



National College for
Teaching & Leadership

Mr Ian Guffick: Professional conduct panel outcome

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

March 2015

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
Panel's recommendation to the Secretary of State	7
Decision and reasons on behalf of the Secretary of State	9

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

Teacher:	Mr Ian Guffick
Teacher ref no:	0840395
Teacher date of birth:	29 November 1983
NCTL Case ref no:	0012588
Date of Determination:	26 March 2015
Former employer:	Mitton Manor Primary School, Tewkesbury

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 26 March 2015 at 53-55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Ian Guffick.

The panel members were Mr Martin Pilkington (lay panellist – in the chair), Mr John Pemberton (teacher panellist) and Ms Mary Speakman (teacher panellist).

The legal adviser to the panel was Mrs Fiona Walker of Eversheds LLP Solicitors.

The presenting officer for the National College was Mr Ben Bentley of Browne Jacobson Solicitors.

Mr Ian Guffick was not present and was not represented.

The meeting took place in private.

B. Allegations

The panel considered the allegations set out in the Notice of Referral dated 19 December 2014

It was alleged that Mr Ian Guffick was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed at Mitton Manor Primary School he engaged in:

1. Maladministration of National Curriculum KS2 test papers, whereby he:
 - a. asked pupils to change answers outside of test conditions; and
 - b. personally amended a range of pupil answers.
2. In doing 1, he acted dishonestly.

Mr Guffick admits the facts of the allegations and admits that they amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

C. Preliminary applications

The panel considered the allegations. The panel noted that the Notice of Referral dated 19 December 2014; (1) contained an allegation of disrepute; and (2) included wording at allegation 2 which read "In doing 1, above, you acted dishonestly". However, the Statement of Agreed Facts signed by Mr Guffick on 20 January 2015 and the Letter from the NCTL dated 19 February 2015: (1) contained no allegation of disrepute; and (2) included the following additional wording in allegation 2 - "In doing 1 above, acted dishonestly in that he allowed marks to be submitted to the exam board which he knew did not represent the attainment of pupils'."

Given the discrepancy between the allegations set out in the documents, the panel determined to proceed with the meeting and consider the matter on the basis of the allegations which Mr Guffick had agreed to in the Statement of Agreed Facts. The panel received legal advice on the issue and considered that it was appropriate in the interests of justice and was not unfair to Mr Guffick to proceed. The panel was also mindful that it was in the interests of justice and in Mr Guffick's interest for the matter to be dealt with as promptly and as expeditiously as possible. This was an admitted case. There was no prejudice to Mr Guffick in the case proceeding on the basis of the allegations set out in the Statement of Agreed Facts.

There is therefore no consideration of an allegation of disrepute and the wording of allegation 2 is that set out in the Statement of Agreed Facts.

D. Summary of evidence

Documents

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

Section 1: Chronology

Section 2: Notice of Referral; response and notice of meeting

Section 3: Statement of Agreed Facts and presenting officer representations

Section 4: NCTL documents

Section 5: Teacher documents

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

Witnesses

The panel did not hear any oral evidence.

E. Decision and reasons

The panel announced its decision and reasons as follows:

We have now 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 meeting.

Mr Guffick was employed as a class teacher at Mitton Manor Primary School. In May 2014, Mr Guffick's pupils sat their Key Stage 2 SATs examinations. On 27 June 2014, the local authority investigator was informed of possible exam maladministration. This was then investigated and it was subsequently found that Mr Guffick had asked some pupils to change some of their answers outside of test conditions and he amended some exam scripts himself. As a result of the exam maladministration, the School's Key Stage 2 SATs results for 2014 were annulled. Mr Guffick's contract with the School was terminated by mutual agreement.

On 15 October 2014, the matter was referred to the NCTL.

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 at Mitton Manor Primary School Tewkesbury, you:

1. Engaged in maladministration of National Curriculum Key Stage 2 SAT test papers, in that you:

a. Asked pupils to change answers outside of test conditions; and

b. Personally amended a range of pupil answers.

The panel considered the admission by Mr Guffick as to the facts of Allegation 1 as set out in the Statement of Agreed Facts.

The panel noted that, in relation to 1a, Mr Guffick explained in his letter dated 28 November 2014, that he did not ask the pupils to change their answers to the correct answer but asked them to make their answer more legible. The panel found this to be irrelevant in that whether he asked the pupils to make the answers more legible or correct them did not alter the fact that this was outside test conditions and no changes, of any nature, should have been made by the pupils or anyone else.

The panel also considered the evidence before it, contained in the hearing bundle, including the note of the headteacher of the events and discussions with Mr Guffick, following the investigation by the local authority (Pages 21-22 of the Hearing Bundle).

