interviews with a number of members of staff. Following these interviews, Witness A prepared a list of allegations. The allegations related to: the misuse of Academy funds; failure to ensure proper administration and presentation of data for SATs and attainment; failure to ensure appropriate safeguarding procedures; unprofessional conduct involving posting inappropriate material on Facebook; misuse of academy equipment, including storing pornographic imagery on her work mobile phone. In addition, it was alleged that Ms Jones had failed to comply with the conditions of her suspension.

On 21 April 2016 a letter was delivered to Ms Jones inviting her to attend an investigation meeting on 28 April 2016 and/or provide a written response to the allegations. Ms Jones did not attend the investigation meeting, nor did she provide any written response to the allegations. The allegations were referred for a disciplinary hearing, which Ms Jones did not attend.

The panel has heard oral evidence from five witnesses. Despite the absence of Ms Jones, the panel was able to test the evidence of those witnesses through its questioning. The panel regarded each witness as credible.

Findings of fact

The panel's findings of fact are as follows:

It was alleged that you are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that you failed to maintain appropriate professional standards whilst working as headteacher at Stoneleigh Academy (Primary) ("the Academy") between 1 September 2012 and 20 May 2016 in that you:

- 1. Inappropriately used Academy funds, including that you:**
 - a. Removed £350 from the PTA fund without proper authorisation and contrary to policy;**

The panel heard evidence from Witness E that, in or around June 2013, she collected money from a fair which was for the PTA fund. Witness E stated that the money, which amounted to approximately £800 to £900, was taken to Ms Jones' office where she and Ms Jones locked it in a cupboard. Witness E stated that a day or so later, Ms Jones informed her that she had taken £350 of the money that had been collected in order to pay her mortgage which she could not afford to pay 'due to a mix-up'. Witness E stated that she was informed by Ms Jones that she would pay the money back once she had been paid her wages later that month. Witness E said that the money had been taken before Ms Jones spoke to her about it. Witness E said that she felt uncomfortable about this and was placed in an awkward position, as [Redacted] when the money was not repaid. Witness E said that she felt unable to demand return of the money in view of Ms Jones' role in the Academy. Witness E said that approximately 18 months to two years later, the Academy held a Christmas fair. Witness E said that this provided a context in which she felt able to ask Ms Jones to return the £350 by telling Ms Jones that she needed the money in cash or by cheque to shop for items or the fair could not take place. Ms Jones initially responded by saying that she would 'sort it', but later stated that she did not have the money and instead gave her the Academy's credit card and PIN to use to purchase items for the stalls. The panel has seen evidence of these transactions.

The panel finds allegation 1a proved.

b. Failed to have in place procedures for properly recording, storage and/or payment of funds raised for charity by the Academy;

The panel heard evidence from Witness C and Witness D that there was no written policy for receiving and managing money collected within the Academy for various charities. They gave evidence of a significant delay in the forwarding of the money to the relevant charity. One of the charities had contacted the Academy on two occasions to say that the money had not been received. Witness D also said that in the case of another charity, there was a discrepancy between the amount collected and the amount sent to the charity. The panel is satisfied that Ms Jones failed to establish proper procedures for dealing with funds raised for charity.

The panel finds allegation 1b proved.

c. Allowed friends and/or family to attend trips paid for by the Academy funds including;

i. one or more trips to Manchester United Football ground and/or games;

The panel heard evidence from Witness D that, in years prior to Ms Jones' appointment, the Academy had been allocated some free or very low cost tickets to Manchester City games which she had attended with pupils. This was part of an incentive programme for pupils.

In the course of her investigation, Witness A interviewed Individual A, who was employed by the Academy and ran the Academy's football club. Individual A said that Ms Jones suggested that future football trips should be to Manchester United. The panel heard evidence from Witness A that, during her investigation, she obtained access to relevant receipts and bank statements. These confirmed that the Academy account was used to purchase tickets for Manchester United FC matches on 23 September 2015, 28 October 2015 and 25 February 2016. She was also able to identify who had attended on one or more occasions. The attendees included Ms Jones, her partner, her children (who did not attend the Academy), her partner's child (who also did not attend the Academy) and a relative of her partner.

Witness E said that she attended one match with her son and that this match was also attended by Ms Jones, her children and her partner. Witness E said that Ms Jones partner was a Manchester United fan.

The panel has been presented with the invoices for the matches concerned, which confirmed that the costs incurred, including mini-bus transport, tickets and refreshments exceeded £300 for each match.

