



National College for
Teaching & Leadership

Mrs Adele Simpson: 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: Mrs Adele Simpson
Teacher ref number: 9741333
Teacher date of birth: 19 November 1975
NCTL case reference: 14546
Date of determination: 17 March 2017
Former employer: Moorside Community Primary School, Halifax

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 13 to 17 March 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mrs Adele Simpson.

The panel members were Councillor Gail Goodman (in the chair), Professor Roger Woods (former teacher panellist) and Mr Maurice McBride (lay panellist).

The legal adviser to the panel was Ms Patricia D’Souza of Eversheds Sutherland (International) LLP.

The presenting officer for the National College was Ms Louisa Atkin of Browne Jacobson LLP.

Mrs Adele Simpson 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 12 January 2017 (as amended in the course of the hearing as set out below).

It was alleged that Mrs Adele Simpson was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as the headteacher at Moorside Community Primary School, Halifax:

1. She failed to comply with her responsibilities in relation to the administration of the Key Stage 2 National Curriculum Assessments in 2014, in that she failed to ensure that;
 - a. test papers were opened only immediately before the administration of the test in the rooms where they were being administered;
 - b. children's answers in their completed test scripts were not reviewed after the tests;
 - c. children's answers were their own and that they were not amended after the tests;
 - d. children's test scripts were collated, packed and sealed correctly, as soon as possible on the day of the test.
2. Her conduct in relation to one or more of the particulars 1.a. to 1.d above as may be found proven was dishonest, in that she intentionally reviewed the children's test scripts and amended one or more of their answers in an attempt to improve the level(s) one or more pupils would obtain.
3. Allowed and/or authorised the improper use of school funds and/or failed to ensure best value in the use of school funds, in that she;
 - a. allowed the purchase of first class travel to London on one occasion or more;
 - b. allowed and/or authorised an amount which it was not reasonable or proportionate to incur using school funds to be spent in respect of hotel accommodation for overnight stays in London;
 - c. allowed and/or authorised funds to be used to book overnight hotel accommodation for one or more staff training/team building event(s);
4. In respect of building work which was carried out at the school she.
 - a. failed to obtain the appropriate number of quotations where the value of the work required such quotations to be obtained;

- b. failed to obtain the authorisation of the governors when the value of the work required such authorisation to be obtained;
 - c. instructed a construction firm who had provided her with a quote in excess of £25,000 for building works to provide separate quotes of “*less than £7,000*”, in order to avoid the requirement to obtain quotes from alternative suppliers.
5. Her behaviour as set out at 4c above demonstrated a lack of integrity, in that she deliberately sought to avoid following the school’s financial procedures.
6. She made one or more appointments;
 - a. which did not comply with the school’s guidelines on recruitment and/or without following a fair recruitment process;
 - b. without ensuring that appropriate checks had been carried out and/or without ensuring that a record of the appropriate checks was kept.
7. She behaved unprofessionally in her management of staff, including by;
 - a. displaying favouritism towards one or more members of staff with whom she had a personal relationship;
 - b. expecting one or more members of staff to undertake roles without providing appropriate and/or adequate support;
 - c. asking and/or allowing one or more members of staff to report back to her in respect of the actions and/or behaviour of other members of staff other than in the context of an appropriate performance management process.

Mrs Simpson admits the factual particulars of allegations 4.a and 4.c. However, as Mrs Simpson does not admit these allegations as a whole, this matter is proceeding as a disputed case.

