



Teaching  
Regulation  
Agency

# **Mr David Moore: Professional Conduct Panel Outcome**

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

**February 2021**

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

<b>Teacher:</b>	Mr David Moore
<b>Teacher ref number:</b>	1065391
<b>Teacher date of birth:</b>	07 January 1981
<b>TRA reference:</b>	19140
<b>Date of determination:</b>	15 February 2021
<b>Former employer:</b>	Swanlea School, London

### Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened by video conference on 15 February 2021, to consider the case of Mr Moore.

The panel members were Dr Angela Brown (lay panellist – in the chair), Ms Susanne Staab (teacher panellist) and Dr Zubair Hanslot (lay panellist).

The legal adviser to the panel was Mrs Luisa Gibbons of Eversheds Sutherland International LLP.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Moore that the allegations be considered without a hearing. Mr Moore provided a signed statement of agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer Ms Carolyn Thackstone of Brown Jacobson LLP, Mr Moore or his representative, Ms Marina Evangelou of NEU.

The meeting took place in private, save for the announcement of the panel’s decision, which was announced and recorded.

## Allegations

The panel considered the allegations set out in the notice of meeting dated 18 January 2021.

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

Whilst employed as a media teacher at Swanlea School,

1. During the 2018/2019 academic year, in respect of three Media OCR Assessments (RO82 Creating Digital Graphics, RO84 Storytelling with a Comic Strip and RO89 Creating a Video Sequence Creating a Multipage Website), he
  - a. Used a previous pupil's work from an earlier year and submitted it as part of the current assessment for one or more pupils;
  - b. Submitted homework tasks set earlier in the year in place of work which ought to have been completed in assessment conditions;
  - c. Modified one or more pupils' assessment;
  - d. Downloaded files for one or more pupils as part of the assessment to make it look as though they had done so themselves;
  - e. Invented and/or changed marks for the assessment by submitting marks that were not reflective of the work completed by one or more pupils.
2. His conduct as may be found proven at 1 a above lacked integrity and / or was dishonest.

Mr Moore has admitted the facts of the allegations and that they amount to Unacceptable Professional Conduct/conduct that may bring the profession in disrepute.

## Preliminary applications

The panel noted that since the date of the referral to the TRA in this case, new Teacher Misconduct Disciplinary procedures for the teaching profession were published in May 2020 (the "May 2020 Procedures"). The panel understands that the earlier provisions contained within the Teacher misconduct disciplinary procedures for the teaching profession updated in April 2018 (the "April 2018 Procedures") apply to this case, given that those provisions applied when the referral was made. Although the panel has the power to direct that the May 2020 Procedures should apply in the interests of justice or the public interest, the panel had received no representations that this should be the case. For the avoidance of doubt, therefore, the panel confirms that it has applied the April 2018 Procedures in this case.

The panel noted Mr Moore's representations dated 6 May 2020 that the third module he taught was "Creative (sic) a Digital Video Sequence", and that he had not taught/

administered the module “Creating a Multipage Website. The panel noted the Examination Board’s letters of 22 August 2019 and 3 September 2019 which both referred to the R089 course being entitled “Creating a Video Sequence”. The panel also noted that the statement of agreed facts did not refer to the module numbers set out in the Notice of Meeting, and referred to “Creating a Multipage Website”, rather than “Creating a Video Sequence”. The panel sought representations from the presenting officer and Mr Moore. The presenting officer confirmed that the inclusion of the course numbers within the Notice of Meeting was irrelevant; it was the course titles that were important. The panel was informed that both Mr Moore and the presenting officer confirmed that the statement of agreed facts ought to have referred to “Creating a Video Sequence, rather than “Creating a Multipage Website”. The panel accepted that both the Notice of Meeting and the statement of agreed facts contained typographical errors and agreed to amend the Notice of Meeting to remove the course numbers and reference to an incorrect course title, so that the stem of allegation 1 reads “During the 2018/2019 academic year, in respect of three Media OCR Assessments (Creating Digital Graphics, Storytelling with a Comic Strip and Creating a Video Sequence)...” The panel also agreed that it would read the statement of agreed facts as referring to “Creating a Video Sequence”, rather than “Creating a Multipage Website”.

