



National College for
Teaching & Leadership

Miss Kerry-Leigh Smith: Professional conduct panel outcome

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

June 2016

Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	5
D. Summary of evidence	6
Documents	6
Witnesses	7
E. Decision and reasons	7
Panel's recommendation to the Secretary of State	14
Decision and reasons on behalf of the Secretary of State	16

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

Teacher: Miss Kerry-Leigh Smith
Teacher ref number: 0759485
Teacher date of birth: 16 February 1985
NCTL case reference: 12630
Date of determination: 3 June 2016
Former employer: Brigidine School, Windsor

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 2 to 3 June 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Miss Kerry-Leigh Smith

The panel members were Mr Tony Heath (lay panellist – in the chair), Dr Angela Brown (lay panellist) and Mr Ryan Wilson (teacher panellist).

The legal adviser to the panel was Mr Peter Shervington of Eversheds LLP solicitors.

The presenting officer for the National College was Ms Louisa Atkin, Counsel, of Browne Jacobson solicitors.

Miss Smith was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 17 February 2016.

It was alleged that:

1. Miss Smith had been convicted of the following relevant offence:
 - a. On 9 February 2015 she was convicted at Berkshire Magistrates Court of the offence of fraud by abuse of position. She committed this offence on 10 October 2013. As a result of her conviction she was sentenced to a Community Order with an unpaid work requirement and was ordered to pay compensation of £200, costs of £750 and a victim surcharge of £60.
2. Miss Smith was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that;
 - a. whilst employed as a teacher at Brigidine School, Windsor, she;
 - i. requested that money for a trip to Somerset House on or around 4 December 2012 be paid directly to her in the sum of £32 per child;
 - ii. sought to rely on a document which she claimed was produced by Upper Street Events during a Disciplinary Hearing on 18 November 2013 relating to the matters which led to her conviction as set out at 1 above, knowing that this document had not been produced by Upper Street Events;
 - b. her conduct as set out at 2(a)(i) above was dishonest, in that knowing that the cost of the trip would be less than the £32 per child which was requested, she intentionally requested that that sum be paid directly to herself so that she could keep a proportion of those monies for purposes which did not relate to the trip;
 - c. her conduct as set out at 2(a)(ii) above was dishonest, in that she knowingly produced a false document at the hearing in an attempt to support the false account she had given in relation to the cost of the school trip on 10 October 2013;
 - d. following her resignation from Brigidine School, Windsor she sought a reference from;
 - i. the previous headteacher;
 - ii. a member of the Senior Management Team;despite the fact that the school had confirmed the reference they were prepared to give when accepting her resignation;
 - e. her conduct as set out at 2(d) above was dishonest, in that she deliberately sought references from individuals connected with the school who were unaware of the matters which led to her resignation, knowing that in doing so potential employers may be misled as to the circumstances which led to her resignation.

The panel noted Miss Smith's response form at page 112 to 113 from the bundle, in which she indicated that she admitted allegations 1(a), 2(a)(i), 2(d)(i) and (ii), but stated 'as instructed' in relation to allegation 2a(i), and 'personal reference' in relation to 2(d). She also stated in the form that she 'strongly denied the accusations' and maintained her innocence. The panel took full account of the more detailed position set out in Miss Smith's statement from page 104, and as a precaution, to protect the teacher's interests, dealt with matters on the basis that all allegations were disputed and applied its own independent mind to each allegation before it.

C. Preliminary applications

The presenting officer made an application for the matter to proceed in the absence of Miss Smith. The panel heard representations from the presenting officer and received advice from the legal adviser, retired to deliberate, and then read the following decision on the point:

The panel has considered whether this hearing should continue in the absence of the teacher.

The panel is satisfied that the College has complied with the service requirements of Regulation 19 a to c of the Teachers' Disciplinary (England) Regulations 2012 (the "Regulations").

The panel is also satisfied that the Notice of Proceedings complies with paragraphs 4.11 and 4.12 of the Procedures. The panel notes that the panellists hearing the case have changed from the Notice of Proceedings, but also notes that under the procedures this does not invalidate the notice. It is in any event informed by the presenting officer, and accepts, that notice of the amended panel has been sent to the teacher.