The panel is satisfied that Ms Jones allowed friends and family members to attend trips to Manchester United FC, the cost of which was borne by the Academy.

The panel finds allegation 1ci proved.

ii. a trip to Tropical World.

The panel received evidence that Ms Jones visited Tropical World on Saturday 21 November 2015. This trip was purportedly to undertake a risk assessment for a forthcoming school trip. However, Ms Jones' mother and her children accompanied her and Ms Jones used the Academy credit card to pay their admission fees. There was no evidence of a written risk assessment being completed.

The panel was satisfied that this was a family day out, which was paid for by the Academy. Furthermore, there was evidence that Ms Jones took her partner and paid for his entry and lunch using Academy funds when the Academy visit took place on 26 November 2015.

The panel finds allegation 1cii proved.

d. Bought items on the Academy credit card for your own use and/or consumption;

Individual B, IT Technician and Computing Co-ordinator at the Academy confirmed in his written statement that he was present in a supermarket with Ms Jones when she purchased items using the Academy credit card. Individual B recalled that Ms Jones said to him 'I've got to get the kid's tea for tonight' or words to that effect and Ms Jones then purchased ready meals for her children to eat using the Academy credit card. He stated

that there was no separation of items at the till between supplies for the Academy and food for her children.

Individual A confirmed in his interview by Witness A that he was given the Academy credit card by Ms Jones to purchase tickets for Manchester United matches.

The panel also heard evidence that Ms Jones purchased substantial amounts of food for different purposes and more than was required. Examples included ingredients left over by pupils at the Academy cookery club. The panel also heard evidence that Ms Jones was regularly generous with Academy funds and made more than ample purchases of food for staff, which resulted in food being leftover, some of which Ms Jones would take home for her family's consumption. On one occasion, she was seen to take home three tubs of fried chicken.

The panel finds allegation 1d proved.

e. Bought items from PC World on the Academy account for your personal use, including a printer and/or flat scanner and/or iPad.

In his written statement, Individual B stated that Ms Jones asked him to purchase a flat scanner for her for photos and documentation to be scanned onto a laptop. He said that he went to PC World to buy this and then brought it back to the Academy. The panel was presented with a copy of an invoice from PC World dated 15 September 2014 for a flatbed scanner. Individual B stated that he did not recall seeing the scanner being kept at the Academy.

Individual B also stated that he received a telephone call from Ms Jones during the summer holidays. Ms Jones then asked him if the Academy had an account with PC World as she was in the store and wanted to buy a printer. Individual B said that there was an account, but he advised her against making a purchase at PC World as he thought he could get a better deal. Despite this, Ms Jones went ahead with the purchase and the panel has been provided with a copy of the invoice dated 27 August 2015 in the sum of £247.48. Individual B said that he did not subsequently see the printer, nor was he asked to set it up.

Individual B also stated that two batches of iPads were bought for the Academy, which he had assumed were for pupils. He stated that these were stored and locked in an iPad cupboard overnight where they were kept on charge. Individual B stated that Ms Jones approached him on one occasion and took one of these iPads, saying 'I'll take this iPad for home' or words to that effect. The panel was also presented with an invoice from PC World dated 20 March 2015 in the sum of £433.99 with the description of the item as 'Air2 iPad for Catherine Jones' with a black cover. Ms Jones failed to return these items after her suspension.

The panel finds allegation 1e proved.

2. Failed to ensure proper administration of attainment data and/or controlled conditions for SATS including:

a. Prior to the DfE visit in November 2015 amending the target tracker to show higher grades for one or more pupils than they were actually achieving;

Witness C, a Year 6 teacher at the Academy, was one of two members of staff with administration rights to the Target Tracker system. The other was Ms Jones.

Witness C gave evidence that a Department for Education (DfE) visit was due to take place on 6 November 2015. She said that Ms Jones told staff that the DfE was concerned about the percentage pass rate of the 2015 Year 6 class in their SATs. Following the DfE visit a staff meeting took place on 9 November 2015, when Ms Jones presented all teaching staff with Target Tracker Steps Attainment Summaries. When Witness C saw the figures for her class (6B), which had been shown to the DfE, Witness C stated that some of the figures were inaccurate. Some pupil's attainment data was higher than she had entered into the system. Witness C referred to her own handwritten record of a pupil review meeting held with Ms Jones before the autumn half-term in 2015. The panel was presented with a copy of this record. This confirmed that many of the pupils were noted to be making 'less than expected progress'. Witness C said that some of the pupils were so far behind that they had to do Year 5 papers.