## **Summary of evidence**

### **Documents**

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

Section 1: Chronology – page 2

Section 2: Notice of Referral, response and notice of meeting – pages 3 to 10b

Section 3: Statement of agreed facts – pages 11 to 17

Section 4: Teaching Regulation Agency documents – pages 18 to 132

Section 5: Teacher documents – pages 133 to 142

The panel members confirmed that they had read all of the documents within the bundle, in advance of the meeting.

### **Statement of agreed facts**

The panel considered a statement of agreed facts which was signed by Mr Moore on 14 September 2020.

## Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Moore for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

Mr Moore was employed as a media teacher at Swanlea School ('the School') from September 2018 to 31 December 2019. On 4 June 2019, an examination board informed the School that their moderator had reason to believe that some candidates' work had been plagiarised in relation to specific controlled assessments. The examination board requested that the School complete an investigation into the concerns and provide them with details of their findings. The School was investigating pupil involvement in the concerns raised and Mr Moore came forward to explain actions he had taken in submitting one or more pupils' work. In July 2019, the School responded to the examination board and advised that Mr Moore had made admissions that explained the reason for the apparent plagiarised work. Mr Moore was referred to OCR's Malpractice Committee and was barred from all involvement in the examination board's examinations and assessments for a period of 3 years, until 31 October 2022. The School issued Mr Moore with a final warning and it was mutually agreed that he would resign from the School and leave on 31 December 2019.

## Findings of fact

The findings of fact are as follows:

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

### **Whilst employed as a media teacher at Swanlea School:**

#### **1. During the 2018/2019 academic year in respect of three Media OCR Assessments Creating Digital Graphics, Storytelling with a Comic Strip and Creating a Video Sequence, you:**

##### **a. Used a previous pupil's work from an earlier year and submitted it as part of the current assessment for one or more pupils;**

Mr Moore has admitted this allegation in the statement of agreed facts. He accepted that, in a statement dated 14 June 2019, he stated, "Where marking was entirely off, based on the idea that I could find the work they had at School, I used other students work to

substitute. This was done for 3 students.” The panel has seen that statement. The panel noted that this admission had been made after the assessor from the examination board had reported concerns of plagiarism from internet sources. The information that Mr Moore subsequently provided was volunteered by him and there appeared to be no other reason for Mr Moore to have said this, had it not been the truth. Mr Moore has referred to the guilt that had been troubling him, and he volunteered the information to unburden himself. The panel, therefore, considered it more likely that not that Mr Moore had carried out the fact alleged.

**b. Submitted homework tasks set earlier in the year in place of work which ought to have been completed in assessment conditions;**

Mr Moore has admitted this allegation in the statement of agreed facts. He accepted that, in a statement dated 6 May 2020, he stated “I became aware of missing work and poor marking on my part when it came to completing all of the URS forms, subsequently. This led me to using homework tasks they had completed outside of submission, to compensate for missing work or over-generous marking.” The panel has seen that statement. The panel also noted that, earlier on 27 June 2019, Mr Moore stated that, “Some of the final folders, submitted a few days before the final marks needed to be sent off, were missing work in places, when I knew they had completed work. This erroneously justified to me, in my mind at the time, that I could use work they had submitted to me via ShowMyHomeWork”. In light of the admissions volunteered by Mr Moore, the panel considered it more likely than not that Mr Moore had carried out the fact alleged.

