



National College for
Teaching & Leadership

Ms Teresa Pukiello: Professional conduct panel outcome

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

August 2015

Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	5
D. Summary of evidence	5
Documents	5
Statement of Agreed Facts	5
Witnesses	5
E. Decision and reasons	6 - 9
Panel's recommendation to the Secretary of State	9 -10
Decision and reasons on behalf of the Secretary of State	10

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

Teacher: Ms Teresa Pukiello
Teacher ref number: 0008768
Teacher date of birth: 17 August 1957
NCTL case reference: 12437
Date of determination: 10 August 2015
Former employer: Cloughside College, Prestwich, Greater Manchester

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 10 August 2015 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Ms Teresa Pukiello.

The panel members were Dr Geoffrey Penzer (lay panellist – in the chair), Mrs Mary Speakman (teacher panellist) and Dr Robert Cawley (teacher panellist).

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

The presenting officer for the National College was Mr Harry Bentley of Counsel.

Ms Pukiello was present and was represented by Mr Tim Glover, solicitor of ASCL.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegation set out in the Notice of Proceedings dated 21 May 2015.

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

While employed at Cloughside College, Prestwich (“the College”) she:

1. Provided misleading information on her application form, specifically she:
 - a. Failed to disclose that she had been dismissed for gross misconduct by St Wilfred’s Academy (“the Academy”),
 - b. Failed to disclose the reasons for her dismissal from the Academy,
 - c. Advised the College that her previous salary at the Academy was £44,525 not £31,868,
 - d. Advised the College that her previous employment at the Academy was as a Deputy Head and not an English Teacher,
 - e. [redacted]
 - f. Failed to provide correct information on her pre-employment health declaration form;
2. Created a letter dated 8 February 2013 purporting to be from Individual A, the Finance Manager at the Academy, in which she included:
 - a. False details about her salary;
 - b. False details about how she would advance onto the leadership scale,
 - c. A false signature in the name of Individual A;
3. In carrying out 1 and 2 above her actions were dishonest.

Ms Pukiello admitted the alleged facts and that the admitted facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

C. Preliminary applications

The presenting officer made an application for amendment of particular 1d to delete the word 'Deputy' and replace it with the words 'Assistant Head for Inclusion'. Mr Glover confirmed that no objection was made to the application. After receiving legal advice, the panel agreed to the amendment.

The presenting officer made a further application to delete particular 1e. [redacted]. The panel agreed to the deletion of particular 1e. The panel renumbered particular 1f as 1e.

D. Summary of evidence

Documents

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

Section 1: Chronology – pages 1 to 2

Section 2: Notice of Proceedings and Response – pages 3 to 9

Section 3: NCTL witness statements – pages 10 to 24c

Section 4: NCTL documents – pages 25 to 105

Section 5: Teacher documents – pages 106 to 173

In addition, the panel agreed to accept a Statement of Agreed Facts, which was added to section 2 as pages 9a to 9e.

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

Statement of Agreed Facts

The panel received a Statement of Agreed Facts.

Witnesses

Ms Pukiello gave evidence at the mitigation stage.

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 hearing and the Statement of Agreed Facts, which confirms the following:

Ms Pukiello was employed by St Wilfred's Academy from 1 September 2007 to the 17 April 2013. At the time of joining the Academy Ms Pukiello did not have qualified teacher status (QTS). Ms Pukiello was offered the role of Assistant Head Teacher for Inclusion on the basis that QTS would be achieved within one year. The salary was £36,708 per annum and the role was within the Senior Leadership Team (SLT).

Ms Pukiello did not achieve QTS within one year. On 1 September 2010 Ms Pukiello was removed from the SLT and moved to unqualified teacher status. Upon qualification and completion of one year as a newly qualified teacher (NQT) the Academy agreed it would be prepared to pay level M6 on the teacher pay scale. Ms Pukiello obtained QTS on 4 March 2011. A number of NQT assessments were undertaken by Blackburn Local Authority and Ms Pukiello's NQT status was consequently extended by one term. At that time Ms Pukiello wanted to apply for the position of Special Education Needs Co-Ordinator however was prevented from doing so by the then Principal Individual B until the conclusion of her NQT year.

