

THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Mrs Jane Davies

Teacher ref no: 72/45214

Teacher date of birth: 21 August 1954

TA Case ref no: 0007052

Date of Determination: 21 June 2012

Former Employer: Newent Community School and Sixth Form Centre,
Gloucestershire

A. Introduction

A Professional Conduct Panel (“the Panel”) of the Teaching Agency convened on 21 June 2012 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mrs Jane Davies.

The Panel members were Mr Robert Cawley (Professional Panellist), Mr Aamer Naeem (Lay Panellist – in the Chair) and Dr Lel Meleyal (Lay Panellist).

The Legal Adviser to the Panel was Christopher Alder of Blake Laphorn Solicitors.

The Presenting Officer for the Teaching Agency was Mrs Margaret Bromley of Bevan Britten Solicitors. Mrs Bromley was not present during the meeting.

Mrs Davies was not present and was not represented during the meeting.

Mrs Davies, through her representative, Felicity Williams Senior Adviser of the NASUWT, requested that the allegation be considered at a meeting. The meeting took place in private. The decision was announced in public and was tape-recorded.

B. Allegations

The Panel considered the allegation set out in the Notice of Meeting dated 21 May 2012.

It is alleged that Mrs Davies is guilty of unacceptable professional conduct in that whilst employed at Newent Community School and Sixth Form Centre, Newent, Gloucestershire, she:

1. Created false or incorrect Year 11 students' CLAIT coursework in or around March 2010;

2. Submitted false or incorrect Year 11 students' CLAIT coursework to the School Examinations Officer in March 2010, which was to be sent to the Examination Board;
3. Attempted to conceal evidence that would demonstrate her involvement in the creation and/or submission of false or incorrect students' CLAIT coursework to the school Examination Officer, by deleting files from her School computer on 6 May 2010;
4. Failed to conduct the CLAIT examination coursework in line with OCR Regulations and/or School practice, in that she did not ensure that students utilised the examination account system, which enables CLAIT Units to be conducted under exam conditions.

Mrs Davies admits all of the facts of the allegation and that those facts amount to unacceptable professional conduct.

C. Summary of Evidence

Documents

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

1. Section 1 – Response pro-forma / Notices – pages 1-3
2. Section 2 – Statement of agreed facts, representations – pages 1-7
3. Section 3 – GTCE documents – pages 1-36
4. Section 4 -Teacher's documents – pages1-9

The Panel Members confirmed that they had read all of the documents in advance of the hearing.

D. 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.

Summary

Mrs Davies had been employed as a Business Studies and ICT teacher at the Newent Community School and Sixth Form from September 1989 until October 2010. Mrs Davies taught the Computer Literacy and Information Technology (CLAIT) course. Mrs Davies and colleague Individual A attended a half day update relating to the CLAIT course in October 2007.

Following submission of the School ICT folders to the OCR Examinations Board, OCR wrote to the School on 29 April 2010 raising concerns that not all of the work submitted by Mrs Davies through the Examinations Officer appeared to have been produced by the candidates. A number of exam scripts showed that candidates had made a series of identical errors, there were inconsistencies and evidence of unusual formatting. A copy of Mrs Davies' computer files was immediately made. Mrs Davies was informed of the concerns and later the same day an attempt was made to delete over 2,800 files including the files which related to the work in question.

Following investigation, the school concluded that Mrs Davies had not followed internal procedures and that she had submitted work from her own file in the candidates' names - no evidence of candidates' work was found in their individual exam accounts; relevant files only appeared on the secure 'Y' drive which was not accessible to students. She was dismissed. Mrs Davies was suffering from significant poor health and is still taking medication. She has not worked since her dismissal.

Findings of fact

The Panel considered the allegation set out in the Notice of Meeting dated 21 May 2012.