The panel was been presented with copies of the login activity sheets from Target Tracker. These sheets record that Ms Jones logged into the Target Tracker system and accessed the Year 6 records on 4 and 5 November 2015.

The panel was satisfied by all of the evidence presented that it is more likely than not that Ms Jones altered the Year 6 records to show that the pupils were on track to pass their SATs, when that was not the case.

Witness C stated that when she raised this at the meeting, Ms Jones became annoyed and aggressive and said that Witness C was the person who had inputted the data. Witness C said that she responded by producing the record that she has prepared with Ms Jones. She said that Ms Jones did not know what to say and attempted to blame the Target Tracker.

Witness C said that she confronted Ms Jones at a meeting in December 2015 when she asked Ms Jones to correct the Target Tracker data, which Ms Jones then did in her presence.

The panel finds allegation 2a proved.

b. arranging for "readers" to be provided to pupils who were not entitled to this assistance in 2013/2014.

Witness E said that in or around May 2014, Ms Jones gave her and other members of staff the task of assisting a group of Year 6 pupils during their SATs. Witness E stated that she was present for all SATs papers. She said that a small group of gifted and talented pupils were with Witness C and the lower ability pupils were together with her in another room. Witness E said that there were approximately 16 pupils and that each of them had an adult reader supporting them in every test except spelling. Witness E stated that during the spelling test, she and other members of staff were told to go to the back of the class while one teaching assistant read to the room. Specifically, the teaching assistant read the first word on its own and then again as part of a sentence and then read the word on its own again. She said that the words were read very slowly so that all syllables could be identified with the effect that pupils found them easier to spell in the test.

The panel was provided with an extract on the use of readers from the guidance document entitled 'Key Stage 2 Tests: How to use access arrangements'. The panel noted that this guidance stated:

'The use of a reader must reflect normal classroom practice. Schools must have evidence to show that resources are routinely committed to providing this support. A reader must only be used on a one-to-one basis'

The panel is satisfied that the arrangement for readers to be provided for all of the pupils was inappropriate as this did not reflect normal classroom practice. Furthermore, the guidance clearly states that where a reader must only be used on a one-to-one basis and not in the manner used for the spelling test.

It transpired that the results of the tests were that the gifted and talented group performed less well than the less able pupils who had all been assisted by having a reader.

The panel finds allegation 2b proved.

3. Failed to ensure that safeguarding procedures were correctly in place at the Academy in that:

a. The Academy had no formal safeguarding policy;

The panel was presented with evidence which indicated that, although members of staff knew what was expected of them in terms of safeguarding, there was no evidence of a formal written safeguarding policy. Witness A was unable to locate a copy of the policy as part of her investigation. Furthermore, the panel heard evidence from Witness D, [Redacted], that there was no written safeguarding policy.

The panel finds allegation 3a proved.

b. No proper procedures were in place for risk assessment of school trips;

The panel reviewed the Staff Handbook which outlined the expectations for teachers planning an educational visit to complete a risk assessment and educational visits form on Evolve in advance of a proposed visit and submit these to the Educational Visits Co-ordinator (EVC) for approval. The panel noted that there was no central storage arrangement for paperwork required for a well organised and risk assessed trip, for example, parental consent forms, contact details for pupils and relevant medical issues could not be located during the investigation. Furthermore, the panel noted that the previous EVC left the Academy in 2014 and a replacement had not been appointed.

The panel finds allegation 3b proved.

c. Staff were allowed to transport pupils in their own car including lone pupils;

The panel heard that Ms Jones allowed staff to take pupils to events in their own cars, dropping them off at home after the event. Individual C confirmed in his interview with Witness A that he took four female students to the Manchester Arena in week commencing 11 April 2016 and returned them to their homes late in the evening after the event. This meant that he could be on a one-to-one basis with a child in his car.

The panel finds allegation 3c proved.

d. No central record of safeguarding incidents was kept;

The panel was satisfied that there is a difference between having a centralised referral system and maintaining a central record. The panel heard evidence that 'cause for concern' forms were given to Ms Jones as the Designated Safeguarding Lead and, if she was not on the premises, they were placed on her desk. Witness B said that it became increasingly difficult to give these forms to Ms Jones as she often arrived after 9am and left around 3 to 3.15pm. She told the panel that these forms accumulated in a random and disorganised way. There was no evidence that any central record had been created from these referrals.

