



Teaching
Regulation
Agency

Mrs Bridget Bainbridge: Professional conduct panel outcome

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

January 2019

Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	4
D. Summary of evidence	5
Documents	5
Witnesses	5
E. Decision and reasons	5
Findings of fact	6
Panel's recommendation to the Secretary of State	10
Decision and reasons on behalf of the Secretary of State	12

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

Teacher: Mrs Bridget Bainbridge

Teacher ref number: 9858099

Teacher date of birth: 26 October 1972

TRA reference: 15722

Date of determination: 7 January 2019

Former employer: Haileybury Turnford Academy, Hertfordshire

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the Agency”) convened on 19 to 21 November 2018 and 7 January 2019 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT to consider the case of Mrs Bridget Bainbridge.

The panel members were Mr Ryan Wilson (teacher panellist – in the chair), Ms Alison Walsh (teacher panellist) and Mr Chris Rushton (lay panellist).

The legal adviser to the panel was Ms Kara O’Neill of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the Agency was Ms Samantha Paxman of Browne Jacobson LLP solicitors.

Mrs Bridget Bainbridge (“Mrs Bainbridge”) was present and was represented by Mr Nicholas Bainbridge (lay representative).

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 15 August 2018.

It was alleged that Mrs Bainbridge was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that she:

1. In or around April/May 2016, altered the A- Level History coursework of one or more students before submission for internal moderation; and
2. The conduct at 1 above was dishonest in that she submitted that coursework for moderation as if it were the student's own work.

C. Preliminary applications

Mrs Bainbridge applied to admit one document. That document was not served in accordance with the requirements of paragraph 4.20 of the Procedures, and as such the panel was required to decide whether the document should be admitted under paragraph 4.25 of the Procedures at the discretion of the panel. The panel took into account the representations from Mrs Bainbridge and no objections were raised by the presenting officer as to the admission of the document.

Under paragraph 4.18 of the Procedures, the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

The panel was satisfied that the document may reasonably be considered to be relevant to the case being a character reference for Mrs Bainbridge.

The panel noted that there is a distinction to be drawn between the situation when a presenting officer seeks to rely upon hearsay evidence, and the current situation when it is the defence seeking to introduce hearsay evidence, without the witness being in attendance. The former invokes considerations relating to Mrs Bainbridge's right to a fair hearing, whereas the latter does not, although there remains a question of the fairness between the parties. The panel had regard to whether it would be a sufficient safeguard for a hearsay warning to be given before the panel's determination on the facts. The panel were satisfied that any imbalance caused to the presenting officer in being unable to cross-examine the witness could be addressed by the panel's decision in due course as to what weight it should attach to the evidence, if such evidence is admitted.

By reason of the above, the panel decided to admit the document and it was be paginated as follows: Testimonial of Headmistress at page 335.

D. Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 2 to 5

Section 2: Notice of Proceedings and response – pages 7 to 18

Section 3: Teaching Regulation Agency witness statements – pages 20 to 38

Section 4: Teaching Regulation Agency documents – pages 40 to 224

Section 5: Teacher documents – pages 226 to 334

In addition, the panel agreed to accept the following:

Testimonial of Headmistress to be added to the bundle becoming page 335.

A letter from Mrs Bainbridge written to the panel to be added to the bundle becoming page 336.

A response to the letter from Mrs Bainbridge written to the panel from the presenting officer to be added to the bundle becoming pages 337 and 338.

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 associate principal/leadership consultant/investigating officer;

Witness B - a moderator/history teacher; and

Witness C - the head of humanities called by the presenting officer.

Mrs Bainbridge and;

Witness D - the Executive Principal of a school called by Mrs Bainbridge's representative.

E. Decision and reasons

The panel announced its decision and reasons as follows:

The panel has carefully considered the case before us and have reached a decision.

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

Mrs Bainbridge was employed by Haileybury Turnford Academy as a history teacher and became the head of history in September 2015.

During April to May 2016 it is alleged that Mrs Bainbridge altered the A-Level history coursework of one or more pupils before submission for internal moderation.

On 18 April 2016 and 22 April 2016, a first set of coursework of four A- Level students was submitted for internal moderation. Later on the 28 April 2016 a second set of work was submitted for marking.

Findings of fact

Our findings of fact are as follows:

The panel found the following particulars of the allegations against you proven, for these reasons:

1. You were guilty of altering the A- Level History coursework of one or more students before the submission for internal moderation;

The panel considered all of the evidence and in particular noted that it was accepted by the presenting officer and by Mrs Bainbridge that amendments had been made to the second set of coursework. Mrs Bainbridge in her evidence stated that the amendments to the coursework were done for the purpose of producing 'exemplar' work and not for the purposes of altering the students' work. Mrs Bainbridge's arguments for creating said 'exemplar' work were:

- i) to increase the range of scripts covered in the trial moderation;
- ii) the resource sheets and/or bibliographies could be used to show the students how to 'top and tail' their coursework prior to its submission which would be after the content was finalised; and
- iii) the 'exemplars' would be retained as revision materials for the examined units that students were yet to take.