**c. Modified one or more pupils’ assessment;**

Mr Moore has admitted this allegation in the statement of agreed facts. He accepted that, in a statement dated 16 June 2019, he stated he, “Occasionally used work from prior learning, submitting as HW, for example of SMHW.” The panel does not have a statement dated 16 June 2019 in its bundle, but noted that this comment was stated in Mr Moore’s statement of 14 June 2019. The panel considered this to be further evidence in support of Allegation 1b, referred to above. With respect to allegation 1c, the panel noted however, that Mr Moore had stated in his statement of 14 June 2019, that he had, “Changed the files – added sentences and SPAG [Spelling punctuation and grammar] in places to make it look better and get more marks” and “Sometimes created mood boards for them (maybe 4 students) to get them extra marks for that task”. This was information volunteered by Mr Moore. The panel also noted that Mr Moore had produced a spreadsheet auditing the pupils’ submissions and for numerous pupils he has stated, “SPAG and a few modifications by DAM to elevate marks”. The panel noted that a pupil had referred to having re-submitted coursework after receiving feedback; another having referred to helping other pupils having already finished coursework; and another having referred to her teacher having gone over her work and asked for improvements. In those circumstances, where there appears to be a relaxed attitude to the submissions being the

pupils' own work, and in light of the admissions volunteered by Mr Moore, the panel considered it more likely than not that Mr Moore had carried out the fact alleged.

**d. Downloaded files for one or more pupils as part of the assessment to make it look as though they had done so themselves;**

Mr Moore has admitted this allegation in the statement of agreed facts. He accepted that, in a statement dated 14 June 2019, he stated, he “Downloaded files from Wevideo for them and for some, made it look like they had done it”; “Downloaded PS files into correct format for a few and pretended they had done this process”; and “Downloaded the CLife 3 files for them, since they had not completed this process at times.” As referred to above, this was information volunteered by Mr Moore. The panel also noted the spreadsheet, referred to above, contained comments stating, “yes 1 file downloaded from CL3 (software) for the student”. The panel, therefore, considered it more likely than not that Mr Moore had carried out the fact alleged.

**f. Invented and/or changed marks for the assessment by submitting marks that were not reflective of the work completed by one or more pupils.**

Mr Moore has admitted this allegation in the statement of agreed facts. He accepted that, in a statement dated 14 June 2019, he stated he had “Changed the files – added sentences and SPAG in places to make it look better and get more marks”, in addition to “Sometimes created mood boards for them (maybe 4 students) to get them extra marks for that task.” The panel considered this to be evidence of having affected the marks by altering the content of the submissions. As referred to above, this was information volunteered by Mr Moore. The panel also noted that the spreadsheet, referred to above, referred to him having “modified to match points awarded for [name]”. The panel, therefore, considered it more likely than not that Mr Moore had carried out the fact alleged.

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

Mr Moore has admitted in the statement of agreed facts that his conduct lacked integrity and was dishonest.

The panel first sought to understand the state of Mr Moore's mind at the time of the matters giving rise to the facts found proven. In a statement dated 27 June 2019, Mr Moore explained that:

- students in the cohort were completing a two-year course in one year, leading to significant levels of pressure and stress;
- that this situation and various technical issues led to him focussing on getting as much work from the students in the time available, which left very little time to



mark all the work, and errors were made which he sought to rectify through his actions found proven above;

- that some of the folders were missing work in places that he knew the students had completed, so he justified to himself that he could use homework that had been submitted to him;
- he became aware of numerous discrepancies between his marking and the work submitted, which he feared would lead to all the work needing to be sent off and all of the marks found to be wrong, leading to the students failing, and his subsequent actions were not thought through properly;
- [redacted], to him wanting everything at work to be OK, and further justified his actions to himself.

Mr Moore was an experienced teacher, having been teaching since 2011. He held the position of head of media studies and had qualified as an Internal BTEC Verifier. He had completed training in how to assess and moderate the new Creative IMedia course and had received positive feedback about his marking, which if anything, was too strict. Moderator's feedback was received regarding coursework submitted in January 2019 which expressed gratitude for the "accurate assessment and presentation of evidence which made the moderation process straightforward". The panel therefore considered that Mr Moore understood the rules around assessment of evidence.

