



National College for
Teaching & Leadership

Ms Della Williams: Professional conduct panel outcome

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

March 2017

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

Teacher: Ms Della Williams

Teacher ref number: 9550719

Teacher date of birth: 27 April 1961

NCTL case reference: 14715

Date of determination: 29 March 2017

Former employer: South Norwood Primary School, London

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened from 27 to 29 March 2017 at The Technocentre, Coventry University Technology Park, Coventry CV1 2TT, to consider the case of Ms Della Williams.

The panel members were Mr Brian Hawkins (teacher panellist – in the chair), Ms Ruth Winterson (former teacher panellist) and Ms Hilary Jones (lay panellist).

The legal adviser to the panel was Miss Laura Ellis of Eversheds Sutherland (International) LLP.

The presenting officer for the National College was Ms Nikita McNeill, instructed by Nabarro LLP.

Ms Williams was not present and was not represented at the hearing.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 18 October 2016.

It was alleged that Ms Della Williams was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed at South Norwood Primary School, South Norwood, London, (the “School”), as the headteacher between September 2006 and 21 May 2015;

In relation to the School’s key Stage 2 National Curriculum Assessments/Standard Assessment Tests (“SATs”) which took place between Monday 13 May 2013 and Friday 17 May 2013, she:

1. Before the completion of the SATs tests:
 - a. Failed to adhere to the correct storage of the SATs papers,
2. Following the completion of the SATs tests:
 - a. Failed to adhere to the correct storage of the completed SATs papers,
 - b. Deliberately altered one or more of the completed SATs Mental Maths papers,
 - c. Failed to properly investigate a potential maladministration of the SATs Mental Maths papers as requested by the Standards and Testing Agency (“the STA”),
3. By her actions set out at allegations 1 and 2 above she failed to comply with the STA’s Guidance;
 - a. Key Stage 2 Test Administrators’ Guide 2013,
 - b. Key Stage 2 Assessment Reporting Arrangements 2013,
4. As a result of her actions set out above at allegations 1 to 3, the whole of the cohort of SATs were annulled, and
5. Her actions set out above at allegation 2 were dishonest.

The panel understands that Ms Williams denies the allegations.

C. Preliminary applications

Proceeding in absence

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

The panel is satisfied that the National College has complied with the service requirements of paragraph 19.a. to 19.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 Teacher misconduct: Disciplinary procedures for the teaching profession, (the "Procedures").

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

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 Ms Williams 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*. Ms Williams and her representative (Mr Gavan of the National Association of Head Teachers ("NAHT")) have responded on more than one occasion to correspondence from the National College, stating that Ms Williams does not intend to attend the hearing. Ms Williams has said that this is because she has found the events surrounding the allegations stressful and that the process leading to this hearing has taken a long time following the events that gave rise to the allegations in summer 2013. The panel therefore considers that Ms Williams 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 is only in rare and exceptional circumstances that a decision should be taken in favour of the hearing taking place. There is no indication that an adjournment might result in Ms Williams attending the hearing.

The panel has seen an email from Mr Gavan to the National College, explaining that as Ms Williams has chosen not to attend the hearing, the NAHT has stated to her that it will not be sending a representative on her behalf, and that she understands and accepts this

position. The panel also notes that Ms Williams has not instructed any other person to represent her at this hearing.

The panel has had regard to the extent of the disadvantage to Ms Williams in not being able to give her account of events, having regard to the nature of the evidence against her. The panel understands that it will have the benefit of written representations made by Ms Williams and that it will therefore be able to ascertain her lines of defence (this document is to be submitted by the presenting officer, with the agreement of Mr Gavan). The panel has noted that all witnesses relied upon are to be called to give evidence and the panel can test that evidence in questioning those witnesses, considering such points as are favourable to Ms Williams, as are reasonably available on 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 Ms Williams' account.

The panel also notes that there are four witnesses present at the hearing, who are prepared to give evidence, and that it would be inconvenient and distressing for them to return again. The panel also notes that given that Ms Williams has stated that one of the reasons for her non-attendance is the length of time that has passed since the events in 2013, it is unlikely that any further adjournment would result in her attendance at a later date.