On the 2 February 2012 Ms Pukiello's contract of employment was amended by the Governor's Personnel – Contract Review Committee to show her position as Teacher of English. On the 15 March 2012 a hearing was held to confirm the change. On the 26 April 2012 Ms Pukiello's salary was amended to £31,552 per annum and the provision in the original contract allowing for a return to Assistant Head Teacher – SEN & Inclusion was "effectively nullified". The decision was upheld by the Governors on the 1 May 2012, following an appeal.

On 5 March 2013 Individual A the Finance and Operations Manager at the Academy was contacted by [redacted] Mortgage Solutions Ltd about a letter purportedly sent relating to Ms Pukiello's salary. Individual A had no recollection of having sent the letter. A scanned copy was emailed and found by Individual A to be signed on Academy stationery but containing the following inaccuracies:

- a. Ms Pukiello's salary was incorrectly stated as £33,660
- b. A statement that Ms Pukiello was advancing onto the leadership scale was incorrect
- c. The signature was not Individual A's but the letter purported to have been signed by her

An internal investigation was conducted by the Academy. A disciplinary hearing took place on the 17 April 2013. At that hearing Ms Pukiello was dismissed for gross misconduct. An appeal hearing took place on the 20 May 2013 at which the dismissal was upheld.

During Ms Pukiello's employment at the Academy a number of absences were recorded linked to [redacted]. At least eight Fitness for Work Statements were provided during the period 13 July 2011 and 14 May 2013.

Following her dismissal on the 21 July 2013 Ms Pukiello completed a Bury Council pre-employment health declaration. The declaration asked "Have you ever had [redacted] Ms Pukiello entered "N" as her response. The form included the following declaration: "I declare to the best of my knowledge that I have provided truthful responses to the questions that have been asked and that I have given a positive response (Y) if I have had any doubt as to the correct response". Ms Pukiello signed the declaration.

On the 9 September 2013 Ms Pukiello commenced employment at Cloughside College, Prestwich as Temporary Deputy Head Teacher following a referral from Randstadt Employment Agency. On the 25 September 2013 Ms Pukiello applied for the permanent position of Deputy Head Teacher.

The application form requested details of previous employment. For the dates September 2007 to May 2013 Ms Pukiello entered the details for the Academy. Under the section "Job Title/Salary/Grade of Post" Ms Pukiello entered "Assistant Head Inclusion L8 £44,525". Under the section "Reason for leaving" Ms Pukiello entered "To undertake new challenges and use expertise in a specialised area of teaching and learning".

Ms Pukiello was successful in her application and commenced employment as Deputy Head Teacher on the 8 October 2013. In March 2014 the Head Teacher of Cloughside College, Individual C, contacted Individual D who was by then the Principal of the Academy (previously the Vice Principal) to confirm whether the contents of Ms Pukiello's application form were accurate. Individual C was informed that certain details were incorrect by Individual D's personal assistant.

Ms Pukiello was suspended on 24 March 2014 pending a formal investigation by Individual E the Head of Human Resources at Bury Council. Ms Pukiello was interviewed on 11 April 2013 when she agreed that she had written a letter on the Academy headed paper and that she had signed the pre-employment health declaration with a negative response.

Ms Pukiello resigned from Cloughside College on the 27 April 2013.

Findings of fact

Our findings of fact are as follows:

While employed at Cloughside College, Prestwich (“the College”) you:

- 1. Provided misleading information on your application form, specifically you:**
 - a. Failed to disclose that you had been dismissed for gross misconduct by St Wilfred’s Academy (“the Academy”),**
 - b. Failed to disclose the reasons for your dismissal from the Academy,**
 - c. Advised the College that your previous salary at the Academy was £44,525 not £31,868,**
 - d. Advised the College that your previous employment at the Academy was as an Assistant Head for Inclusion and not an English Teacher,**
 - e. Failed to provide correct information on your pre-employment health declaration form.**
- 2. Created a letter dated 8 February 2013 purporting to be from Individual A, the Finance Manager at the Academy, in which you included:**
 - a. False details about your salary,**
 - b. False details about how you would advance onto the leadership scale,**
 - c. A false signature in the name of Individual A.**
- 3. In carrying out 1 and 2 above your actions were dishonest.**

Ms Pukiello has admitted the alleged facts and has confirmed the accuracy of the Statement of Agreed Facts. In particular, her representative has confirmed that Ms Pukiello admits that her actions were dishonest according to the standards of reasonable honest people and that Ms Pukiello realised that her actions were dishonest by those standards. The panel is satisfied that the alleged facts have been proved on the basis of Ms Pukiello’s admissions and the Statement of Agreed Facts.