The panel has determined to exercise its discretion under Paragraph 4.29 of the Procedures to proceed with the hearing in the absence of the teacher.

The panel understands that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one.

In making its decision, the panel has noted that the teacher may waive her right to participate in the hearing. The panel has taken account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC1. In this case the panel is satisfied that the teacher is fully aware of the proceedings. More than 8 weeks notice has been given and the teacher has responded in a letter at page 114 of the bundle in which she indicates will not attend and that 'I would be grateful if a decision could be made so I can move on'. The panel therefore considers that the teacher has waived her right to be present at the hearing in the knowledge of when and where the hearing is taking place.

The panel has had regard to the requirement that it be only in rare and exceptional circumstances that a hearing should proceed in the absence of the teacher.

There is no indication that an adjournment might result in the teacher attending the hearing. The panel has had regard to the extent of the disadvantage to the teacher in not being able to give her account of events, having regard to the nature of the evidence against her. The panel has the benefit of written representations made by the teacher and is able to ascertain the lines of defence. The panel has noted that the key witness relied upon is to be called to give evidence and the panel can test that evidence in questioning that witness, considering such points as are favourable to the teacher, as are reasonably available in the evidence. The panel has not identified any significant gaps in the documentary evidence provided to it and should such gaps arise during the course of the hearing, the panel may take such gaps into consideration in considering whether the hearing should be adjourned for such documents to become available and in considering whether the presenting officer has discharged the burden of proof. The panel is also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account.

The panel also notes that there is a witness present in the building, who is prepared to give evidence, and that it would be inconvenient for the witness to return again.

The panel has had regard to the seriousness of this case, and the potential consequences for the teacher, and has accepted that fairness to the teacher is of prime importance. However, it considers that in light of the teacher's waiver of her right to appear; by taking such measures referred to above to address that unfairness insofar as is possible; and taking account of the inconvenience an adjournment would cause to the witness; that on balance, the public interest is in favour of this hearing continuing today.

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 3
Section 2: Notice of Proceedings and Response	pages 5 to 12
Section 3: NCTL witness statements	pages 14 to 18
Section 4: NCTL documents	pages 20 to 101
Section 5: Teacher Documents	pages 103 to 114

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

Witnesses

The panel heard oral evidence for the NCTL from Witness A, head of business affairs at Brigidine School.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

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

Miss Smith was employed as a textiles teacher at Brigidine School from September 2010, and was appointed head of textiles, art and design on 1 September 2013. It was alleged that whilst employed as a teacher she requested that money for a trip to Somerset House in December 2012 was paid directly to her in the sum of £32 per child. It was alleged that this conduct was dishonest, in that she intentionally requested that the sum be paid directly to herself knowing that the cost of the trip would be less than the amount requested, so that she could keep a proportion of the monies for unrelated purposes. It was alleged that she had dishonestly sought to rely at a disciplinary hearing on a document which she claimed was produced by Upper Street Events, when she knew that they had not produced it. Finally, it was alleged that, after leaving the school, she had sought a reference from the previous headteacher and from a member of the senior management team despite the fact that the school had confirmed the reference they were prepared to give when accepting her resignation. It was alleged that this behaviour was also dishonest.

It was alleged that on 9 February 2015, Miss Smith had been convicted at Berkshire Magistrates Court of the offence of fraud by abuse of position, the offence having been committed on 10 October 2013.

Findings of fact

Our findings of fact are as follows:

1. You have been convicted of the following relevant offence:

- a. **On 9 February 2015 you were convicted at Berkshire Magistrates Court of the offence of fraud by abuse of position. You committed this offence on 10 October 2013. As a result of your conviction you were sentenced to a Community Order with an unpaid work requirement and were ordered to pay compensation of £200, costs of £750 and a victim surcharge of £60.**

The fact of the conviction was admitted by Miss Smith. It related to obtaining payment for a school trip in 2013 by sums paid directly to herself and for amounts exceeding the

actual cost of the trip. Miss Smith stated, however, that 'although I accept the decision of the Magistrates' Court I absolutely deny any inferences of dishonest intent to make a financial gain'.

