



National College for  
Teaching & Leadership

# **Mr Paul Lock: Professional conduct panel outcome**

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

**June 2016**

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

**Teacher:** Mr Paul Lock

**Teacher ref number:** 0430839

**Teacher date of birth:** 19 January 1965

**NCTL case reference:** 14548

**Date of determination:** 27 June 2016

**Former employer:** Willow Tree Primary School, St Helens

### **A. Introduction**

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 27 June 2016 at Ramada Hotel, The Butts, Coventry, CV1 3GG to consider the case of Mr Paul Lock.

The panel members were Mr Mike Carter (teacher panellist – in the chair), Mr John Elliott (lay panellist), and Ms Esther Maxwell (lay panellist).

The legal adviser to the panel was Ms Isabelle Mitchell of Eversheds LLP.

The presenting officer for the National College was Ms Kayleigh Brooks of Browne Jacobson LLP.

As this was a meeting, the parties were not present.

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

## **B. Allegations**

The panel considered the allegations set out in the Notice of Meeting dated 8 June 2016.

It was alleged that Mr Lock was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed at Willow Tree Primary School, Mr Lock:

1. Wilfully failed to comply with national curriculum assessments, namely phonics screening check, guidance administration.
2. Unprofessionally rescreened children at the School, undermining the School's existing testing regime.
3. And in doing part 1 and 2 above, he acted dishonestly.

In the Statement of Agreed Facts, Mr Lock admitted the facts of the allegations and that they amounted to unacceptable professional conduct and conduct which may bring the profession into disrepute.

## **C. Preliminary applications**

Whilst there were no preliminary applications, the panel considered at the outset whether the allegations should be considered at a public hearing which the parties would be entitled to attend, or a private meeting without the parties present. The panel considered the interests of justice and given that the facts of the allegations have been admitted, that Mr Lock and the Presenting Officer had requested a meeting and the panel had the benefit of Mr Lock's representations, the panel was of the view that justice would be adequately served by considering this matter at a meeting.

The panel carefully considered the public interest. The panel noted that if the case proceeded to a meeting, there would be a public announcement of the panel's decision. The panel also had in mind that if a hearing were convened, there would be a cost to the public purse, which may not be justified if the matter could be determined in a meeting. The panel also had regard to the delay that would be caused by convening a hearing and considered it to be in the public interest to reach a final determination in this matter without further delay. The panel therefore decided to proceed with a meeting, but noted that it could, at any stage of the meeting, reconsider this issue.

## **D. Summary of evidence**

### **Documents**

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

Section 1: Chronology, anonymised pupil list and list of key people – pages 2 to 4

Section 2: Notice of Referral, response and Notice of Meeting – pages 6 to 10

Section 3: Statement of Agreed Facts and presenting officer representations – pages 12 to 16

Section 4: NCTL documents – pages 18 to 95

Section 5: Teacher documents – pages 97 to 103

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

### **Witnesses**

The matter was convened as a meeting and no oral evidence was heard.

## **E. Decision and reasons**

The panel announced its decision and reasons as follows:

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

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

Mr Lock was employed as a headteacher at Willow Tree Primary School (“the School”) from 1 September 2014.

The key stage 1 phonics screening check commenced at the School on 15 June 2015 as part of the key stage 1 national curriculum assessments. The tests were administered by Mr Lock and the deputy headteacher. On 18 June 2015, the deputy headteacher, the school’s learning manager and a teacher observed Mr Lock undertaking further phonics screening in a corridor of the School. On 19 June 2015, the deputy headteacher and the learning manager contacted St Helens Council to inform them of their concerns regarding Mr Lock’s conduct and the administration of the screening tests. Due to the concerns expressed, a representative from St Helen’s Council attended the School on 19 June 2015 and conducted an investigation.

On 22 June 2015, Mr Lock was suspended from duty and a disciplinary investigation was commenced. A number of witnesses were interviewed between 24 June 2015 and 25 June 2015.