The panel has had regard to the seriousness of this case, and the potential consequences for Ms Williams and has accepted that fairness to the teacher is of prime importance. However, it considers that in light of Ms Williams' 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 witnesses; that on balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time is in favour of this hearing continuing today.

Admission of additional documents:

Ms McNeill applied to admit the following additional documents to the hearing bundle:

1. A service bundle, containing notices to Ms Williams regarding the hearing and confirmation from Mr Gavan that she did not intend to attend the hearing.
2. Assessment and Reporting Arrangements for Key Stage 2 in 2013, published by the STA.

3. Written representations from Ms Williams to the National College, dated 21 February 2016.
4. Emails between Ms McNeill and Mr Gavan dated 27 March 2017, in which Mr Gavan confirmed on Ms Williams' behalf that she was content for these additional documents to be admitted to the hearing bundle and for the amendment of allegation 4 described below.
5. Photographs of the cupboard in which the mental mathematics papers referred to in allegation 2.b. were stored, on 15 May 2013.

The panel decided to exercise its discretion to admit the documents, pursuant to its discretion to do so under paragraph 4.18. of the Procedures. This is because the documents are relevant to the proceedings, their admission appears fair to the parties, and in Mr Gavan's email correspondence to Ms McNeill he confirms that he has no objection to their inclusion on behalf of Ms Williams. In relation to the representations from Ms Williams dated 21 February 2016, the panel notes that these are in response to a previous version of the allegations. However, the substance of that previous version is the same as the current version, no other representations have been provided by Ms Williams other than a letter dated 3 February 2017 (which is relatively short) and Mr Gavan has confirmed on Ms Williams' behalf that he has no objection to the document's inclusion. Therefore the panel is content to admit the document in the interests of fairness to Ms Williams.

Amendment of allegation 4

Ms McNeill also made an application to amend allegation 4 as follows:

As a result of your actions set out above at allegations 1 to 3, the whole of the cohort of SATs for mental mathematics were annulled.

This narrows the scope of this allegation without changing its substance, and Ms Williams has already responded to it in her written representations. Therefore the panel considers that the amendment causes no prejudice to Ms Williams. In addition, the panel notes that Mr Gavan has confirmed that he is content with this amendment, in his email correspondence to Ms McNeill. For these reasons, the panel is content to allow the amendment as it appears to be in the interest of justice to do so, pursuant to the panel's power under 4.56. of the Procedures.

D. Summary of evidence

Documents

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

Section 1: Chronology – pages 2 to 4

Section 2: Notice of Proceedings and response – pages 6 to 13

Section 3: NCTL witness statements – pages 15 to 39

Section 4: NCTL documents – pages 41 to 517x & Exhibit A

Section 5: Teacher documents – pages 519 to 530

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

In addition, the panel agreed to accept the following:

- Ms McNeill's service bundle – pages 517a to 517q
- Assessment and Reporting Arrangements for Key Stage 2 in 2013 – Appendix A
- The written representations from Ms Williams dated 21 February 2016 and email from Mr Gavan confirming that he was content for this to be included – pages 522 to 532

Witnesses

The panel heard oral evidence from:

1. Witness A – The deputy headteacher of the School
2. Witness B – The senior test administration manager at the Standards and Testing Agency
3. Witness C – The retired strategic lead for educational standards at Croydon Borough Council
4. Witness D – The member of the Interim Executive Board who undertook an investigation into the events leading to the allegations for the local authority

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.

Ms Williams was appointed as the headteacher of the School on 1 September 2006.

On 14 May 2013 during SATS examinations at the School, the local authority (Croydon Borough Council) undertook an unannounced monitoring on behalf of the STA. During this visit, the local authority monitoring officers noticed that some examination papers were not stored correctly in accordance with relevant guidance. The officers gave Ms Williams advice regarding this.

The following day on 15 May 2013, a mental mathematics test was sat by year 6 pupils. A few days later, the School submitted the mental mathematics papers (with other mathematics papers) to an external examiner. The examiner subsequently raised concerns about the amount of pencil erasing on the papers by submitting a 'Maladministration Information Form' to the STA. The STA then reviewed the papers and found evidence that the papers had been amended outside of test conditions, after they had been collected from the pupils. The local authority then carried out an investigation at the school, under the instruction of the STA.