The panel were referred to a memorandum of conviction at page 94 of the bundle. This established that there had been a conviction as alleged.

The panel considered whether the offence was relevant at stage 2 of the procedure. We will return to address this question after considering the remaining allegations.

2. You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that;

a. whilst employed as a teacher at Brigidine School, Windsor, you;

i. requested that money for a trip to Somerset House on or around 4 December 2012 be paid directly to you in the sum of £32 per child;

The facts of this allegation pre-date the subject matter of the conviction referred to at Allegation 1.

Witness A stated in oral evidence that prior to the trial of Miss Smith, she was asked by the police to investigate whether there were any other similar instances, and she identified evidence which she believed to indicate overcharging in relation to a trip to Somerset House in 2012.

The panel were referred to a letter to parents at page 96 of the bundle. This was signed by both Miss Smith and the headteacher, and requested that payments of £32 be made by way of cheques payable to Miss Smith herself.

Miss Smith admitted the facts of this allegation but asserted (page 110) that the headteacher had signed the letter authorising the school trip and that the payments were to be made to her because 'at the time the school was having financial difficulties'.

In short, it is clear from the evidence before the panel, and it is accepted by Miss Smith, that she requested that money for a trip to Somerset House on or around 4 December 2012 be paid directly to her in the sum of £32 per child. The facts of the allegation have therefore been found proved.

The panel will go on to consider the question of the honesty of Miss Smith's actions under Allegation 2(b).

ii. sought to rely on a document which you claimed was produced by Upper Street Events during a Disciplinary Hearing on 18 November 2013 relating to the matters which led to your conviction as set out at 1 above, knowing that this document had not been produced by Upper Street Events;

The panel were referred to a document at page 47 of the bundle which was, on the face of it, a letter from Upper Street Events to Miss Smith, setting out details of tickets booked for a knitting and stitching show, and which identifies the cost of the tickets at £17 per child. The letter at page 47 of the bundle was produced by Miss Smith during a disciplinary meeting on 18 November 2013, minutes of which can be seen at page 56 of the bundle.

Correspondence from a Senior Marketing Executive at Upper Street Events, found at page 54 of the bundle, confirms that the letter was not produced by the company and that confirmation of the order would not have been sent via post. Further, Upper Street Events provided the school during the course of its investigation with an email booking confirmation, identifying the price per child as £5 (page 52).

Miss Smith's account during the disciplinary proceedings appears to have changed more than once. She indicated during a meeting on 8 November 2013 (page 37) that she booked on line with a card but then paid in cash, 'on the day'. In contrast, in the meeting on 18 November 2013 (page 57), she stated that she had not in fact used the website to book but had booked over the phone because the 'system was down'.

In contrast to her comment in the meeting of 8 November, in her statement at page 107 Miss Smith claimed that, 'having already paid £100.95 to the venue and £75 to Witness A I had expected to pay the balance of £199.05 when we attended the event. When we attended the event it became apparent that no further monies needed to be paid, which I found somewhat confusing'. She went on to state that the excess would normally go to the school but that she feared she would lose her job if she told them about it and so panicked and left the remaining £199.05 in her account. No mention of these facts is recorded in the minutes of the disciplinary meeting. Whilst the panel notes that Miss Smith contests the general accuracy of the minutes, the documents are detailed and the panel is satisfied that they do reflect the content of the meetings, not least given the express indication in the minutes where the note taker was not able to accurately record what was said (page 61).

The panel found the correspondence from Upper Street Events at page 54 to be compelling evidence that the letter produced by Miss Smith had not originated from the business. The document itself has the appearance of elements having been cut and pasted from elsewhere, and Upper Street Events were clear that they would not have sent confirmation by post. Taking into account, amongst other factors, the variation in the explanations given by Miss Smith during the course of the disciplinary process and afterwards as to the method of booking and whether or not cash was paid at the event, the panel concludes that it was more likely than not that Miss Smith also knew the document had not been created by Upper Street Events.