The panel noted that Individual A had understood Mr Moore to have made a "genuine irrational judgment in a moment of panic". The panel considered the Individual A's evidence to be hearsay, and it was not able to test the Individual A's motivation in making this statement, or the context in which it was made. This was the Individual A's view, and the panel is required to ascertain Mr Moore's own knowledge or belief as to the facts, at the time he carried out the acts found proven. From Mr Moore's explanation given on 27 June 2019, it is apparent that he was seeking to influence the marks awarded and thereby deceive the examination board, regardless of the how much he sought to justify his actions to himself. It was apparent to the panel that Mr Moore's actions were deliberate given his modification, augmentation of work and amendment of marks with the intention of covering up discrepancies between his marking and the work produced. The panel noted the extent of Mr Moore's actions from the spreadsheet auditing the issue, that Mr Moore produced, and this was more than a "moment of panic". This was a complex set of actions and the extent of those actions taken by Mr Moore was further evidence of his dishonest intention. The panel's perception was that Mr Moore may have been well intentioned in attempting to salvage the situation for the pupils, but that he knew that the means by which he attempted to rectify the situation was dishonest. Mr Moore explained during the School's disciplinary investigation that "When I had done it, I felt horrible for two weeks". The guilt that Mr Moore has described is a further indication that he had intended to deceive the examination board, that he knew he had acted wrongly in flouting the rules around assessment, and was aware of the magnitude of what he had done.

The ordinary honest person would consider that deceiving the examination board as to the work conducted by the students and the marks awarded was dishonest.

The teaching profession has to uphold ethical standards in the assessment of work, since to do otherwise would erode the public trust placed in the integrity and accuracy of the assessment process. There is an expectation that pupils' marks will reflect their ability. Mr Moore failed to uphold these ethical standards, having an understanding of the assessment process and, therefore, his conduct found proven above lacked integrity.

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

Having found the facts of the allegations proven, the panel was satisfied that the conduct of Mr Moore in relation to the facts found proved, involved breaches of the Teachers' Standards. The preamble of Teachers' Standards states that teachers are accountable for achieving the highest possible standards in work and conduct, and that they are required to act with "honesty and integrity". The panel considered that, by reference to Part 2, Mr Moore was in breach of the requirement to demonstrate consistently high standards of personal and professional conduct and, in particular, the following standard:

- Teachers must have proper and professional regard for the ethos, policies and practices of the School in which they teach.

The panel was satisfied that the conduct of Mr Moore fell significantly short of the standards expected of the profession. The School is obliged to adhere to the requirements of the examination board, and if a teacher fails to do so, it can have consequences for both the School's relationship with the examination board and has the potential to tarnish the School's reputation.

The panel also considered whether Mr Moore's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The panel found that the offence of fraud or serious dishonesty was 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.

The panel considered the circumstances in which Mr Moore's actions took place. The panel noted Mr Moore's submissions that there were pressures in delivering a new two-year course in one year, [redacted] which left Mr Moore feeling unable to share the pressure he was under. The panel also noted Mr Moore's statement that there were considerable IT issues which, in his view, disadvantaged the pupils. The panel has, however, not seen independent evidence of those issues. Such issues would not, however, excuse the level of dishonesty that Mr Moore engaged in, particularly since training had been made available by an examiner from the examination board on how to assess and moderate. The panel considered that his actions fell significantly short of the standards expected of a teacher.

Accordingly, the panel was satisfied that Mr Moore was guilty of unacceptable professional conduct.

The panel took into account the way 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 also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way they behave. In manipulating the pupils' submissions and marks, had the pupils been aware of this, it would have sent a signal that cheating the assessment process was an acceptable course of action. The panel noted that Mr Moore made his pupils aware of the consequences of plagiarism, but his actions contradicted that message.

The panel therefore found that Mr Moore's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of all of the allegations proved, the panel further found that Mr Moore's conduct amounted to both unacceptable professional conduct and 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 was 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 had to consider whether it would be an appropriate and proportionate measure, and whether it would be 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 had regard to 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 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.

In the light of the panel's findings against Mr Moore, which involved dishonesty in the assessment of pupils' work, there was a strong public interest consideration in respect of the protection of pupils, given the impact on pupils of their submitted work not being accepted by the examination board and having to receive estimated grades instead. Similarly, there was a strong public interest in the protection of members of the public given the trust placed upon the integrity of the assessment system.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Moore were not treated with the utmost seriousness when regulating the conduct of the profession.