C. Preliminary applications

Application to proceed in Mrs Simpson’s 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 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 noted that the Notice of Proceedings referred to two different panel members to the panel members present today. The legal advisor drew the panel’s attention paragraph 4.14 of the Procedures which states that any changes to the identity of the panel members will not invalidate the Notice of Proceedings but must be notified to the teacher as soon as possible after they are known to the National College. The panel noted from a letter sent by the National College to Mrs Simpson dated 2 February 2017 that replacement panel members, namely Councillor Goodman and Mr McBride would sit on this panel in place of Mr Elliot and Mrs Thomson. This letter requests that Mrs Simpson notify the National College if there is any potential conflict with Councillor Goodman and Mr Elliot. This was a typographical error as Mr Elliot is no longer sitting on this panel. However, the panel considered that this letter contained sufficient information for Mrs Simpson to be able to determine whether there was a conflict of interest with either Mr McBride and/or Councillor Goodman who are now sitting on the panel. The panel noted from the Notice of Proceedings Form which is dated 5 February 2017 that Mrs Simpson has confirmed there is no conflict of interest.

The panel therefore considered Mrs Simpson is aware of the membership of the panel and that the Notice of Proceedings is not invalidated.

The panel also noted that the letter of 2 February 2017 contained an error relating to Professor Woods who is labelled as a lay panellist but is a former teacher panellist as he has had prior teaching experience. The legal advisor advised the panel that the panel has been correctly constituted in accordance with paragraph 4.1 of the Procedures. The panel contains at least one teacher member (Councillor Goodman who has taught in the five years prior to being appointed as a panellist) and one lay member (Mr McBride who has never worked as a 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 Mrs Simpson.

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 Mrs Simpson 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. The panel is satisfied that more than 8 weeks’ notice of today’s hearing date has been provided with the Notice of Proceedings being dated 12 January 2017. As Mrs Simpson has completed and signed the Notice of Proceedings form with the date 5 February 2017, the panel is satisfied that she is actually

aware of the proceedings. In this Notice of Proceedings form Mrs Simpson confirmed that she did not intend to attend the hearing. The presenting officer submits that it is Mrs Simpson's wish that the proceedings carry on in her absence by reason of health issues preventing her attendance. The panel had regard to a letter from a medical practitioner dated 13 February 2017 which states that Mrs Simpson feels that she is unable to attend due to health issues.

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. The panel also had further regard to an email of 10 March 2017 from Mrs Simpson's representative who has confirmed that Mrs Simpson is not seeking an adjournment of this hearing, her ill-health has been brought on by these proceedings which have caused her detriment and she would like the panel to understand the reasons why she is unable to attend the hearing. Therefore there is no indication that an adjournment might result in Mrs Simpson attending the hearing. The panel noted that Mrs Simpson has also indicated in the Notice of Proceedings form that she does not wish to be legally represented at the hearing. The panel therefore considers that Mrs Simpson has waived her right to be present and represented at the hearing in the knowledge of when and where the hearing is taking place.

The panel has had regard to the extent of the disadvantage to Mrs Simpson 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 in the form of a witness statement from Mrs Simpson and is able to ascertain the lines of defence. The panel can consider any mitigation evidence provided in the bundle and/or given by any oral witnesses and is able to take this into account at the relevant stage. The panel has noted that all witnesses relied upon by the National College are to be called to give evidence during the five days for which this hearing has been listed and the panel can test that evidence in questioning those witnesses, considering such points as are favourable to Mrs Simpson, as are reasonably available on the evidence. The panel has not identified any significant gaps in the documentary evidence provided and, should such gaps arise during the course of the hearing, the panel may take such gaps into consideration in determining 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 Mrs Simpson's account.

The panel also considers that it would be inconvenient and distressing for the witnesses who are scheduled to give evidence on behalf of the National College over the next five days to return again were this hearing to be adjourned.

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

Application for additional documents

The presenting officer applied to submit further documents which amount to signed witness statements on behalf of three witnesses who are due to give oral evidence on behalf of the National College. This application is not opposed by Mrs Simpson or her representative.

The presenting officer also applied on Mrs Simpson's behalf to submit a further seven character statements on behalf of Mrs Simpson. The presenting officer does not object to these documents being admitted, however the panel may wish to consider the appropriate weight to afford to such statements at a later stage.

The legal advisor drew the panel's attention to paragraph 4.18 of the Procedures which states that the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

The panel agreed to admit all the extra documents that were the subject of the presenting officer's two applications referred to above. These were paginated as set out below.