On 20 July 2015, following receipt of information that had been provided by St Helen's Council, a letter from the Standards and Testing Agency confirmed that the 2015 phonics screening check results for the School had been annulled for the whole cohort (40 pupils).

On 9 September 2015 Mr Lock resigned.

## **Findings of fact**

Our findings of fact are as follows:

The panel has found the following particulars of the allegations against Mr Lock proven, for these reasons:

### **Whilst employed at Willow Tree Primary School, Mr Lock:**

#### **1. Wilfully failed to comply with national curriculum assessments, namely phonics screening check, guidance and administration.**

Mr Lock admitted this allegation in the Statement of Agreed Facts he signed on 17 March 2016 (pages 12 to 14). This admission is consistent with the evidence in the papers that Mr Lock did not follow the guidance and administration of the phonics screening check, for example pupils being screened in an open area (page 44) rather than in a separate room as required (page 59), and the requirement for pupils to only be screened once during the window (page 73).

The panel was therefore satisfied that this allegation was proven.

#### **2. Unprofessionally rescreened children at the School, undermining the school's existing testing regime.**

Mr Lock admitted this allegation in the Statement of Agreed Facts he signed on 17 March 2016 (pages 12 to 14). Mr Lock also admitted this allegation in his statement dated 5 December 2015 (pages 101 and 103). These admissions are consistent with the evidence in the papers that Mr Lock did rescreen children, for example comments Mr Lock made to other teachers in the School as recorded in their statements during the School's disciplinary procedures (pages 53 and 39) and that almost all of the test sheets had been used, despite surplus sheets having been provided to the School (pages 79 to 80).

The panel was therefore satisfied that this allegation was proven.

### **3. And in doing part 1 and 2 above, he acted dishonestly.**

Mr Lock admitted this allegation in the Statement of Agreed Facts signed by him on 17 March 2016 (pages 12 to 14). The panel has also noted that Mr Lock, having received advice, accepts that his conduct would be seen as dishonest according to the ordinary standards of a reasonable and honest headteacher (page 14). Further, the panel itself considers that Mr Lock's conduct was dishonest according to the ordinary standards of a reasonable and honest headteacher and that Mr Lock must have known that what he was doing was dishonest.

The panel was therefore satisfied that this allegation was proven.

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

Having found the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel has had regard to the document Teacher Misconduct: The Prohibition of Teachers, which the panel refers to as "the Advice".

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school...;
- 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 Mr Lock fell significantly short of the standards expected of the profession. Mr Lock disregarded the guidance in place for the administration of the phonics testing and intentionally rescreened pupils, thereby fundamentally undermining and jeopardising the integrity of the whole testing regime. In so doing, Mr Lock acted unprofessionally.

The panel has also considered whether Mr Lock's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and the panel has found that the offence of fraud or serious dishonesty was relevant. Whilst the dishonesty was limited to a single incident, Mr Lock's behaviour was intentional and wilful and he has accepted that it was dishonest. Further Mr Lock's conduct had serious and

far reaching consequences for the School and pupils; the screening results of the whole cohort of pupils were annulled.

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.

Accordingly, the panel was satisfied that Mr Lock is guilty of 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.

The panel therefore finds that Mr Lock's actions constitute conduct that may bring the profession into disrepute.

## **Panel's recommendation to the Secretary of State**

Given the panel's findings in respect of unacceptable professional conduct 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 has to consider whether it was an appropriate and proportionate measure, and whether it is in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel has considered the particular public interest considerations set out in the Advice and having done so has found a number of them to be relevant in this case, namely the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Lock, which involved findings of dishonesty concerning the examination of pupils, there is a strong public interest consideration. The panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Lock were not treated with the utmost seriousness when regulating the conduct of the profession. The results of tests and examinations are designed to accurately measure children's' abilities and progress to help inform their learning and development. The testing is also a measure of a school's and teachers' performance. Therefore, any attempt to undermine or falsify such tests will seriously



erode confidence in the system. This is particularly the case when it is a headteacher behaving in such a manner. There is therefore a need to uphold public confidence in the integrity of examinations and results.

