



Teaching
Regulation
Agency

Mr Stephen Ivey: Professional conduct panel outcome

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

October 2018

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

Teacher: Mr Stephen Ivey

TRA reference: 16865

Date of determination: 17 October 2018

Former employer: Bromfords School and Sixth Form College, Essex

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened from 15 to 17 October 2018 at Cheylesmore House, 5 Quinton Road, Coventry CV1 2WT to consider the case of Mr Stephen Ivey.

The panel members were Mr Ryan Wilson (teacher panellist – in the chair), Mr Tony James (former teacher panellist) and Ms Karen McArthur (Lay panellist).

The legal adviser to the panel was Mr Nick Leale of Blake Morgan solicitors.

The presenting officer for the TRA was Ms Lucy Coulson (Counsel).

Mr Ivey was present and was represented by Mr David Gray-Jones (Counsel)

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 7 August 2018.

It was alleged that Mr Stephen Ivey was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that, whilst employed as a teacher at The Bromfords School and Sixth Form College, Essex in the academic year 2016-2017, he:

1. Falsified the GCSE Computer Science controlled assessment for one or more pupils in that he:
 - a. Added additional lines of computer programming codes to one or more pieces of work;
 - b. Made one or more additions to the work of one or more pupils without their knowledge or consent.
2. Failed to properly administer the GCSE Computer Science controlled assessments in respect of one or more pupils in that he:
 - a. Provided, and/or allowed access to, exemplar work during the controlled assessment period;
 - b. Allowed one or more pupils to submit exemplar work as their own.
3. Provided improper assistance to one or more pupils in respect of their ICT BTEC Level 3 work in that he provided exemplar work to assist and/or prompt them in producing answers;
4. His conduct as may be found proven at 1 and/or 2 and/or 3 above lacked integrity and/or was dishonest.

Mr Ivey denied all of the allegations. There were no formal admissions made. There were some agreed facts as outlined in the statement of agreed and disputed facts signed by the presenting officer on 23 May 2018 and Mr Ivey on 17 May 2018.

C. Preliminary applications

There were no preliminary applications.

D. Summary of evidence

Documents

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

Section 1: Chronology – page 2

Section 2: Notice of Proceedings and Response – pages 4 to 14

Section 3: Teaching Regulation Agency witness statements – pages 16 to 31

Section 4: Teaching Regulation Agency documents – pages 33 to 194

Section 5: Teacher documents – pages 196 to 293.

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

Witnesses

The panel heard oral evidence from:

Witness A – an ICT and computer science teacher at the relevant school;

Witness B – Head of Faculty (ICT, business, media and technology) at the relevant school;

Stephen Ivey.

E. Decision and reasons

The panel announced its decision and reasons as follows:

We have 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 hearing.

It was alleged in this case that Mr Ivey falsified control assessment and coursework documents on behalf of his pupils by making additions to their work. It was also alleged that he had failed to properly administer and provided other improper assistance to his pupils in relation to such controlled assessments and coursework by allowing them access to and the use of exemplar work when preparing their work. It was further alleged that Mr Ivey's conduct lacked integrity and/or was dishonest.

At the end of the TRA's evidence Mr Gray-Jones submitted on behalf of Mr Ivey that he had no case to answer in relation to factual particulars 2a, 2b and 3 and no case to

answer in relation to the overarching allegations of unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel decided, having considered the evidence in light of the Galbraith principles, that Mr Ivey had a case to answer in relation to all of the allegations. Evidence had been presented that supported all of the allegations. In relation to particulars paragraph 2 there was evidence available that Mr Ivey had failed to properly administer the controlled assessments by providing exemplar work to pupils and allowing them to submit exemplar work as their own. Mr Ivey was required to explain why this should be considered to be a misunderstanding rather than dishonest or lacking integrity. For similar reasons the panel was content that evidence had been presented in support of particulars paragraphs 3 and 4 which Mr Ivey was required to answer.