Application relating to amendment to the stem of allegation

In the course of the hearing, the presenting officer notified the panel that the legal advisor had queried with her whether the school is referred to by its correct name in the stem of the allegation which states, "Moorside Community Junior School". The panel confirmed that it was aware of the legal advisor's query in this regard. The presenting officer submitted that the referral email from the local authority to the National College included in the bundle refers to the school as "Moorside Community Junior School" however a number of documents in the bundle refer to the school as "Moorside Community Primary School". The presenting officer intends to raise the issue with Mrs Simpson's representative overnight and depending on the response received, this may lead to the presenting officer making an application on the third day of this hearing to amend the stem of the allegations.

On the third day of the hearing, the presenting officer submitted that the school's correct name is "Moorside Community Primary School". The teacher's representative confirmed

to the presenting officer by email this morning that “Moorside Community Junior School” is the incorrect name and Mrs Simpson has no objection to the presenting officer’s application. The presenting officer therefore made an application to amend the stem of the allegation to remove the word Junior and replace this with the word Primary in the name of the school. The presenting officer submitted that the oral evidence the panel has heard so far has not been affected by the incorrect name of the school in the stem of the allegations. The witnesses were clearly giving evidence in relation to the school of which Mrs Simpson was the head teacher.

The legal advisor drew paragraph 4.56 of the Procedures to the panel’s attention. This states that the panel has the power to, in the interests of justice, amend an allegation or the particulars of an allegation, at any stage before making its decisions about whether the facts of the case have been proved.

The panel considered that this suggested amendment to the name of the school in the stem of the allegations would not cause unfairness or prejudice to Mrs Simpson. It neither renders the allegations more serious than before nor does it materially alter the nature or scope of the allegations. The panel considered that Mrs Simpson’s case would not have been presented differently, in terms of her written representations or the character evidence she has submitted, if the amendment had been made at an earlier stage. The panel considered it was necessary to correct the typographical error in the stem of the allegations.

It was therefore in the interests of justice to remove the word “Junior” and replace this with the word “Primary”, so that the school is referred to by its correct name as Moorside Community Primary School. The panel therefore accepted the presenting officer’s application.

D. Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 1 to 4

Section 2: Notice of Proceedings and Response – pages 5 to 13

Section 3: National College’s witness statements – pages 14 to 45

Section 4: National College’s documents – pages 46 to 947

Section 5: Teacher’s documents – pages 948 to 983

In addition, the panel agreed to accept the following:

- Replacement pages 30 to 44 which are the signed witness statements for three witnesses who are due to give oral evidence on behalf of the National College;
- Letter from the National College to Mrs Simpson dated 2 February 2017 – pages 984 to 985;
- Email correspondence between the presenting officer and teacher’s representative of 10 March 2017 – pages 986 to 987;
- Character statements on behalf of Mrs Simpson – pages 988 to 1019.

The panel members confirmed that they had read all of the documents in the bundle and the further documents submitted in the course of the hearing, in advance of the substantive part of the hearing.

Witnesses

The panel heard oral evidence from the following on behalf of the National College:

- Witness A - A former deputy headteacher of Moorside Community Primary School (“the School”);
- Witness B – a former teacher at the School;
- Witness C – another former deputy headteacher of the School;
- Witness D – a former special needs co-ordinator at the School;
- Witness E – a former foundation stage manager of the School; and
- Witness F – current headteacher of the School.

There were no oral witnesses on Mrs Simpson’s behalf.

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 and documents admitted in the course of the hearing in advance of the substantive part of this hearing.

Mrs Simpson was initially seconded to the School as a deputy headteacher. She was appointed headteacher of the School in 2009. In June 2014 the Standards and Testing Agency commenced an investigation into the administration of the Key Stage 2 National Curriculum Assessments (SATS) as it was alleged that Mrs Simpson and another teacher reviewed a number of the scripts and made amendments before the papers were sent for external marking. In August 2014, the local authority received an anonymous whistleblowing complaint and a formal independent investigation was commenced in November 2014. Investigation interviews commenced in January 2015. Mrs Simpson's employment at the School was terminated by agreement in August 2015.