Allegation 2(a)(ii) is therefore found to have been proved on the balance of probabilities.

- b. your conduct as set out at 2(a)(i) above was dishonest, in that knowing that the cost of the trip would be less than the £32 per child which was requested, you intentionally requested that that sum be paid directly to yourself so that you could keep a proportion of those monies for purposes which did not relate to the trip;**

The panel considered carefully whether they regarded Miss Smith as having intentionally requested that the sum be paid to her directly so that she could keep a proportion of the funds for herself. The panel were not satisfied that this had been established on the balance of probabilities: the panel did not have any accurate picture as to the breakdown of the costs. The panel only have evidence of returned slips from parents for 11 students, amounting to £352 (see page 97 to 100). Witness A had provided a, 'guesstimate' (based on figures at page 101 of the bundle) which suggested that the overall costs may have been £9.35 for the train fare (assuming an anytime day return, although the list at page 101 suggests that there were more expensive tickets), £9.00 for the exhibition per child, leaving £13.65 of the £32 charged unaccounted for. However, even assuming these figures are correct, it is not at all clear from this that the charges imposed by Miss Smith exceeded the cost of the trip at all once allowance is made for the cost of teachers attending, and a school administration fee (which Witness A accepted might have been applied to school trips at the time).

Accordingly the panel finds there to be insufficient evidence to establish on the balance of probabilities that the sum received exceeded the cost of the trip, or that she requested that payments be made to herself in order to keep a proportion of the funds for purposes which did not relate to the trip. The panel therefore finds this allegation not proved.

- c. your conduct as set out at 2(a)(ii) above was dishonest, in that you knowingly produced a false document at the hearing in an attempt to support the false account you had given in relation to the cost of the school trip on 10 October 2013;**

The panel has already established that Miss Smith knew the document in question was not from Upper Street Events. The panel were satisfied, taking into account the changes in the account given by Miss Smith as to the cost of the trip described above, that this was part of an attempt to support a false account regarding those costs. Applying the test from *R v. Ghosh*, the panel were satisfied that, taking into account this context, Miss Smith's actions would clearly be regarded as dishonest by the standard of ordinary persons (or teachers) and, further, that Miss Smith is more likely than not to have known that it was dishonest by those standards.

Allegation 2(c) is therefore found to have been proved on the balance of probabilities.

- d. following your resignation from Brigidine School, Windsor you sought a reference from;**
- i. the previous headteacher;**
 - ii. a member of the Senior Management Team;**

despite the fact that the school had confirmed the reference they were prepared to give when accepting your resignation;

The panel were referred to the arrangements reached in correspondence at page 66 of the bundle. The school had stated in a letter dated 25 November 2013 that, 'the reference we are prepared to give you is' followed by a list identifying her name, position, and dates of employment. The panel notes, however, that there is nothing in the letter which suggests that Miss Smith would be prohibited from obtaining references from individuals who might be associated with the school in some way: it simply states the wording which the school itself would be prepared to give as a reference.

Witness A stated in her evidence that she became aware after Miss Smith's departure that she had obtained a reference from a member of the senior management team at the school (although she accepted in oral evidence that she had not seen the reference and did not believe it was on school headed paper), and from the former headteacher.

The panel did not have the benefit of seeing any letters to Miss Smith from the teaching agency to whom she was applying, or any request made of the two referees. The panel does not know what references were asked for by the agency. The panel does not know whether the request was for references from the school at all, or whether they were prepared to accept references from individuals outside of the school. As Miss Smith herself has identified, however, (page 110) the agency were free to contact the school if they wished: there is no evidence that she hid the fact of her employment at the school from the agency, or that either reference obtained purported to come from the school.

The panel is not satisfied that it has been proved that the references identified at 2(d) were obtained '*despite*' the arrangements agreed with the school in the ordinary sense of that word. The school's letter identified only the reference which the school itself was prepared to provide. It did not seek to prevent other references being obtained from individuals and as such Miss Smith's actions in obtaining references were not in spite of or contrary to the arrangement reached. The panel concludes that this allegation has not been proved on the balance of probabilities.