After that investigation, Ms Williams and Witness A visited the STA to see the evidence regarding the amendments to the mental mathematics papers. Ms Williams then undertook her own investigation at the School. On 9 September, the STA decided to annul the mental mathematics results for the entire year 6 cohort at the School as a result of its finding of maladministration. This meant that the pupils did not have a test result for mathematics going into secondary school, and so the secondary schools were required to use their own teacher assessments to place those pupils into ability sets.

The School's governing body then appointed its vice-chair to undertake an investigation into the allegation of maladministration. The investigation was concluded in December 2013 and the report was completed in February 2014. This indicated that the most likely people to have amended the papers were Ms Williams and/or Witness A. However, the investigation made no recommendations for improvement at the School and did not culminate in disciplinary proceedings. As a result, on 17 June 2014 a formal warning notice was issued by the local authority to the School's governing body under section 60 of the Education and Inspections Act 2006. On 1 September 2014 the local authority wrote again to the governing body, requesting it to undertake a further investigation within 15 days and provide an explanation of how the papers were amended. Due to ongoing concerns by the local authority, it subsequently made an application to the Secretary of State for Education to replace the School's governing body with an Interim Executive Board ("IEB"), which was granted. Consequently on 18 January 2015 the governing body was dissolved and the IEB was put in place. The IEB then undertook a further investigation into the amendment of the papers, which concluded on 2 March 2015. This culminated in a disciplinary hearing in relation to Ms Williams and she was subsequently dismissed on 21 May 2015.

Findings of fact

The panel must decide whether the facts of the case have been proved on the balance of probabilities.

The panel has found the following particulars of the allegations against you proven, for these reasons.

Whilst employed at South Norwood Primary School, South Norwood, London, (the “School”), as the headteacher between September 2006 and 21 May 2015;

In relation to the School’s key Stage 2 National Curriculum Assessments/Standard Assessment Tests (“SATs”) which took place between Monday 13 May 2013 and Friday 17 May 2013, you:

1. Before the completion of the SATs tests:

a. Failed to adhere to the correct storage of the SATs papers;

The panel has seen the STA’s ‘monitoring visit form’ from its unannounced monitoring visit to the School on 14 May 2013. This report states that unopened test packs (i.e. that had not yet been used for examinations) were not re-sealed in the boxes in which they had arrived. The form states that consequently the local authority monitoring officers advised Ms Williams of the correct procedure during the visit.

Section 2.2. of the STA’s Test Administrators’ Guide for 2013 (the “TAG”) states *“once you have checked your delivery, reseal the materials in the original boxes.”* Section 6.5. of the STA’s Assessment and Reporting Arrangements for 2013 (the “ARA”) states *“Once the delivery has been checked against the delivery note, schools should reseal the box(es) containing the test packs, and store them in a secure, locked place. It is the headteacher’s duty to ensure test materials are kept secure from the point when they are delivered to the school to the time they are sent for marking.”*

Furthermore, section 2.1. of the TAG states *“It is the headteacher’s duty to ensure test materials are kept secure at all times. Test materials include test papers, answer booklets and the stationary items used to administer the tests, such as attendance registers, script return bags and labels. Keeping the test materials secure ensures that the confidentiality and integrity of the tests is maintained so that no child has an unfair advantage over another.”* Section 3.4. of the ARA states *“Headteachers of maintained schools, and special schools, have a duty to ensure that the requirements in this document are implemented in their school. Headteachers must therefore... keep all test materials secure and treat them as confidential; be able to give an accurate account of all those who have had access to test materials before, during and after the test period; ensure that the procedures for opening and administering the tests described in the Test Administrators’ Guide are followed.”*

This allegation is therefore found proved.

2. Following the completion of the SATs tests:

a. Failed to adhere to the correct storage of the completed SATs papers

The STA's monitoring visit form of 14 May 2013 states that completed level 6 reading test papers and level 3 to 5 spelling test papers were not sealed in bags and were stored in separate locations. This is corroborated by Witness A's evidence.