Findings of fact

The panel's findings of fact are as follows:

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

Whilst employed as the headteacher at Moorside Community Primary School, Halifax:

1 You failed to comply with your responsibilities in relation to the administration of the Key Stage 2 National Curriculum Assessments in 2014, in that you failed to ensure that;

The presenting officer submitted that it is a matter for the panel to determine what Mrs Simpson's responsibilities were in relation to the administration of the Key Stage 2 National Curriculum Assessments. The presenting officer drew the panel's attention to the Test administrator's guide ("the Guide") dated 2014 included in the bundle. The introduction section of the Guide states that "*Headteachers are responsible for ensuring all test administrators (anyone responsible for, or involved with, test administration) are familiar with the arrangements in this document. Headteachers and test administrators should comply with the "Test administrators' guide".*"

The presenting officer also referred to the headteachers' responsibilities section in the Guide which states that "*Headteachers have specific responsibilities in relation to the key stage 2 tests. In particular they need to ensure the following:*

Test papers are opened in front of the children immediately before the administration of the tests in the room(s) where they are being administered. Test administrators should not view the content of the tests before they are administered unless the test paper needs to be modified or a translation needs to be made. If tests are being administered in a number of different rooms, schools may consider opening the packs in one room and then taking particular children and their test papers to the other room(s).

- *Children’s completed test scripts are collected and collated by more than one person. Test scripts should not be left with an individual at any point before they are packaged and sealed ready for dispatch for marking.*
- *Children’s answers in their completed test scripts are not reviewed after the tests.*
- *Children’s answers are their own and that they are not amended after the tests.*
- *Children’s test scripts are collated, packed and sealed correctly, as soon as possible on the day of the test.”*

a. test papers were opened only immediately before the administration of the test in the rooms where they were being administered;

In her written statement, Mrs Simpson denies the entirety of allegation 1 although she admits that there were elements of the administration process that she should have paid closer attention to.

The presenting officer questioned Witness C in relation to the SATs test he was involved in whilst at the School. In his witness statement, Witness C stated that during the 2013/14 academic year, he was due to carry out the usual role of the administering and invigilating the papers, including collecting them up at the end of tests. On the first morning of the SATs week, whilst the children were at breakfast club, it was Witness C’s oral evidence that Mrs Simpson told him that he needed to open up a packet of test papers and work out the answers for the SATs test. Witness C’s witness statement indicates that he prepared answer sheets for the first and third day of the SATs test. The answer sheets for the first day’s SATs test were not handed out to staff due to the presence of a local authority moderator, and in his witness statement, Witness C states that Mrs Simpson took the answer sheets away and he presumed that she, “got rid” of them. In his oral evidence, Witness C stated that he handed out the answer sheets he prepared for the third day’s SATs test to all the staff involved in invigilating the examination under Mrs Simpson’s direction.

Witness C’s further oral evidence was that he did not challenge Mrs Simpson’s instruction and he accepts that he should have done so. The presenting officer submitted that Witness C accepts some degree of personal responsibility in what happened.

Witness D’s oral evidence was that when she was invigilating SATs tests in 2014, she sat in a room with four female pupils who were expected to obtain Level 5 in their SATs scores. Prior to the test taking place, it was Witness D’s oral evidence that Witness C gave her a copy of the answers for the test and Witness D said that she did not want one as she was not sitting the test. Witness D assumed the test papers had been opened in advance prior to the test taking place.

The panel noted from Mrs Simpson’s witness statement that an unannounced moderation of the Year 6 Readings SATs took place on 12 May 2014. Upon arrival, the moderator observed that all papers had been stored securely in a locked cupboard and

were opened only immediately before the administration of the test in the rooms where they were being administered.