Findings of fact

Our findings of fact are as follows:

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

Whilst employed as a teacher at The Bromfords School and Sixth Form College, Essex in the academic year 2016-2017, you:

- 1. Falsified the GCSE Computer Science controlled assessment for one or more pupils in that you:**
 - a. Added additional lines of computer programming codes to one or more pieces of work;**
 - b. Made one or more additions to the work of one or more pupils without their knowledge or consent.**

We considered particulars a) and b) together as they seemed to us to be dealing with the same documents and the same set of circumstances. We find both factual particulars a) and b) proved. Mr Ivey accepted in his oral evidence that he made these additions to several pupils' work. We have seen and carefully considered several pieces of work within the bundle to which he accepts he made additions. In particular, and as a clear example, the document at pages 68/69 of the bundle included additions that Mr Ivey accepts he made. This document was found to be in the 'staff area' on 12th May 2017. The additions are clear when the document is compared with the rolled back unedited version of this document, located in the student work area, as appears at pages 72-73 of the bundle. The former document confirms, and it is accepted, that amendments were made to it on the Thursday night (11th) the day before all student work was due to be moderated.

The relevant documents were submitted by Mr Ivey as controlled assessments (as alleged) and we find that Mr Ivey falsified them. We have taken the word 'falsify' to mean that they were altered so as to mislead. Mr Ivey accepts that the documents that he made additions to, were internally presented for moderation in that form and we find therefore that they must have been put forward entirely as pupils work. This was false as he had made additions to them.

Factual particular 1 is therefore proved in full including the stem.

2. Failed to properly administer the GCSE Computer Science controlled assessments in respect of one or more pupils in that you:

- a. Provided, and/or allowed access to, exemplar work during the controlled assessment period;**
- b. Allowed one or more pupils to submit exemplar work as their own.**

We find the factual particulars alleged in paragraph 2 proved in their entirety. We found the witnesses A and B to be reliable and credible witnesses. We find that the documents at pages 101, 98 and 91 were clearly exemplar work as demonstrated by the name at the top (Joe Bloggs). Mr Ivey acknowledged that he provided exemplar work to the pupils. They appeared in a 'notes' folder created by Mr Ivey which was subsequently deleted. Furthermore we noted that when the exemplar documents were compared to documents submitted by pupils, for example the document at pages 68-69, they were so similar that they were effectively the same. Although provision of exemplar work can be appropriate, it was not acceptable for Mr Ivey to provide exemplar work that covered the same scenario as the task that was in hand for the pupils at the time. Mr Ivey therefore, despite his experience, failed to properly administer the controlled assessments and allowed pupils to submit the exemplar work that he provided to them as their own.

3. Provided improper assistance to one or more pupils in respect of their ICT BTEC Level 3 work in that you provided exemplar work to assist and/or prompt them in producing answers;

We find this particular not proved as we are not satisfied on the balance of probabilities that improper assistance was knowingly provided. It was the first time that Mr Ivey had delivered this programme for which he had not received BTEC training. Mr Ivey noted on the record sheets that the work was not completed independently. These record sheets were submitted in March 2017 and there was no evidence of any feedback having been provided to Mr Ivey. Although there were clear and striking similarities between pupils' work, there was nothing misleading about the record sheets. The Pearson letter at page 203 of the bundle states that in their view the clarification and support provided was within allowable guidelines and potentially provided due to ignorance or error.

4. Your conduct as may be found proven at 1 and/or 2 and/or 3 above lacked integrity and/or was dishonest.

We find that Mr Ivey's conduct as proved in particular 1 was dishonest. We find that Mr Ivey's conduct as proved in particular 2 lacked integrity but was not dishonest.

With regard to the computer science controlled assessments, we have already found that Mr Ivey falsified the relevant documents. He altered them and misled those internally moderating them into believing they were entirely the work of the relevant pupils. We find, having established his state of mind in this regard, that such conduct would be considered dishonest by an ordinary decent person and was therefore dishonest.

With regard to the provision of exemplar work etc as found proved in particular 2, we find that although this was inappropriate, Mr Ivey did not do it with a dishonest state of mind. Such conduct does however undermine the integrity of the relevant examination system and demonstrates behaviour that falls below the level of integrity required of a teacher of Mr Ivey's experience.

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, we have 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, we have had regard to the document Teacher Misconduct: The Prohibition of Teachers, which we refer to as "the Advice".

We are satisfied that the conduct of Mr Ivey in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Ivey is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour...
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards...

We are satisfied that the conduct of Mr Ivey, which has included dishonest actions in relation to the controlled assessments of pupils, amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

Accordingly, we are satisfied that Mr Ivey is guilty of unacceptable professional conduct.

Furthermore, we have 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. We have 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 public must be able to trust the assessment system and by his actions Mr Ivey potentially undermined this.