The panel was concerned that Ms Jones overcomplicated the ability to keep a central record by imposing a system where each teacher had a book in their classroom to record any causes for concern. This created a further hurdle to having a central record which would allow for review of trends across different classes and age groups. This was particularly relevant for a school such as this where there were safeguarding issues relating to a range of challenging family circumstances.

The panel finds allegation 3d proved.

e. You failed to submit a report to social services in Easter 2016, following concerns raised by SENCO;

The panel heard evidence that safeguarding concerns had been raised about a family. Witness D had completed two forms; a referral form and a trauma checklist. The first of these was sent to Social Care, but the second was not sent until after Ms Jones suspension. There was no evidence that the contents of the trauma checklist had not been discussed with Social Care. In any event, when the trauma checklist was sent, no further action was taken by Social Care.

The panel finds allegation 3e not proved.

f. In February 2016, you allowed your partner to be the only male adult on an Academy trip and accompany boys to the toilet with no evidence that an appropriate DBS check was in place.

Witness E gave evidence that Ms Jones' partner was the only male adult accompanying the group of pupils to the Manchester United match that she attended. She said that Ms Jones' partner accompanied the male pupils to the toilet and Ms Jones did not seem concerned about this. There is no evidence that Ms Jones's partner had a Disclosure and Barring Service (DBS) check. However, no evidence has been presented that he was required to have one under the revised DBS guidelines that were applicable at the time.

The panel finds allegation 3f not proved.

4. Used your school iPhone inappropriately in that you:

a. Recorded and/or stored pornographic images;

The panel heard evidence that, on receipt of her new iPhone in June 2015, Ms Jones asked the [Redacted] IT apprentice, Individual D, to back up her iPhone photographs to her laptop. Individual B said in his written statement that Individual D informed him that, when backing up the device, he had seen images of an explicit sexual nature. Individual B stated that he subsequently saw that there were images of explicit sexual acts. Witness A, who also viewed the images, confirmed this. In view of the evidence of explicit sexual activity, the panel was satisfied that the images were pornographic.

The panel finds allegation 4a proved.

b. Communicated inappropriately with staff and/or governors and/or the wider Academy community via electronic messages.

The panel viewed a series of screenshots of text messages between Ms Jones and Witness E. These messages shared personal information about members of staff and included inappropriate and derogatory comments, all of which were inappropriate and would be recognised as such by anyone seeing the messages.

The panel finds 4b proved.

5. Posted inappropriate materials on Facebook which were accessible to the wider Academy community.

The panel viewed a series of screenshots of images and messages posted on Facebook by Ms Jones, which were shared with parents, staff and the wider community. Witness E said that Ms Jones' Facebook page had been labelled to indicate that Ms Jones was the headteacher at the Academy. The posts ranged from jokes in poor taste and vulgar comments to the expression of strong personal and political opinions, all of which were inappropriate and would be recognised as such by anyone viewing the posts.

The panel finds allegation 5 proved.

6. Recruited staff without following policy procedures for safer recruitment.

The panel heard evidence that Ms Jones did not always follow policy procedures for safer recruitment. By way of example, one unqualified member of staff was appointed without interview and another member of staff was appointed without any references.

The panel finds allegation 6 proved.

7. Failed to comply with conditions of your suspension from duty by contacting staff and being on school property.

When Ms Jones was suspended from duty on 31 March 2016 she was told that she should not attempt to come into the Academy's premises nor make any attempt to contact any member of staff.

The panel heard that Ms Jones attended the Academy on an escorted basis on 4 April 2016. The panel was provided with a written statement from the caretaker who said that Ms Jones later returned to the premises and asked him to let her in as she did not have her fob. As he was unaware of the conditions of her suspension, he allowed her into the premises.

The panel finds allegation 7 proved.

8. Failed to return to the Academy one or more iPads when requested to do so.

Witness A said in her evidence that a letter was sent to Ms Jones by recorded delivery letter on 18 April 2016, which was signed for. This letter requested return of three laptops in her possession. Witness A said that these laptops have not been returned.

The panel finds allegation 8 proved.

9. Her actions set out at 1 and/or 2 as may be found proven above were dishonest.

In considering whether Ms Jones' conduct found proven in allegations 1a to e and 2a and b was dishonest, the panel considered Ms Jones' state of knowledge or belief as to the facts before determining whether the conduct was dishonest by the standards of ordinary decent people. The panel considered each of the allegations in turn.