The panel considered that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Lock was serious and well below that which could reasonably be tolerated, particularly in his position as a headteacher.

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 Lock.

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 Lock. 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; and
- 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.

The panel has considered the information provided by Mr Lock. In the absence of evidence to the contrary, the panel has treated Mr Lock as having a previously good record. The panel has also taken into account that Mr Lock was suffering from anxiety and stress at the time of his conduct, but notes that no medical evidence has been submitted to support this. The panel considers that Mr Lock's actions were deliberate and there was no evidence to suggest that Mr Lock was acting under duress. The panel also notes that no independent character references have been provided in support of Mr Lock's representations.

In light of the above, the panel was of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mr Lock. The serious impact that Mr Lock's conduct had on pupils and the School was a significant factor in forming that opinion. Mr Lock's actions fundamentally affected the education of pupils by undermining the integrity of the testing regime. It is axiomatic that the public should have faith in the teaching profession and the important

role played by a headteacher. 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 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 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. One of these behaviours includes fraud or serious dishonesty. Mr Lock has admitted and the panel has found that he has been responsible for dishonestly failing to follow the guidance and administration for the phonics testing and for rescreening pupils in contravention of such guidance. Although the nature of Mr Lock's dishonesty did not involve personal financial gain, it did have the potential to enhance his reputation as a headteacher. Further, the consequences of his actions had a serious impact on the testing regime, on pupils and on the reputation of the profession. Therefore the panel considers that his behaviour constituted fraud and serious dishonesty.

The panel has considered the extent to which Mr Lock has shown insight and remorse into his actions. The panel considers that Mr Lock has accepted that his actions were wrong and he has admitted the allegations, but the panel does not consider that Mr Lock has shown clear and unequivocal insight into his conduct and/or demonstrated a clear commitment to adhere to and exhibit the personal and professional conduct elements of the Teachers' Standards. The representations provided by Mr Lock do not reflect any acceptance by him of the impact that his actions have had on the pupils and the School.

The panel therefore felt the findings indicated a situation in which a review period would not be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provisions for a review period.

## **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 in respect of both sanction and review period.

The panel have found all of the allegations proven, and that Mr Lock is guilty of unprofessional conduct and conduct that may bring the profession into disrepute.

This is a serious case in which the panel has found dishonesty in relation to Key Stage Tests. The panel has found that Mr Lock is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school...;
- 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.

I note that the panel also took into account the fact that, as a consequence of the maladministration of the SATs tests, Mr Lock's actions fundamentally affected the education of pupils by undermining the integrity of the testing regime.

I am satisfied that the conduct of Mr Lock fell significantly short of the standards expected of the profession.

I have taken into account the guidance published by the Secretary of State. That guidance 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; and
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up.

I have taken into account the mitigating factors considered by the panel. I note that the panel considers that Mr Lock's actions were deliberate and there was no evidence to suggest that Mr Lock was acting under duress.

I have balanced the public interest and the interests of the teacher. I have also taken into account the need to be proportionate.

I support the recommendation of the panel and agree that Mr Lock should be given a prohibition order for his dishonest conduct.

I have also considered carefully the matter of a review period. This was a very serious case of maladministration. Mr Lock's conduct has had a serious impact on pupils, and fundamentally affected the education of pupils by undermining the integrity of the testing regime. The Standards and Testing Agency confirmed that the 2015 phonics screening check results for the School had been annulled for the whole cohort (40 pupils).

Taking into account the guidance and all other matters I support the recommendation of the panel that there should be no review period. This was serious dishonesty in a school setting.

**This means that Mr Paul Lock 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 him, I have decided that Mr Lock shall not be entitled to apply for restoration of his eligibility to teach.

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

Mr Lock 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.

A handwritten signature in black ink, appearing to be 'J. Millions', written on a light-colored background.

**Decision maker: Jayne Millions**

**Date: 28 June 2016**

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