Section 6.3. of the TAG states *"Once all children have taken the test, including any taking a timetable variation, seal the script return bags."*

Section 9.5.2. of the ARA states *"The headteacher must ensure the test scripts are stored in the packaging provided and kept in a secure place (such as a locked cupboard or storeroom) until they are collected."*

Specifically, in relation to the level 6 reading test that was sat on Monday 13 May, section 4.3.2. of the TAG states *"After the test... the test scripts must be returned immediately to the headteacher or senior member of staff who is responsible for the tests. The test scripts must be stored in the yellow inner bags provided and kept in a secure place (such as a locked cupboard) until they are collected"*. Similarly, in relation to the levels 3 to 5 spelling test that was sat on Tuesday 14 May, section 4.4.1. of the TAG states *"After the test... The test scripts must be returned immediately to the headteacher or senior member of staff who is responsible for the tests. The test scripts must be stored in the grey script return bags provided and kept in a secure place (such as a locked cupboard) until they are collected."*

Section 2.1. of the TAG and section 3.4 of the ARA regarding the headteacher's responsibility for securely storing test materials (detailed above) are also relevant.

Witness C explained that the local authority and STA's main concern was that the completed papers were not sealed. She also said that it is bad practice to store papers in different locations as this increases the risk that an unauthorised person may be able to access them. She said that she could not envisage any situation in which it would make sense to store test papers in separate locations.

The allegation is therefore found proved.

b. Deliberately altered one or more of the completed SATs Mental Maths papers

The panel has seen the maladministration form that the external examiner sent to the STA, to raise her concern about the amount of pencil erasing on the mental mathematics papers. Witness B explained that the STA subsequently examined the papers and found evidence that 22 out of the 45 papers had been amended outside of test conditions. A

total of 47 changes to answers had been made. Witness B explained the way that this was discovered. [Redacted]. The panel has seen the detailed results of Witness B's findings. [Reacted].

Section 4.5. of the TAG states, in relation to the mental mathematics test that was sat on Wednesday 15 May, *"After the test... the test scripts must be stored in the grey script return bags provided and kept in a secure place (such as a locked cupboard) until they are collected. Do not: Look at, annotate or review children's answers in any way (unless it is necessary to make a transcript). If you amend or tamper with children's answers in test scripts, it will be considered maladministration and results could be annulled"*.

Similarly, section 9.5.2. of the ARA states *"The test scripts must not be looked at, annotated or reviewed in any way."* As explained above, section 2.1. of the TAG and section 3.4. of the ARA regarding the headteacher's responsibility for the security of test papers, are also relevant.

The panel notes that the teachers who invigilated the three groups of pupils that sat the examination collected the papers from their groups at the end of the examination and then gave these to Witness A. Witness A then took them to Ms Williams' office, where she and Ms Williams put them in alphabetical order. Witness A said that she then put the papers into their envelope and locked this in a cupboard in a ante-room attached to Ms Williams' office. She said that only Ms Williams had a key to the cupboard, so she needed to request the key from Ms Williams to access the cupboard. During Ms Williams' interviews with the local authority on 28 June 2013 and the School's governing body on 11 October 2013, she stated that the cupboard was locked, only she had access to it and that she kept the key with her. The following day, papers from another mathematics examination were added to the envelope in the cupboard, and the envelope was subsequently sent to the external examiner. Therefore it appears that only Ms Williams and Witness A had the opportunity to amend the papers. The panel considers it highly unlikely that the external examiner would have amended the papers, as she appears to have had no motive (Witness B explained that all external examiners are required to declare any conflicts of interest) and she had raised the concern to the STA regarding the amount of answers that had been erased.

Witness A categorically stated that she did not amend the papers. As explained above, she did not have a key to the cupboard in which they were stored. Therefore, for Witness A to amend the papers without Ms Williams' knowledge after she had put them in the cupboard, she would have needed to borrow the key from Ms Williams, or leave the cupboard door open without Ms Williams noticing, to return later. She would also have needed to spend enough time in Ms Williams' office to make the amendments, without anyone else (including Ms Williams) noticing. This would have been very difficult for Witness A, and therefore the panel considers it unlikely that she amended the papers without Ms Williams' knowledge. Conversely, Ms Williams would have had much more time and opportunity to amend the papers than Witness A, as they were stored in Ms Williams' own office and she had the key to the cupboard. The panel also considers it

unlikely that Witness A would have had sufficient time to amend the papers whilst putting them in the cupboard in the ante-room on 15 May 2013 without Ms Williams noticing, as Ms Williams was in the office at the time.