In relation to allegation 1a, Ms Jones was aware that the money that had been collected from the fair represented PTA funds that had been left in her possession for safe keeping. The fact that the money had not been replaced by Ms Jones after a period of at least 18 months, undermines the assurance she gave to Witness E that the money would be repaid. Even if it had been Ms Jones' intention to repay the money at the point at which it was taken, Ms Jones must have been aware that it was inappropriate to take money from PTA funds for her own purposes. The panel is satisfied that Ms Jones' actions were dishonest by the standards of ordinary decent people.

In relation to 1b, the panel is satisfied that Ms Jones failed to establish appropriate procedures for managing charitable funds. Although this failure created an opportunity for dishonesty, the panel was not satisfied that this failure could be regarded as dishonest.

In relation to 1ci and ii, Ms Jones must have been aware that using Academy funds to pay for the attendance of friends and family members on the trips concerned, was inappropriate and improper. Ms Jones' actions put her family before pupils. The money spent on the trips could not be used for its intended purpose of teaching and learning. The panel is satisfied that Ms Jones' actions were dishonest.

Similarly, in relation to 1d and 1e, Ms Jones must have been aware that use of the Academy credit card or Academy account for her own purposes rather than for the benefit of pupils was inappropriate and improper. The panel is satisfied that Ms Jones' actions were dishonest.

As regards 2a, the panel has found that Ms Jones amended the Target Tracker grades. These amendments were made by Ms Jones in the context of a DfE visit and were for the purpose of showing higher grades than the pupils were capable of achieving. The panel is satisfied that Ms Jones' proven actions were dishonest and that her intention was to deceive the DfE.

In relation to 2b, the panel is satisfied that the instructions given by Ms Jones for readers to be provided were intended to assist pupils to achieve higher grades than they would have achieved and falsely presented the pupils as being at a higher level than they actually were in the SATs results. Ms Jones instructions amounted to cheating and the panel is satisfied that her actions were dishonest.

The panel, therefore, finds that Ms Jones was dishonest in relation to the conduct found proven in allegations 1a, c, d and e and 2a and b.

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

Having found a number of the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel has had regard to the document Teacher Misconduct: The Prohibition of Teachers, which the panel refers to as “the Advice”.

The panel is satisfied that the conduct of Ms Jones in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Ms 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
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions;
- 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 is satisfied that the conduct of Ms Jones amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel has also considered whether Ms Jones’ conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel has found that the offence of serious dishonesty is 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.

Accordingly, the panel is satisfied that Ms Jones is guilty of unacceptable professional conduct.

The panel has taken into account how 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 has taken account of the uniquely influential role that teachers can hold in pupils’ lives and that pupils must be able to view teachers as role models in the way they behave.

The panel therefore finds that Ms Jones’ actions constitute 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 is 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 has to consider whether it is an appropriate and proportionate measure, and whether it is in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel has considered the particular public interest considerations set out in the Advice and having done so has found a number of them to be relevant in this case, namely the protection of pupils, the protection of other members of the public, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct; the interest of retaining the teacher in the profession.

There is a strong public interest consideration in respect of the protection of pupils given the findings in relation to the absence of proper safeguarding practices: child protection and the proper administration of financial and educational resources. Her dishonesty in relation to the SATs exams jeopardised pupils' future learning outcomes given that their results could have been annulled as a consequence of her actions.

Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Jones was not treated with the utmost seriousness when regulating the conduct of the profession. The panel found this conduct included serious dishonesty, wide-ranging failures in her professional responsibilities as a teacher and headteacher and a lack of integrity.

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

The panel did not consider that there was a strong public interest in retaining Ms Jones in the profession. Although, a number of witnesses spoke highly of her competence and abilities at the beginning of her headship, the panel was satisfied that the proven behaviours and misconduct outweigh the contribution that she could make as an educator.

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 Ms Jones.

In carrying out the balancing exercise the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Ms 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 are relevant in this case are:

- 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;
- a deep-seated attitude that leads to harmful behaviour;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up;

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case.

The panel has taken into account the fact that Ms Jones has a previously good record.

There was no evidence to suggest that the teacher was acting under duress, and the panel found the teacher's actions to be calculated and deliberate.

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 is sufficient.