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

The panel noted that Ms Pukiello admitted that her actions amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel took this admission into account, but reached its own judgement.

The panel is satisfied that Ms Pukiello's actions amount to misconduct of a serious nature, falling significantly short of the standard of behaviour expected of a teacher. In making this judgement, the panel determined that, on a number of occasions over an extended period of time and in a number of ways, Ms Pukiello was dishonest. Further, the panel determined that the dishonesty was serious because it was in each instance for personal gain.

The panel finds that Ms Pukiello's actions amount to both unacceptable professional conduct and conduct that may bring the profession into disrepute given that the allegations relate to conduct both in and out of school. Members of the general public rightly expect teachers to act with integrity.

Panel's recommendation to the Secretary of State

The panel has considered very carefully the evidence given by Ms Pukiello and the submissions made by the presenting officer and Ms Pukiello's representative.

The panel considered the conduct of Ms Pukiello to be incompatible with being a teacher in that:

- this was a serious departure from the personal and professional conduct elements of the Teachers' Standards, and
- the conduct involved dishonesty which was repeated over a period of time.

The panel treated Ms Pukiello as a person of previous good character. The panel took into consideration the mitigating factors put forward by Ms Pukiello. While it cannot be said that she acted under duress, the panel noted that Ms Pukiello was under considerable financial pressure throughout the period covered by the allegations. However, her actions were deliberate and dishonest. Although Ms Pukiello expressed regret for the actions and recognised that they were wrong, she did not convince the panel that she has complete insight into the seriousness of her misconduct.

The panel is satisfied that a prohibition order is necessary in order to declare and uphold proper standards of conduct and to maintain public confidence in the profession. The panel considers that a prohibition order is proportionate in this case. The panel so recommends.

The panel considered whether to specify a period after which Ms Pukiello may apply for a prohibition order to be set aside or to deny the teacher that right.

The panel has found that Ms Pukiello's actions were dishonest and that the dishonesty occurred over an extended period of time. However, there was no evidence presented of any negative impact on pupils. On balance, we recommend that Ms Pukiello should have the opportunity to apply to have the prohibition order set aside after a period of 5 years.

In order for the prohibition order to be set aside, Ms Pukiello would need to be able to demonstrate a clear commitment to adhere to and exhibit professional integrity and show clear insight into the unacceptability of her past behaviour.

Decision and reasons on behalf of the Secretary of State

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

The panel has found that Ms Pukiello was dishonest in a number of areas relating to her employment as a teacher. Indeed, the panel found that there was dishonesty on a number of occasions over an extended period of time and in a number of ways. Further, the panel determined that the dishonesty was serious because it was in each instance for personal gain.

The panel also found that Ms Pukiello's actions amount to both unacceptable professional conduct and conduct that may bring the profession into disrepute given that the allegations relate to conduct both in and out of school. Members of the general public rightly expect teachers to act with integrity. Ms Pukiello also admitted herself that her actions amounted to unacceptable professional conduct.

I have taken into account the need to balance Ms Pukiello's interests and the wider public interest. I have also taken into account the need to be proportionate. I have noted what the panel took into account in terms of mitigation.

Nonetheless repeated dishonesty is very serious and I support the panel's recommendation that Ms Pukiello should be prohibited from teaching.

I turn now to the matter of a review period. I have noted that Ms Pukiello's dishonesty included creating a false letter that contained false information and a false signature. This supported personal gain for Ms Pukiello. I have taken into account the guidance published by the Secretary of State. That guidance says that a panel should consider recommending to the Secretary of State that a prohibition order is imposed with no provision for the teacher to apply for it to be set aside after any period of time where the case involved "fraud or serious dishonesty".

This case involved dishonesty over an extended period of time. It also included dishonesty in a school setting. In my view the panel has not sufficiently taken account of the clear guidance published by the Secretary of State. The panel did note that "her actions were deliberate and dishonest". The panel also noted "Although Ms Pukiello expressed regret for the actions and recognised that they were wrong, she did not convince the panel that she has complete insight into the seriousness of her misconduct".

On balance and having taken into account the need to be proportionate and to balance the interest of Ms Pukiello and the public I am not allowing a review period.

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

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

Ms Teresa Pukiello 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 blue ink, appearing to read 'Alan Meyrick', with a checkmark at the end.

Decision maker: Alan Meyrick

Date: 13 August 2015

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