At Ms Williams' internal disciplinary hearing on 24 April 2015, she alleged that Witness A could have amended the papers whilst they were both in the office on 15 May without her knowledge, and that alternatively Witness A may have left the door to the cupboard open. However, the panel notes that Ms Williams did not raise these allegations prior to the disciplinary hearing, which was nearly two years after the maladministration occurred. Neither of the allegations were raised by Ms Williams' during her discussions with the local authority on 28 June 2013 and the School's governing body on 11 October 2013.

The panel also considers it relevant that Ms Williams failed to properly investigate the maladministration when it was reported to her by the local authority (further detail regarding this is set out under allegation 2.c. below), in spite of the fact that she was an experienced headteacher who was in a position to ensure that she could follow the correct procedure.

Therefore, on the balance of probabilities, the panel does not accept Ms Williams' allegation that Witness A amended the papers without her knowledge. Upon considering all of the evidence before it, the panel considers that on the balance of probabilities, either Ms Williams amended the papers or she did so in collusion with Witness A. The allegation is therefore found proved.

c. Failed to properly investigate a potential maladministration of the SATs Mental Maths papers as requested by the Standards and Testing Agency ("the STA")

Ms Williams was informed of the STA's discovery regarding the mental mathematics papers by Witness C on 28 June 2013. Ms Williams then visited Witness B at the STA to view the evidence regarding this on 12 July 2013, with Witness A. Ms Williams then contacted the School's chair of governors and they agreed to carry out an investigation. Ms Williams devised a list of questions, which was approved by the chair of governors to ask staff. On 22 July 2013 she interviewed staff using these questions, including Witness A. She also asked Witness A to interview her, using the questions. The panel has seen these completed question sheets. Following these interviews, there appears to have been no conclusion to Ms Williams' investigation.

On 9 September 2013, Witness B informed Ms Williams that the STA would annul the mental mathematics results for the whole year 6 cohort at the School. On 18 September 2013, the chair of governors appointed the Vice-Chair of Governors to begin an investigation, which was subsequently taken over and completed by Witness D (on behalf of the IEB) in early 2015. As part of this, Witness D reviewed the extent of the investigation that had been carried out by the School up until that point.

Witness D explained that when Ms Williams was informed about the maladministration on 28 June 2013, as the headteacher of the School, it was her responsibility to immediately refer the matter to the School's governors and to take advice from the School's HR advisers. Witness D said that Ms Williams should not have involved herself in coordinating the investigation at all, because she was one of the main witnesses to what had happened, and only she and Witness A had the opportunity to amend the papers. For the same reason, it was not appropriate for Ms Williams and Witness A to interview each other as part of that investigation. Ms Williams also sought no advice from the School's HR advisers. Witness D also explained that Ms Williams' predetermined set of questions was not tailored to the interviewees' roles in the test administration process and the questions were not followed up with further investigation based upon the interviewees' responses. Witness D explained that Ms Williams' failure to ensure that a proper investigation took place was surprising given the seriousness of the allegation, as she would expect a headteacher in such a situation to ascertain what had happened to prevent the situation from arising again.

The panel has seen the relevant sections of the School's disciplinary procedure, contained in its HR Handbook. Section 4.4. states *"The head teacher has overall responsibility for maintaining discipline amongst all staff in the school... Where the alleged misconduct involves the head teacher, responsibility for initiating disciplinary action and deciding the appropriate level of action rests with the governing body"*. Section 4.5. states *"Managers should seek advice from the school's HR provider at the earliest opportunity whenever an employee's conduct is giving cause for concern and might result in disciplinary action."*

The panel therefore finds it proved on the balance of probabilities, that Ms Williams failed to properly investigate the allegation of maladministration, and that she failed to act appropriately by referring the matter to the School's governors and seeking advice from the School's HR advisers, to ensure that this was done.

3. By your actions set out at allegations 1 and 2 above you failed to comply with the STA's Guidance;

a. Key Stage 2 Test Administrators' Guide 2013

The panel finds this allegation proven for the reasons explained above.

b. Key Stage 2 Assessment Reporting Arrangements 2013

The panel finds this allegation proven for the reasons explained above.

4. As a result of your actions set out above at allegations 1 to 3, the whole of the cohort of SATs for mental mathematics were annulled, and

The panel has seen the email from Witness B of the STA dated 9 September 2013 and his subsequent letter dated 26 September 2013, in which this decision was confirmed.