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

The panel recognised that there was a public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon his abilities as an educator and he is able to make a valuable contribution to the profession. The panel was of the view that this consideration was outweighed by the adverse public interest considerations in this case, since the panel had misgivings about the trust that could be placed in Mr Moore given his prior dishonesty.

Notwithstanding 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 Mr Moore.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Moore. 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 proved. 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;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up;

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

The panel found Mr Moore's actions were deliberate and systematic.

There was no evidence to suggest that Mr Moore was acting under duress. The panel noted Mr Moore's explanation of the stress that he was under at the time. He has explained the pressure of delivering a new two-year course in one year, [redacted] which left Mr Moore feeling unable to share the pressure he was under. He has also referred to considerable IT issues which, in his view, disadvantaged the pupils. The panel has seen no evidence of Mr Moore having raised these concerns. The panel did not, in any event,

consider this to constitute duress since he was not compelled to take the course of action he chose, and there were other more appropriate courses of action available to him in raising his concerns with colleagues and seeking their support.

Mr Moore did have a previously good history and the panel accepted that the incident was out of character. Mr Moore has expressed that he “absolutely and resolutely regret[s] [his] actions”. He came forward once the issue from the exam board arose and stated he “volunteered [his] misconduct because [he] felt completely conflicted by [his] action and could not bear to continue in [his] teaching position without doing so”. He has also referred to “the feeling [he] had – of utter guilt; remorse; of lacking integrity; and of shame, were so overpowering after [he] had committed the malpractice that [he] realised [he] needed to come forward immediately and fully – in a written statement – as soon as [Name] had told me about an issue regarding the coursework from OCR”.

Individual A who was the investigating officer for the School’s investigation of the allegation of exam malpractice raised by OCR, has provided a statement supporting Mr Moore. This stated that Mr Moore came forth voluntarily to say that he had made a huge error of judgment and came clean about what had happened. He referred to Mr Moore having spent the best part of the next few weeks working solely on making things right for the students, working through weekends and evenings to do so. He has referred to his professional interactions with Mr Moore and found him to be a good classroom teacher, well-liked and respected by both staff and students. He had no safeguarding concerns about Mr Moore and believes he still has much to offer the teaching profession and that he is able to positively support student achievement.

The panel also noted that Mr Moore is prohibited by the examination board from involvement in that examination boards’ examination and assessments for 3 years. Furthermore, he received a final warning from the School and mutually agreed that he would resign from his position. Whilst Mr Moore may have already been punished for his actions, the role of this panel is not to punish, but to consider the public interest including to protect pupils and other members of the public. That a sanction has already been imposed by an examination board, and by the School was of little relevance to the panel’s recommendation since Mr Moore is not prohibited in the involvement in examination and assessments of qualifications offered by other examination boards, nor from teaching in other Schools.

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 would be sufficient.

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

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Moore. The gravity and complexity of his dishonesty was a significant factor in forming that opinion. Accordingly, the panel made 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 to recommend that a review period of the order should be considered. The panel was 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 two years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include fraud or serious dishonesty. The panel found that Mr Moore was responsible for dishonesty in the conduct of assessments. Since Mr Moore was well intentioned, that his actions were taken in the context of the difficulty he had in his pupils completing the two-year course within one year, that he came forwards voluntarily to explain his actions, and given the remorse he has expressed meant that the panel considered that Mr Moore ought to have the opportunity to apply for a prohibition order to be set aside after a period of time.