Mrs Bainbridge further claimed that the first set of student coursework was the students' final work and was marked by Mrs Bainbridge and sent to a colleague in the history department for internal moderation (Witness B), prior to final submission to the exam board. In regard to the second set, Mrs Bainbridge stated that she had amended the students' original work to create 'exemplars'.

The panel was not clear on why any 'exemplar' work would be used so close to the coursework submission deadline and created during one of the busiest periods of the

School calendar. The panel noted that the examination (JCQ) guidelines state within paragraph 13.1 that “centres should use reference and archive materials (such as exemplar material provided by the awarding body, or where available, work in the centre from the previous year) to set the standard of marking within the centre”. The panel, however, did not understand Mrs Bainbridge’s rationale for a trial moderation the week before the submission deadline.

The panel found it implausible that, in creating ‘exemplar’ work, Mrs Bainbridge decided that individual copies would be needed and that a word count, initials, and resource records would be included on each individual ‘exemplar’. The panel were of the opinion that there was no need to make individual exemplar templates in this instance and a generic example would have sufficed. Mrs Bainbridge was asked why she used the students’ original work in the ‘exemplars’ to which she responded that they were intended to be a learning tool.

The panel noted that the second set of work appeared different to the first on the basis that there had been resource records added, references added and linguistic changes made. The panel, having compared the two versions, believed Witness A’s account that the second version had been “significantly re-written”.

Mrs Bainbridge put forward that she was uncertain of the mark scheme and therefore sought to create exemplars to increase the sample of work for what she called the trial moderation. The panel did not accept Mrs Bainbridge’s account as in evidence the panel were made aware that she had co-moderated the coursework of an A-Level class of 15 students the year before and had previous experience of GCSE moderation.

The panel rejected Mrs Bainbridge’s assertion that in particular the ‘exemplars’ were to be used as revision tools as the coursework specifically related to a topic they would not be tested on. Mrs Bainbridge put forward the notion that literacy and other skills could be transferred to examined units. However the panel noted that there were other resources available and the coursework topic was not related to their examinations.

On this point, and on several other points the panel found Mrs Bainbridge’s evidence to be inconsistent and to have changed over time. The panel preferred the evidence of Witness B as it remained more consistent.

The panel examined the evidence from the four students who undertook the coursework. The evidence from three of them, who handed in work months earlier, indicated that the students never saw their work again until they were shown the ‘exemplar’ work by Witness B. When two of the students were receiving feedback on their work, they were shocked and upset to find the work they were looking at was not the work they handed in. Witness C described the students as ‘distracted’.

In addition to this, in reference to Witness B’s evidence, the panel were of the belief that Mrs Bainbridge did not say to this witness when handing over either the first or the

second set of work that any of these versions were 'exemplar' work. The panel noted that Mrs Bainbridge did have opportunities to state her version of events and the panel did not understand why Mrs Bainbridge did not do this at the first opportunity.

Student A later in a written statement said that she handed in coursework in January 2016. She was told she needed to add some material to improve the essay. However Student A said Mrs Bainbridge later told her it "was sorted".

Mrs Bainbridge's case was that the first set of coursework was for internal moderation and the second set was her created 'exemplars'. The panel, however, found it implausible that with only six days to the coursework submission deadline, Mrs Bainbridge would not check with her co-Moderator that the internal moderation had been completed. In Mrs Bainbridge's evidence, she blamed a miscommunication between herself and her co-moderator to explain the confusion. The panel did not accept Mrs Bainbridge's version of events. The panel noted that Mrs Bainbridge, whilst giving oral evidence, came across as a highly effective communicator and therefore did not find it plausible that Mrs Bainbridge could have miscommunicated with Witness B, Witness C, the Head Teacher, Witness A and her own students.

Therefore on the balance of probabilities the panel did not believe that the second set of work was 'exemplar' work, rather the only logical explanation the panel could accept was that this was a deliberate attempt to re-write the students' coursework for submission to the exam board.

The panel therefore found this allegation was proven.

2. Your conduct at 1 above was dishonest in that you submitted this coursework for moderation as if it were the students' own work.

The panel received advice from the legal adviser and having formed their own view was satisfied, on the balance of probabilities, that Mrs Bainbridge had concealed the fact that Mrs Bainbridges' 'exemplar' work had been submitted for internal moderation as though it were the pupils' work, and that would be dishonest.

The panel firstly turned its minds to the actual state of Mrs Bainbridge's knowledge or belief as to the facts. Mrs Bainbridge stated in evidence that she knew she could not make alterations to coursework without being in breach of the examination (JCQ) guidelines. Mrs Bainbridge admitted that she read the examination guidelines in advance of teaching the course.

The panel considered that Mrs Bainbridge's actions in knowingly altering students' work would be regarded as dishonest by the objective standard of 'ordinary and decent people'. The panel considered whether Mrs Bainbridge's actions could be attributed to a mistake or carelessness.

The panel noted Mrs Bainbridge's defence that her actions could be attributed to miscommunication, but, on the balance of probabilities, the panel concluded that it was more likely than not that her actions were deliberate.

Having reviewed all of the evidence, the panel therefore found allegation 2 proven.