The panel preferred the evidence of Witness C and Witness D. The panel determined on the balance of probabilities that it was more likely than not that Mrs Simpson failed to comply with her responsibility as a headteacher to ensure that the SATs test papers were opened immediately before the administration of the test in the rooms.

This allegation is therefore found proven.

b. children's answers in their completed test scripts were not reviewed after the tests;

Witness D further stated in oral evidence that the next day when she was invigilating the SATs tests again, Witness C provided an answer sheet to Witness D and she further refused the answer sheet. Witness C told her that he and Mrs Simpson had worked out the scores that each of the four pupils she was invigilating would need in order to obtain a Level 5 score.

Further in his witness statement, Witness C states that on the third day, the mental mathematics papers were collated in by him and two other members of staff present in the classroom. Witness C and Mrs Simpson took the papers they had collected that day to her office. Witness C's statement further indicates that Mrs Simpson used her marked copy of the mathematics test to calculate the scores each pupil obtained and she stated that, "it's what I always do... I can't wait until the scores come back".

When questioned by the presenting officer, Witness C's attention was drawn to a record of interview included in the bundle with another member of the School's staff on 5 February 2015 which states that Mrs Simpson and Witness C were, "literally marking the work to see what they got and I got a list the day after for the paper B in the maths they needed to get so many marks so that they got a level 4, they had actually gone through everyone's paper to see, well they knew as they marked it". Witness C's oral evidence was that he did assist Mrs Simpson in adding up the scores for the test papers completed by the pupils.

Taking all the relevant evidence into account, the panel determined that it was more likely than not that Mrs Simpson failed to comply with her responsibility as a headteacher to ensure that the children's answers in their completed test scripts were not reviewed after the tests.

This allegation is therefore found proven on the balance of probabilities.

c. children's answers were their own and that they were not amended after the tests;

Witness C's witness statement also states that when Mrs Simpson was reviewing the mental mathematics papers, she asked Witness C what the pupils needed to get in terms of the thresholds for Levels 4 and 5. Witness C's statement further indicates he explained the threshold levels to Mrs Simpson and then subsequently she had, "gotten a rubber out

of her drawer” and “started rubbing a couple of the answers... out” on the page of one of the pupil’s test paper. Mrs Simpson altered a couple of answers and rubbed out others on other test papers also. After this, the papers were collected up and sealed. Witness C’s oral evidence was consistent with this account.

Mrs Simpson further states in her witness statement that it was her, “absolute belief” that Witness C amended the relevant pupils test scripts at some point between him collecting and securing the papers. Witness C’s oral evidence was that he can categorically state that he did not amend or alter a single answer on a test script. He did admit that he worked out the scores on each test script and was present when Mrs Simpson amended the answers on certain test scripts, but he did not personally change any answer. Witness C believes that Mrs Simpson has convinced herself that her version of events is what happened.

On balance, the panel preferred the oral evidence of Witness C and therefore the panel considered it was more likely than not that Mrs Simpson failed to comply with her responsibility to ensure that the children’s answers on the SATs papers were their own and that the papers were not amended after the children had taken the test.

The panel therefore finds this allegation proven.

d. children’s test scripts were collated, packed and sealed correctly, as soon as possible on the day of the test;

The panel noted from a letter from the Standards Testing Agency (“STA”) dated 12 January 2015 that the STA recommends that children’s completed test scripts are collected, collated and packaged securely in the materials provided as soon as possible after the administration of each test and that these processes are undertaken by at least two members of school staff.

In her witness statement, Mrs Simpson states that when she was made aware of the allegations relating to answers being changed on pupils’ mental maths scripts, she was still at this point, “completely dumbfounded” as to how this could have occurred. She further states that she knew that she had collated each script (apart from maths paper B) with Witness C. Witness C’s oral evidence is that this is untrue.

She further states that the moderator, who visited the School on 12 May 2014, sat in various rooms in which the test was being administered as well as observing the collection, collation and secure storage of the completed test scripts.