The panel therefore finds the allegation proven, as a result of the conduct referred to in allegations 2.a. and 2.b. only.

5. Your actions set out above at allegation 2 were dishonest.

The allegation of dishonesty is a serious one and after having considered legal advice from Miss Ellis, the panel is conscious of the two stage test for establishing dishonesty in proceedings such as these (which consists of both the objective and subjective limbs).

In light of the fact that the panel finds allegation 2.b. proven on the balance of probabilities, the panel considers that the first objective stage of the test is met. This is because the amendment of completed examination papers is dishonest by the standards of the ordinary and honest members of the teaching profession. This also applies to alleging that Witness A was responsible for the maladministration and in relation to allegation 2.c., failing to ensure that the maladministration was properly investigated so that it did not recur. The panel also understand that Ms Williams submitted a declaration under the Education Act 2002 in accordance with Section 8 of the TAG, to confirm that the SATs tests were administered in accordance with the statutory requirements set out in the ARA, which was not correct.

In relation to the second subjective limb of the test, the panel considers that this is also met as it is more likely than not that Ms Williams knew that the conduct was by the standards of the ordinary and honest members of the teaching profession, dishonest. This is particularly the case given that Ms Williams was an experienced headteacher, and Witness C stated that during her interview with Ms Williams on 28 June 2013, Ms Williams confirmed that she was familiar with the STA's test guidance.

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 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 is satisfied that the conduct of Ms Williams in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Ms Williams 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.

The latter point is relevant to Ms Williams' failure to comply with the STA's test guidance, detailed above.

The panel is satisfied that the conduct of Ms Williams fell significantly short of the standards expected of the profession. This is particularly the case in relation to allegations 2.b. and 2.c. regarding maladministration of the mental mathematics papers and the failure to ensure that a proper investigation took place in relation to this, which are serious allegations. The conduct jeopardised the integrity of the examination system and the consequential annulment of mathematics results for that year group had an adverse impact upon all of the pupils that had taken the test.

The panel has also considered whether Ms Williams' conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel has found that none of these offences are relevant.

Accordingly, the panel is satisfied that Ms Williams 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 Ms Williams' status as a teacher, potentially damaging the public perception.

The panel therefore finds that Ms Williams' actions constitute conduct that may bring the profession into disrepute.

In summary, having found the facts of the allegations proved, the panel further finds that Ms Williams' conduct amounts to both unacceptable professional conduct and 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 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.

In light of the panel's findings against Ms Williams, which involved amending completed examination papers and not ensuring that a proper investigation into the maladministration was carried out at the School, the panel considers that there is a strong public interest in ensuring that this conduct does not happen again. All of the year 6 pupils who sat the mental mathematics examination at the School in 2013 had their results annulled. There is a public interest in preventing this from happening again to protect the academic interests of future pupils, and in ensuring the integrity of the examination system. The public confidence in the profession could also be seriously weakened if such conduct were not treated with the utmost seriousness when regulating the conduct of the profession.

In view of the clear public interest considerations that are 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 Ms Williams.

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 Ms Williams. 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:

- A serious departure from the personal and professional conduct elements of the Teachers' Standards;
- An abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- Dishonesty, especially where there have been serious consequences, and/or it has been repeated and/or covered up;

In relation to the second bullet point above, the panel considers that Ms Williams' actions constituted an abuse of her position as the headteacher of the School, by amending the mental mathematics papers and not ensuring that an appropriate investigation into the maladministration was carried out. The references in this bullet point to vulnerable pupils and the violation of rights of pupils do not apply in this case.

In relation to the third bullet point, the panel considers that Ms Williams covered up her involvement in the maladministration by not ensuring that a proper investigation took place and blaming the maladministration on Witness A. Her dishonesty had serious consequences to the School as it resulted in the replacement of the board of governors, a poorer result in the league tables and reputational damage to the School.

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 considers that Ms Williams' actions were deliberate and that she did not act under duress, but that there is no evidence that she did not previously have a good record. The panel notes that no character references have been provided by Ms Williams, or references from any colleagues that attest to her abilities as a teacher.