The panel therefore finds this Allegation proved.

2. In doing 1, above, acted dishonestly in that you allowed marks to be submitted to the exam board which you knew did not represent the attainment of pupils’.

The panel considered the response by Mr Guffick to Allegation 2 as set out in the Statement of Agreed Facts dated 20 January 2015. Mr Guffick admitted the facts of the allegation and admitted that he had acted dishonestly.

The panel therefore find this Allegation proved.

Findings as to unacceptable professional conduct

In considering the allegations that the panel has found proven, the panel has had regard to the definitions in The Teacher Misconduct – Prohibition of Teachers Advice, which we refer to as the ‘Guidance’.

The panel is satisfied that the conduct of Mr Guffick in relation to the facts found proven, involved breaches of the Teachers’ Standards. A teacher is expected to demonstrate

consistently high standards of personal and professional conduct. The panel considers that by reference to Part Two, Mr Guffick 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 is satisfied that the conduct of Mr Guffick fell significantly short of the standards expected of the profession.

The panel has also considered whether Mr Guffick's conduct displayed behaviours associated with any of the offences listed on page 8 and 9 of the Guidance. The panel has found that none of these offences are relevant in this instance. Whilst the panel considered Mr Guffick's conduct to be dishonest, it fell short of fraud or serious dishonesty.

The panel has considered the actions of Mr Guffick in changing examination scripts of pupils and asking pupils to change their own answers outside of test conditions. It finds that this conduct not only falls significantly below the standard expected: it was dishonest. Whilst the panel accepts that Mr Guffick may have felt under pressure to achieve good results for himself and the school, that can in no way excuse his behaviour.

Accordingly, the panel is satisfied that Mr Guffick is guilty of unacceptable professional conduct.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct, 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 guidance 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.

The panel has found that Mr Guffick altered test papers by amending answers himself and had asked pupils to alter their answers and, in doing so, had acted dishonestly. There is a strong public interest consideration in declaring proper standards of conduct in

the profession. Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Guffick was not treated with the utmost seriousness.

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 Guffick.

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 Guffick. The panel took further account of the guidance, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards
- misconduct seriously affecting the education and/or well being of pupils, and particularly where there is a continuing risk
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case. There was no evidence that Mr Guffick's actions were not deliberate although the panel accepts that Mr Guffick felt that he was under pressure. The panel did not feel, however, that this excused his behaviour. The panel accepted Mr Guffick's written submissions that the behaviour was out of character. There was no evidence before the panel, from Mr Guffick or the School, attesting to Mr Guffick's abilities as a teacher.

The panel is of the view that prohibition is both proportionate and appropriate. We have decided that the public interest considerations outweigh the interests of Mr Guffick. The dishonesty involved in Mr Guffick's conduct was a significant factor in forming that opinion and also, the impact that his conduct had on the School which was that its SATs results for 2014 were annulled. 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 whether to recommend a review period. The panel was mindful that the guidance advises that a prohibition order applies for life, but there may be circumstances in any given case that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than two years.

Mr Guffick, in his written submissions to the panel, has shown insight and remorse into his actions. It is clear to the panel that he deeply regrets his conduct and the panel also considered that he was forthcoming in explaining what he had done when it was investigated by the School and local authority. The panel felt the findings indicated a situation in which a review period would be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review period after two years.

Decision and reasons on behalf of the Secretary of State

I have carefully considered the findings and recommendations of the panel in this case. The panel have found the allegations proved and have judged that Mr Guffick's behaviour amounts to unacceptable professional conduct.

Mr Guffick admitted the allegations in that he acted dishonestly in altering, and getting pupils to alter, KS2 exam papers. His actions had a serious impact on the school as their SATs results were annulled for 2014. In determining whether to recommend a prohibition order the panel have balanced the public interest with those of Mr Guffick. They have found a number of public interest considerations to be relevant in this case. Mr Guffick's actions were deliberate and he was not acting under duress. In all the circumstances I agree with the panel's recommendation that a prohibition order is an appropriate and proportionate sanction.

Mr Guffick has shown remorse and insight and he deeply regrets his actions. Whilst he has been dishonest, the panel did not judge this to be a case of serious dishonesty. I therefore agree that Mr Guffick should be allowed to apply to have the order set aside after a minimum period of two years has passed.

This means that Mr Ian Guffick 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 8 April 2017, 2 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 Ian Guffick remains prohibited from teaching indefinitely.

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

Mr Ian Guffick 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.



NAME OF DECISION MAKER: Paul Heathcote

Date: 27 March 2015

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