It is alleged that Mrs Davies is guilty of unacceptable professional conduct in that whilst employed at Newent Community School and Sixth Form Centre, Newent, Gloucestershire, she:

1. Created false or incorrect Year 11 students' CLAIT coursework in or around March 2010;
2. Submitted false or incorrect Year 11 students' CLAIT coursework to the School Examinations Officer in March 2010, which was to be sent to the Examination Board;
3. Attempted to conceal evidence that would demonstrate her involvement in the creation and/or submission of false or incorrect students' CLAIT coursework to the school Examination Officer, by deleting files from her School computer on 6 May 2010;
4. Failed to conduct the CLAIT examination coursework in line with OCR Regulations and/or School practice, in that she did not ensure that students utilised the examination account system, which enables CLAIT Units to be conducted under exam conditions.

We have considered all of the evidence in this case. Our findings of fact are as follows:

Particular 1

We have noted that Mrs Davies has admitted the facts of this particular, which includes an acceptance that she created false or incorrect coursework.

We have considered the Agreed Statement of Facts, record of analysis of the OCR moderation process, witness statements of Individual B (Head of ICT), Individual C (School Examinations Officer), Individual D (Head teacher), Individual A (IT and Business Studies Teacher) and the school Investigation Report prepared by Individual E (Deputy Head teacher).

Whilst we note that the evidence is hearsay we are satisfied on the balance of probability that the factual particular is proven.

Particular 2

We have noted that Mrs Davies has admitted the facts of this particular, which includes an acceptance that she submitted false or incorrect coursework to the School Examinations Officer.

We have considered the Agreed Statement of Facts and all relevant evidence which has included the witness statements of Individual B and Individual C.

We note that the evidence is hearsay, but we are satisfied on the balance of probability that the factual particular is proven.

Particular 3

We have noted that Mrs Davies admits the facts of this particular, which includes an acceptance that she attempted to conceal evidence by deleting files from her school computer.

We have considered the Agreed Statement of Facts and all relevant evidence which has included the witness statements and specifically the statement of Individual B and the investigation report of Individual E.

We note that the evidence is hearsay and that there appears to be no direct evidence that it was Mrs Davies who attempted to delete files. However, having considered the evidence very carefully we have noted that such files could only have been removed by either Mrs Davies or the network administrator. Individual B's evidence is that the files were deleted using Mrs Davies' user name and password. We have given weight to this evidence.

We are satisfied, on the balance of probability, that the facts of this particular are proven.

Particular 4

We have noted that Mrs Davies admits the facts of this particular, which includes an acceptance that she failed to conduct the CLAIT coursework in line with OCR Regulations and/or school practice.

Whilst Mrs Davies has admitted the facts of this particular, having reviewed the bundle and evidence available to us we are unclear as to the detail of the allegation.

We do not have copies of the OCR Regulations or school practice policies which are clearly important elements of the particular.

We have considered all of the evidence and Agreed Statement of Facts carefully. However, due to the absence of significant and relevant evidence, we do not find the particular proven.

Findings as to Unacceptable Professional Conduct

We have noted that Mrs Davies accepts that her conduct amounts to unacceptable professional conduct.

Mrs Davies' actions have the potential to undermine public confidence in the standards expected of the profession. Teachers have a responsibility to act in a manner which ensures the integrity of the examination and/or assessment process. It is fundamentally incompatible with such an expectation that Mrs Davies has created and submitted false or incorrect coursework and thereafter attempted to conceal evidence.

Accordingly, on the basis of the facts we have found proven, we find that Mrs Davies' conduct amounts to unacceptable professional conduct.

Panel's Recommendation to the Secretary of State

We have considered this case very carefully and have considered all of the mitigation and evidence presented by the Agency, Mrs Davies and her representative. We have carefully considered the medical evidence. We have considered all of the representations very carefully and have noted that she has had a long unblemished teaching career.

We note that she has accepted the allegation and that she has assisted in the investigation of this matter.

We have considered whether to conclude this case without imposing a sanction but we have decided that the issues raised in this case are so serious that a sanction is necessary and appropriate.

We have noted that Mrs Davies engaged in a pattern of behaviour which impacted upon the integrity of an examination process being undertaken by Newent Community School and Sixth Form.