As of 6 May 2020, Mr Moore had not accepted the examination board's finding that his actions were "pre-conceived as he had committed a number of different actions, all of which constituted malpractice, over a period of time". He has referred to not challenging this at the time, since he "was exhausted from completing [his] handover as best [he] could to non-specialist teachers that were taking over from [him]; and that he did not want to cause further concern to the examination board." Although Mr Moore has now admitted that he acted dishonestly, the panel was not persuaded that Mr Moore appreciated that there had been various appropriate courses of action available to him in the circumstances. Instead, he had chosen to undertake a complex series of dishonest actions initially to compensate for missing work or overgenerous marking and, thereafter, to cover up discrepancies between his marking and the work submitted, as he feared that the School's entire cohort of pupils would be adversely affected as a result. Mr Moore has stated that he became a teacher to uphold the values of integrity, honesty and diligence and to inspire young people to uphold these and other ethical values. He has recognised that his actions were entirely at odds with those values. Mr Moore has, however, only at the time of signing the statement of agreed facts, developed the understanding that his actions were dishonest and the panel has not seen evidence of his reflection as to how, in the future, he would deal with similar pressures that he has described as having influenced his behaviour.

The panel decided that the findings indicated a situation in which a review period would be appropriate given Mr Moore had volunteered information about his actions, and the

difficult circumstances that he has described. A period of time is required for Mr Moore to equip himself with the skills and understanding to better manage the pressures that teachers commonly face, without resorting to a complex course of dishonest actions. The panel considered that it would be proportionate in all the circumstances for the prohibition order to be recommended with provision for a review period after a period of 3 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 all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Mr Moore should be the subject of a prohibition order, with a review period of 3 years.

In particular, the panel has found that Mr Moore 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.

The panel finds that the conduct of Mr Moore fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of exam malpractice, conduct found to be dishonest and to lack 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 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 Moore, and the impact that will have on him, 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, "In manipulating the pupils' submissions and marks,

had the pupils been aware of this, it would have sent a signal that cheating the assessment process was an acceptable course of action". 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, "Mr Moore has expressed that he "absolutely and resolutely regret[s] [his] actions". He came forward once the issue from the exam board arose and stated he "volunteered [his] misconduct because [he] felt completely conflicted by [his] action and could not bear to continue in [his] teaching position without doing so".

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "In the light of the panel's findings against Mr Moore, which involved dishonesty in the assessment of pupils' work, there was a strong public interest consideration in respect of the protection of pupils, given the impact on pupils of their submitted work not being accepted by the examination board and having to receive estimated grades instead. Similarly, there was a strong public interest in the protection of members of the public given the trust placed upon the integrity of the assessment system". 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 Mr Moore himself, who although is no longer working at the School, the panel comment "Mr Moore did have a previously good history and the panel accepted that the incident was out of character."

A prohibition order would prevent Mr Moore from teaching. A prohibition order would also clearly deprive the public of his 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 "Although Mr Moore has now admitted that he acted dishonestly, the panel was not persuaded that Mr Moore appreciated that there had been various appropriate courses of action available to him in the circumstances. Instead, he had chosen to undertake a complex series of dishonest actions initially to compensate for missing work or overgenerous marking and, thereafter, to cover up discrepancies between his marking and the work submitted".



I have given less weight in my consideration of sanction therefore, to the contribution that Mr Moore 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, in light of the circumstances in this case, 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 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 3 year review period.

I have considered the panel's comments "A period of time is required for Mr Moore to equip himself with the skills and understanding to better manage the pressures that teachers commonly face, without resorting to a complex course of dishonest actions. The panel considered that it would be proportionate in all the circumstances for the prohibition order to be recommended with provision for a review period after a period of 3 years".

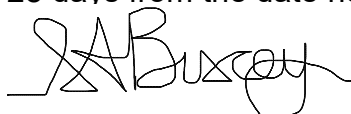
I have considered whether a 3 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, a number of factors mean that a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the complex dishonesty found and time required for Mr Moore to develop a greater understanding to avoid conduct of this nature occurring in the future.

I consider therefore that a 3 year review period is required to satisfy the maintenance of public confidence in the profession.

**This means that Mr David Moore is prohibited from teaching indefinitely and cannot teach in any School, sixth form college, relevant youth accommodation or children's home in England.** He may apply for the prohibition order to be set aside, but not until 28 February 2024, 3 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Moore remains prohibited from teaching indefinitely.

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

Mr Moore has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this order.



**Decision maker: Sarah Buxcey**

**Date: 22 February 2021**

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