- e. your conduct as set out at (2d) above was dishonest, in that you deliberately sought references from individuals connected with the school who were unaware of the matters which led to your resignation, knowing that in doing so potential employers may be misled as to the circumstances which led to your resignation**

In view of the panel's finding that the conduct alleged in relation to 2(d) has been found not proved, it follows that 2(e), being based on that conduct, is also found not proved. For the avoidance of doubt, even leaving aside that the references were not obtained '*despite*' the school's expressed position, the panel do not consider that there is sufficient evidence to establish that Miss Smith had sought to mislead the agency or had otherwise acted dishonestly in obtaining the references.

Allegation 2(d) is found not proved.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or conviction of a relevant offence

Having found a number of 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 and/or conviction at any time of a relevant offence.

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”.

Unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

We consider first whether the facts found proven in relation to allegations 2(a) and 2(c) amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

The panel is satisfied that the conduct of Miss Smith in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Miss Smith 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, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

Miss Smith’s conduct involved dishonestly presenting to a disciplinary panel a document which purported to have been produced by a company when she knew it was not. The panel is satisfied that this demonstrated a total lack of regard for the need for honesty and integrity and was behaviour which fell significantly short of the standards expected of the profession.

The panel has also considered whether the teacher’s conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. Given the nature of Miss Smith’s behaviour in relation to allegations 2(a) and 2(c), the panel has found that the offence of fraud or serious dishonesty is 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.

Accordingly, the panel is satisfied that Miss Smith 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 findings of misconduct are serious and the conduct displayed would likely have a negative impact on Miss Smith's status as a teacher, potentially damaging the public perception.

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

In summary therefore, having found the facts of particulars 2(a) and 2(c) proved, we further find that Miss Smith's conduct amounts to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Conviction, at any time, of a relevant offence

The panel then turned to consider the separate question as to whether the facts found proved at allegation 1 amounted to the conviction, at any time, of a relevant offence.

The panel is satisfied that the conduct of Miss Smith in relation to allegation 1, involved breaches of the Teachers' Standards. We consider that by reference to Part Two, Miss Smith 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, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel noted that the Miss Smith's actions were relevant to teaching, working with children and/or working in an education setting. The victims of Miss Smith's actions were the families of pupils. Miss Smith breached their trust in a serious manner. Her offence related directly to the activities of the school, involving payments made by pupils' parents for school trips.

The panel did not consider that Miss Smith's actions had a potential impact on the safety or security of pupils or members of the public.

The panel has taken account of how the teaching profession is viewed by others. The panel considered that Miss Smith's behaviour in committing the offence could affect public confidence in the teaching profession given the influence that teachers may have

on pupils, parents and others in the community. Miss Smith's actions in overcharging for a school trip undermined the basic trust between parents and staff which is essential to the public's confidence in the profession.

The panel noted that the teacher's behaviour did not lead to a sentence of imprisonment which is indicative that the offence was at the less serious end of the possible spectrum. Nevertheless, this is a case involving an offence of fraud or serious dishonesty, which the Advice states is likely to be considered a relevant offence. Whilst the sums involved were relatively small, this does not in the panel's view detract from the overall seriousness of the offence of fraud.

The panel has taken into account the evidence put forward by Miss Smith as to her good record and skills as a teacher. Although the panel has no reason to doubt the evidence given by Miss Smith as to her proficiency as a teacher, the panel has found the seriousness of the offending behaviour that led to the conviction is relevant to the teacher's ongoing suitability to teach. The panel considers that a finding that this conviction is a relevant offence is necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct, conduct that may bring the profession into disrepute and a conviction of a relevant offence, 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 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.

The panel's findings against Miss Smith involved a conviction of fraud relating to overcharging pupils and dishonesty in presenting to a disciplinary process a document which she purported to have been produced by a business but which she knew had not in fact been created by it.

The panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Miss Smith were not treated with the utmost seriousness when regulating the conduct of the profession.

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 Miss Smith was outside that which could reasonably be tolerated.

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 Miss Smith.

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 Miss Smith. 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;
- abuse of position or trust;
- 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.

In this case, there was no evidence that Miss Smith's actions were not deliberate. Miss Smith did have a previously good history.

The panel notes Miss Smith's comments that there was an atmosphere of bullying at the school. The panel acknowledges that there may have been an unpleasant atmosphere, and that staff were concerned about the future of their employment. However, the panel does not consider that these factors were sufficient to amount to duress in the circumstances and they are not factors which in the panel's view mitigate her deliberate action in presenting a document to a disciplinary hearing which she knew was not what it appeared to be.

Although the panel has seen evidence from Miss Smith that she was a good teacher, it has noted that no references have been provided from anyone who could attest to Miss Smith's character or abilities as a teacher.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Miss Smith.

The serious and deliberate nature of her behaviour, and the fact that it directly impacted on parents of pupils at the school, was a significant factor in forming that opinion.

Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for them to decide to recommend a review period. The panel were mindful that the Advice suggests that a prohibition order applies for life, but there may be circumstances in any given case that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These include fraud or serious dishonesty. The panel has found that Miss Smith has been convicted of fraud and has knowingly used a false document in an attempt to support a false account.

There is no evidence that the episode which is the subject matter of the proven allegations was anything other than a one off incident. However, Miss Smith has not shown any remorse and, despite setting out her position in some detail in her witness statement, has still not recognised her own dishonesty or shown any significant insight into her actions.

The panel 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 considered very carefully the findings and recommendations of the panel in this case. The panel has found a number of the allegations proven, and where allegations have not been found proven, I have put these from my mind.

Miss Smith has been found guilty of unprofessional conduct and conduct bringing the professional into disrepute.

Miss Smith's actions in overcharging for a school trip undermined the basic trust between parents and staff which is essential to the public's confidence in the profession.

I note Miss Smith has also been convicted as alleged of a relevant offence. I note that Miss Smith's behaviour did not lead to a sentence of imprisonment which is indicative that the offence was at the less serious end of the possible spectrum. Nevertheless, this is a case involving an offence of fraud or serious dishonesty.

The panel has taken into account the evidence put forward by Miss Smith as to her good

record and skills as a teacher. Although the panel has no reason to doubt the evidence given by Miss Smith as to her proficiency as a teacher, the panel has found the seriousness of the offending behaviour that led to the conviction is relevant to the teacher's ongoing suitability to teach. I agree with that view. The panel considers that a finding that this conviction is a relevant offence is necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

I note the panel has considered the particular public interest considerations, namely the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

I agree with the panel that public confidence in the profession could be seriously weakened if conduct such as that found against Miss Smith were not treated with the utmost seriousness when regulating the conduct of the profession.

I note the panel took account of the Advice, and behaviours proven in this case, namely:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- abuse of position of trust;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Miss Smith. I agree with that view. I have considered the public interest in this case and agree with the panel that prohibition is both proportionate and appropriate.

I now turn to the matter of a review period. I note that the panel has considered the Advice, which indicates that there are behaviours that, if proven, would militate against a review period being recommended. These include fraud or serious dishonesty. The panel has found that Miss Smith has been convicted of fraud and has knowingly used a false document in an attempt to support a false account.

I note that the panel found that there is no evidence that the episode which is the subject matter of the proven allegations was anything other than a one off incident. However, Miss Smith has not shown any remorse and has still not recognised her own dishonesty or shown any significant insight into her actions.

The panel has decided that a prohibition order should be recommended without provisions for a review period.

For the reasons set out above, I agree with the panel's recommendation, that a prohibition order should be imposed and that no review period should be allowed.

This means that Miss Kerry-Leigh Smith 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 Miss Smith 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.

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

A handwritten signature in black ink, appearing to read 'J. Millions', with a small dot at the end of the signature.

Decision maker: Jayne Millions

Date: 7 June 2016

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