The findings of misconduct are serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

We therefore find that Mr Ivey's 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/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 maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

Alongside these public interest considerations, the panel also considers that there is a strong public interest consideration in retaining Mr Ivey in the profession. It appears that he remains able to make a valuable contribution to the profession. Mr Ivey is a specialist teacher in the shortage subject of computer science. In addition he has spent a significant amount of time teaching in a specialist school for children with dyslexia. He has been reflective in relation to what has happened and undertaken management training in his current non-teaching role. This demonstration of self awareness will support any future return to teaching.

In view of the clear and varying 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 Mr Ivey.

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 Mr Ivey. 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;
- dishonesty

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether, on balance 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. No evidence was presented of any detrimental impact on student outcomes.

The teacher has no previous disciplinary findings and, as mentioned above, is a specialist teacher in a shortage subject. Although he did not formally admit the allegations made, it is clear to the panel that he has developed significant reflective insight into his behaviour. The panel noted his several positive character references.

The panel accepts that the incident was out of character and that Mr Ivey is genuinely remorseful for his mistakes. He was undertaking his role under significant stress and has already suffered significant consequences due to his actions. The panel has noted that the examination board have effectively applied a two year debarment to Mr Ivey administering any Pearson assessments.

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 a proportionate and appropriate response. Given that the nature and severity of the behaviour, and in particular the dishonesty found proved, is at the less serious end of the possible spectrum and in light of the mitigating factors that were present in this case, the panel has determined that a recommendation for a prohibition order will not be appropriate in this case. The panel considers that the publication of the adverse findings it has made is sufficient to send an appropriate message to the teacher, as to the standards of behaviour that are not acceptable and meets the public interest requirement of declaring proper standards of the profession.

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.

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 some 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 not found facts proven, I have put these matters from my mind. The panel has made a recommendation to the Secretary of State that Mr Ivey should not be the subject of a prohibition order.

In particular the panel has found that Mr Ivey is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour...
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards...

The panel finds that the conduct of Mr Ivey fell significantly short of the standards expected of the profession and included dishonest actions in relation to the controlled assessments of pupils.

The findings of misconduct are particularly serious as they include a finding of dishonesty and lack of integrity.

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 Mr Ivey, and the impact that will have on him, is proportionate.

In this case I have considered the extent to which a prohibition order would protect children. The panel has observed "No evidence was presented of any detrimental impact on student outcomes."

I have also taken into account the panel's comments on insight and remorse which the panel sets out as follows, "Although he did not formally admit the allegations made, it is clear to the panel that he has developed significant reflective insight into his behaviour." The panel has also accepted that the incident was, "out of character and that Mr Ivey is genuinely remorseful for his mistakes."

In my judgement the insight and remorse shown means that there is little 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 public must be able to trust the assessment system and by his actions Mr Ivey potentially undermined this." The panel also comment, "Alongside these public interest considerations, the panel also considers that there is a strong public interest consideration in retaining Mr Ivey in the profession. It appears that he remains able to make a valuable contribution to the profession."

I am particularly mindful of the finding of dishonesty and lack of integrity 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 Mr Ivey himself. The panel observe, "Mr Ivey is a specialist teacher in the shortage subject of computer science. In addition he has spent a significant amount of time teaching in a specialist school for children with dyslexia. He has been reflective in relation to what has happened and undertaken management training in his current non-teaching role. This demonstration of self awareness will support any future return to teaching."

A prohibition order would prevent Mr Ivey from continuing in the teaching profession. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

I have given careful consideration to the mitigation heard by the panel and the panel's view on the nature and severity of the behaviour. The panel say, "He was undertaking his role under significant stress and has already suffered significant consequences due to his actions. The panel has noted that the examination board have effectively applied a two year debarment to Mr Ivey administering any Pearson assessments." The panel went on to say, "Given that the nature and severity of the behaviour, and in particular the dishonesty found proved, is at the less serious end of the possible spectrum and in light of the mitigating factors that were present in this case, the panel has determined that a recommendation for a prohibition order will not be appropriate in this case."

I have given weight in my consideration of sanction therefore, to the contribution that Mr Ivey has made to the profession. I have also given weight to the mitigation in this case and severity of behaviour. In my view it is not necessary to impose a prohibition order in

order to maintain public confidence in the profession. A published decision that is backed up by the remorse and insight demonstrated satisfies the public interest requirement concerning public confidence in the profession.

For these reasons I have concluded that a prohibition order is not proportionate and in the public interest in order to achieve the aims which a prohibition order is intended to achieve.

A handwritten signature in black ink, appearing to read 'Dawn Dandy', written in a cursive style.

Decision maker: Dawn Dandy

Date: 23 October 2018

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