The panel is of the view that applying the standard of the ordinary intelligent citizen recommending no prohibition order is not a proportionate and appropriate response. Recommending that publication of adverse findings is sufficient in the case would unacceptably compromise the public interest considerations present in this case, despite the severity of consequences for the teacher of prohibition.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Ms Jones. The finding of serious dishonesty was a significant factor in forming that opinion. Accordingly, the panel makes 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 that a review period of the order should be considered. The panel was mindful that the Advice advises 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 behaviours that, if proven, would militate against a review period being recommended. These behaviours include serious dishonesty - theft of school resources and cheating in national exams. Cheating in this way undermines the integrity of national examinations and seriously undermines public confidence in the examination system.

There was no evidence of any insight, regret, remorse or reparations. Ms Jones did not engage in the Academy investigation and disciplinary process. Nor has she engaged in the NCTL/TRA proceedings at any time. It is also noted that Ms Jones has still not returned the Academy's property that she took.

The panel felt the findings indicated a situation in which a review period would not be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provision for a review period.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of sanction and review period.

In considering this case, I have also given very careful attention to the advice that is published by the Secretary of State concerning the prohibition of teachers.

In this case, the panel has found the majority of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. Where the panel has found some matters not to be proven, I have put those matters wholly from my mind when considering this case. The panel has made a recommendation to the Secretary of State that Ms Catherine Jones should be the subject of a prohibition order, with no provision for a review period.

In particular the panel has found that Ms 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
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
- 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 has found that the conduct of Ms Jones fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of dishonesty on the part of a headteacher as well as exam misconduct and failures to put in place safeguarding policies.

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 or not 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 Jones, and the impact that will have on her, is proportionate.

In this case I have considered the extent to which a prohibition order would protect children. The panel has observed “There is a strong public interest consideration in respect of the protection of pupils given the findings in relation the absence of proper safeguarding practices: child protection and the proper administration of financial and educational resources. Her dishonesty in relation to the SATs exams jeopardised pupils' future learning outcomes given that their results could have been annulled as a consequence of her actions.”

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, “There was no evidence of any insight, regret, remorse or reparations. Ms Jones did not engage in the Academy investigation and disciplinary process. Nor has she engaged in the NCTL/TRA proceedings at any time. It is also noted that Ms Jones has still not returned the Academy's property that she took.”

In my judgement the lack of insight means that there is some risk of the repetition of this behaviour and this risks the future well being of pupils. 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 that it, “has taken into account how 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 has taken account of the

uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave."

I am particularly mindful of the finding of dishonesty in two areas 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 failure to impose a prohibition order might be regarded by the public 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 Jones I have noted the panel's comment that Ms Jones, "has a previously good record." I also note the panel has said that, "Although, a number of witnesses spoke highly of her competence and abilities at the beginning of her headship, the panel was satisfied that the proven behaviours and misconduct outweigh the contribution that she could make as an educator."

A prohibition order would prevent Ms Jones from teaching and would also clearly deprive the public of her contribution to the profession for the period that it is in force.

In this case I have placed considerable weight on the panel's comments concerning the lack of insight or remorse and on the overall seriousness of the findings.

I have also placed considerable weight on the finding of the panel's, "findings in relation the absence of proper safeguarding practices: child protection and the proper administration of financial and educational resources. Her dishonesty in relation to the SATs exams jeopardised pupils' future learning outcomes given that their results could have been annulled as a consequence of her actions."

I have given less weight in my consideration of sanction therefore, to the contribution that Ms 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 that is not backed up by 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 aims which a prohibition order is intended to achieve.

I have gone on to consider the matter of a review period. In this case the panel has recommended that there should be no provision for a review period.

I have considered the panel's comments "These behaviours include serious dishonesty - theft of school resources and cheating in national exams. Cheating in this way undermines the integrity of national examinations and seriously undermines public confidence in the examination system."

The panel has also said that allowing for no review period would be proportionate.

I have considered whether allowing for no 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, there are three factors that in my view mean that a two year review period is not sufficient to achieve the aim of maintaining public confidence in the profession, and that allowing for no review is proportionate. These elements are the two elements of dishonesty, concerning the PTA funds and the school's money, the exam misconduct and the lack of insight or remorse.

I consider therefore that allowing for no review period is required to satisfy the maintenance of public confidence in the profession.

This means that Ms Catherine Jones is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proved against her, I have decided that Ms Catherine Jones shall not be entitled to apply for restoration of her eligibility to teach.

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

Ms Catherine Jones as 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.



Decision maker: Alan Meyrick

Date: 13 June 2018

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