In relation to insight, the panel does not consider that Ms Williams has shown any insight into her misconduct. This is because Ms Williams has not admitted to any of the allegations in spite of the considerable weight of evidence in support of them. She also has given no indication that she recognises the impact of her conduct upon the pupils that were in her care. Her representations consist of only a relatively short letter to the National College in which she denies the allegations and complains about the investigation process, in addition to similar representations dated 21 February 2016 in response to an earlier version of the allegations. Her representations focus entirely upon the impact of the events upon herself, rather than that of the pupils that were in her care and the School.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the Panel is sufficient. The panel is of the view that in applying the standard of the ordinary intelligent citizen, recommending no prohibition order is not a proportionate and appropriate response. Recommending that publication of adverse findings is sufficient in the case would unacceptably compromise the public interest considerations present, despite the severity of consequences for Ms Williams of prohibition.

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 Ms Williams. The seriousness of the allegations regarding maladministration, failing to ensure that a proper investigation was carried out into this and the deliberate and dishonest nature of her conduct, were 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 to decide to recommend that a review period of the order should be considered. The panel was

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 is fraud or serious dishonesty. However, although the panel considers Ms Williams' conduct to have been dishonest, the panel does not consider that it was serious enough to merit no review period. This is because the maladministration appears to have been an isolated incident, and there was no lasting harmful impact upon pupils, as the secondary schools would have been able to place the pupils into ability sets based upon their performance in year 7.

The panel felt that the findings indicated a situation in which a review period would be appropriate, and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provision for a review period after 2 years.

Decision and reasons on behalf of the Secretary of State

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

In considering this case I have also taken careful account of the advice that is published by the Secretary of State concerning the prohibition of teachers.

In this case the panel has found the facts proven as set out above including as set out the finding of dishonesty. The panel has found that Ms Williams 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.

The latter point is relevant to Ms Williams' failure to comply with the STA's test guidance, detailed above.

The panel was also satisfied that the conduct of Ms Williams fell significantly short of the standards expected of the profession. This is particularly the case in relation to allegations 2.b. and 2.c. regarding maladministration of the mental mathematics papers and the failure to ensure that a proper investigation took place in relation to this, which are serious allegations. The conduct jeopardised the integrity of the examination system

and the consequential annulment of mathematics results for that year group had an adverse impact upon all of the pupils that had taken the test.

Having found these facts proven the panel has also found unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel has gone on to make a recommendation to me that Ms Williams should be prohibited. In considering that recommendation I have weighed the various elements of the public interest and the interests of the teacher. I have in particular taken into account the fact that a published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute may, in certain circumstances where the teacher is exceptional, be a sufficient and proportionate outcome. However in this case I have considered these matters with great care and have decided that the public interest does lie with a prohibition order. This is because of the behaviours that are relevant in this case, and which are:

- A serious departure from the personal and professional conduct elements of the Teachers' Standards;
- An abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- Dishonesty, especially where there have been serious consequences, and/or it has been repeated and/or covered up;

In relation to the second bullet point above, I agree with the panel that Ms Williams' actions constituted an abuse of her position as the headteacher of the School. By amending the mental mathematics papers and not ensuring that an appropriate investigation into the maladministration was carried out Ms Williams's behaviour was unacceptable. Like the panel I recognise that the references in this bullet point to vulnerable pupils and the violation of rights of pupils do not apply in this case.

In relation to the third bullet point, I agree with the panel Ms Williams covered up her involvement in the maladministration by not ensuring that a proper investigation took place and blaming the maladministration on Witness A. Her dishonesty had serious consequences to the School as it resulted in the replacement of the board of governors, a poorer result in the league tables and reputational damage to the School.

For all of these reasons I have decided that it is both in the public interest and proportionate to prohibit Ms Williams from teaching.

I have gone on to consider the recommendation of the panel in respect of a review period. I have noted the panel's comments on insight. I have also noted the panel's comments on the dishonest element of the behaviour. On balance I accept the recommendation of the panel that a 2 year review period should apply.

This means that Ms Della Williams 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 11 April 2019, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Ms Della Williams remains prohibited from teaching indefinitely.

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

Ms Della Williams 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 grey ink, appearing to read 'Alan Meyrick', with a checkmark at the end.

Decision maker: Alan Meyrick

Date: 31 March 2017

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