The examination system is fundamentally reliant upon the relationship of trust which exists between schools, individual teachers and the examination boards. Behaviour which breaches this trust or which undermines the fair and transparent exercise of the examination process has the potential to damage the reputation of schools as examination centres; damage the confidence and self esteem of pupils; restrict education opportunities for pupils; and damage the trust which exists between schools and higher or further education providers. Mrs Davies actions had the potential to damage this relationship of trust and undermined the position of trust in

which she, as a teacher, had been placed. Her actions had the potential to bring the profession into serious disrepute.

The evidence indicates that in creating false or incorrect coursework, submitting false or incorrect coursework and attempting to conceal evidence Mrs Davies undertook a series of sustained and deliberate acts. Each allegation necessitated her undertaking a series of acts in relation to each of seventeen students' coursework. Not only did this include creating false or incorrect coursework but also passing the coursework to Individual C rather than to Individual B as he had requested and then taking action to try to delete over 2,800 electronic files. Her actions had a damaging effect for the seventeen pupils who were unable to complete the CLAIT course.

It is a fundamental aspect of the teaching profession that teachers who are involved in the examination and assessment process must act with integrity and professionalism. Such an expectation is necessary to ensure public confidence in the reputation of the profession as well as to ensure the maintenance of confidence which stakeholders have in the examination process. Mrs Davies failed to uphold such expectations.

Mrs Davies' conduct has fallen far below the standard expected of a teacher. We are of the view that her behaviour has the potential to undermine the reputation of the profession and to damage public confidence in the standards expected of teachers.

For these reasons, we have decided that it is necessary to recommend that a Prohibition Order be imposed in this case. We have reached this decision after careful consideration. We have reminded ourselves that a sanction which is imposed is not intended to act punitively, but is imposed to reflect the seriousness of behaviour, to uphold public confidence in the standards expected of the profession and to protect the public and/or pupils. A Prohibition Order is necessary in this case in order to reflect the seriousness of Mrs Davies' behaviour, but also to uphold public trust and confidence in the standards of conduct expected of the profession.

We carefully considered whether to allow Mrs Davies the opportunity to apply to set aside the Prohibition Order. We have decided that, given Mrs Davies' mitigation, it is proportionate to allow her the opportunity to apply for the Prohibition to be set aside after a period of two years has elapsed.

We would recommend that, should Mrs Davies make such an application to set aside the Prohibition Order, a professional conduct panel be convened to consider the application. We recommend that any such panel should consider relevant testimonials and consider whether Mrs Davies is suitable to teach. We would also recommend that any future panel should carefully consider whether Mrs Davies has shown insight into the nature of her misconduct and a clear understanding of the fundamental importance of the integrity of the examination and assessment process to the teaching profession.

Secretary of State's Decision and Reasons

I have given careful consideration to this case, to the findings of fact, the findings of unacceptable professional conduct and the recommendations in respect of sanction and review.

The panel gave careful consideration to the facts, and despite the admission by Mrs Davies of all of the allegations, the panel were unable to satisfy themselves that the facts were proven in respect of particular 4. Nonetheless the panel did find that the three particulars where the facts were both admitted and found, that these amounted to unacceptable professional conduct.

The panel identify a number of key issues in considering whether or not to recommend a sanction. It is evident that the panel were very concerned that behaviours that undermine public confidence in the examination system are very serious, sitting as they do at the heart of the relationship of trust between teachers and many other education stakeholders. For these reasons, I support the recommendation of the panel that a prohibition is both proportionate and in the public interest.

I next turn to the matter of a review period. The panel has given careful consideration to this matter and it considers that it is appropriate that after a 2 year review period, Mrs Davies should be given the opportunity to apply to have the prohibition order reviewed. The panel has also set out the areas in which they consider Mrs Davies will need to focus her evidence that she has insight and understanding. I therefore support the review period recommended.

This means that Mrs Jane Davies is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. She may apply for the Prohibition Order to be set aside, **but not until 2014, 2 years from the date of this order at the earliest**. If she does apply, a panel will meet to consider whether the Prohibition Order should be set aside. Without a successful application, Mrs Jane Davies remains barred from teaching indefinitely.

This Order takes effect from the date on which it is served on the Teacher.

Mrs Jane Davies 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.

NAME OF DECISION MAKER: Alan Meyrick
DATE: 21 June 2012