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

The panel was satisfied that the conduct of Mrs Bainbridge in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considered that by reference to Part Two, Mrs Bainbridge was in breach of the following standards:

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mrs Bainbridge fell significantly short of the standards expected of the profession.

The panel also considered whether Mrs Bainbridge's 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 as the panel considered that public trust in the teaching profession and examination system must be maintained. Moreover, the impact on the students and the reputation of the school was considered.

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

The 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.

Accordingly, the panel was satisfied that Mrs Bainbridge was guilty of unacceptable professional conduct and conduct which 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 also considered the public interest of retaining a teacher in the profession, but considered this to be outweighed by the adverse public interest considerations present in this case. The panel considered the particular public interest considerations set out in the Advice and having done so found a number of them to be relevant in this case, namely the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In light of the panel's findings against Mrs Bainbridge, which involved serious dishonesty, there is a strong adverse public interest consideration. The panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against teacher were not treated with the utmost seriousness when regulating the conduct of the profession.

Notwithstanding the clear adverse 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 teacher.

In carrying out the balancing exercise the panel considered the public interest considerations both in favour of and against prohibition as well as the interests of Mrs Bainbridge. 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;
- abuse of position or trust;
- dishonesty especially where there have been serious consequences, and it has been 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.

In light of the panel's findings there was no evidence that Mrs Bainbridge's actions were not deliberate or that Mrs Bainbridge was acting under duress.

Mrs Bainbridge did have a previously good history and the panel accepted that the incident was out of character. After leaving the school, Mrs Bainbridge worked on a supply basis at another school. The panel viewed a testimonial from the deputy headteacher which stated, 'she has shown herself to be a reliable and committed colleague and professional'.

Subsequently, Mrs Bainbridge was employed by another school where she still works and the panel heard oral evidence from Witness D. The panel found this oral evidence compelling and the witness to be credible. The witness said 'she has a passion for history and I have seen nothing but someone who is a really good and really effective practitioner. When you see her operating, she has good rapport with children and young people and is pivotal in helping children'.

The witness similarly told the panel that he had trust and confidence in Mrs Bainbridge and therefore promoted her to head of history.

The panel were also impressed by oral evidence given by the presenting officer's witnesses regarding Mrs Bainbridge's professional practice, and in particular evidence given of the creativity of her lessons, including dressing up as historical characters.

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 was 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 Mrs Bainbridge of prohibition.

The panel was of the view that prohibition is both proportionate and appropriate. The panel decided that the public interest considerations outweigh the interests of Mrs Bainbridge. The serious dishonesty and limited insight were significant factors 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 them to decide to recommend that a review period of the order should be considered. The panel were mindful that the Advice states that a prohibition order applies for life, but there may be

circumstances in any given case that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include serious dishonesty. The panel, however, felt a review period would be appropriate. The panel noted that, although serious, this was an isolated incident involving a relatively small number of students. Mrs Bainbridge also acknowledged in a letter to the panel that 'I do accept my actions in creating documents that resembled falsified coursework and not communicating their purpose clearly enough led to a situation which caused alarm to my students and could or may have brought my school and the teaching profession into disrepute'. She also offered her sincere apologies in oral evidence and assured the panel that this would never happen again.

The panel accepted that she is a talented teacher with 17 years' experience who still has much to offer the profession. As such, the panel decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review period of 2 years.

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found both of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Mrs Bainbridge should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Mrs Bainbridge is in breach of the following standards:

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mrs Bainbridge fell significantly short of the standards expected of the profession.

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

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mrs Bainbridge, and the impact that will have on her, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, "When two of the students were receiving feedback on their work, they were shocked and upset to find the work they were looking at was not the work they handed in. Witness C described the students as 'distraught'." 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, "I do accept my actions in creating documents that resembled falsified coursework and not communicating their purpose clearly enough led to a situation which caused alarm to my students and could or may have brought my school and the teaching profession into disrepute'." The panel also point out that, "She also offered her sincere apologies in oral evidence and assured the panel that this would never happen again." The panel also say that Mrs Bainbridge has, "limited insight."

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 this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an "ordinary intelligent and well-informed citizen."

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mrs Bainbridge herself. She has subsequently secured work teaching and the panel have quoted the comment “she has a passion for history and I have seen nothing but someone who is a really good and really effective practitioner. When you see her operating, she has good rapport with children and young people and is pivotal in helping children’.”

A prohibition order would prevent Mrs Bainbridge from continuing that work. A prohibition order would also clearly deprive the public of her contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel’s comments concerning the limited insight. The panel has also said, “The serious dishonesty and limited insight were significant factors in forming that opinion.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mrs Bainbridge has made and is making 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 full insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended a 2-year review period. This is the minimum period set out in the legislation.

I have considered whether a 2-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, I am satisfied that it is.

I consider therefore that a two-year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mrs Bridget Bainbridge 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 10 January 2021, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mrs Bainbridge remains prohibited from teaching indefinitely.

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

Mrs Bainbridge 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.

A handwritten signature in black ink, appearing to read 'Alan Meyrick', with a stylized flourish at the end.

Decision maker: Alan Meyrick

Date: 10 January 2019

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