The panel noted further from Mrs Simpson’s written statement that she suggests that Witness C became worried by the allegations relating to the SATs papers and that he approached witnesses and asked them to, “cover his back”. Witness D said she did not recollect this. Further, the presenting officer submitted to the panel that the members of staff that Mrs Simpson believes Witness C may have asked to cover, “his back” were the very individuals who provided information to the local authority about his role in the SATs incidents. Therefore, the panel could not see how it would benefit Witness C to approach these individuals in order to, “cover his back”.

The panel had regard to a report completed on behalf of the STA included in the bundle which states that, for the mental mathematics test, the deputy headteacher collected the scripts from the pupils in the Year 6 classroom. This report did not suggest that the papers were collated, packaged and sealed incorrectly.

In his oral evidence, Witness C stated that he and two other members of staff collected in the mental mathematics papers and then he and Mrs Simpson took them to her office in the School. After Mrs Simpson amended some test answers, the papers were then packaged and sealed correctly.

The panel preferred the oral evidence of Witness C. The panel therefore determined that it was more likely than not that Mrs Simpson failed to comply with her responsibility as a headteacher. She did not ensure that the children's test scripts were collated, packed and sealed as soon as possible after the test. She reviewed the papers and amended some scripts prior to packing and sealing. This allegation is therefore found proven on the balance of probabilities.

Stem of allegation 1

The panel considered that the conduct found proven in relation to allegations 1.a. to 1.d. are examples of Mrs Simpson's failure to comply with her responsibilities in relation to the administration of the Key Stage 2 National Curriculum Assessments in 2014.

2. Your conduct in relation to one or more of the particulars 1.a. to 1.d. above as may be found proven was dishonest, in that you intentionally reviewed the children's test scripts and amended one or more of their answers in an attempt to improve the level(s) one or more pupils would obtain:

The panel was advised by the legal advisor that the case of R v Ghosh set out the relevant objective and subjective tests for dishonesty. In considering the objective test, the panel must ask, were Mrs Simpson's actions dishonest by the standards of either reasonable and honest persons or reasonable and honest teachers, as a result of conflicting case law. The legal advisor suggested that the panel consider whether there is any evidence that the standard of reasonable and honest teachers differs in any way from the standards of reasonable and honest people.

The panel considered there was no evidence to suggest that there was any difference, in this case, between the objective standards of reasonable and honest people or reasonable and honest teachers.

The legal advisor went on to advise that if the panel considers that Mrs Simpson's actions were dishonest by those objective standards then, and only then, must the panel consider the subjective test. The panel has to consider whether Mrs Simpson must have known that what she did was dishonest by those standards, although a person should not escape a finding of dishonesty because she sets her own standards of dishonesty.

The panel noted from her witness statement, that Mrs Simpson seeks to blame Witness C as she states that he must have amended the SATs scripts at some point between him collecting the other mental maths scripts from each of the rooms and locking the scripts

away securely in the cupboard. The panel noted from Witness C's oral evidence that he did collect in the scripts however, he categorically denied amending any answers on the test scripts.

The panel placed greater weight on the oral evidence it had heard from Witness C as to what happened during the Key Stage 2 National Curriculum Assessments in 2014. The panel believed that Witness C's account of his being complicit with Mrs Simpson in reviewing the test scripts to add up the marks on the children's test scripts was accurate. The panel also considered that Witness C's oral evidence that Mrs Simpson rubbed out some of the answers on some of the children's test scripts, to ensure that they would obtain Level 4 or 5 in the test, was accurate.

The panel concluded that the objective test was met. Both reasonable and honest teachers or reasonable and honest persons would regard the conduct found proven against Mrs Simpson relating to allegations 1.a. to 1.d, and her intentionally reviewing the test scripts, amending one or more pupils answers in an attempt to improve the levels attained by one or more pupils, was dishonest.

The panel also considered that Mrs Simpson was subjectively aware that her conduct in this regard was dishonest. The panel noted from Witness C's witness statement that Mrs Simpson stated that if the pupils did not attain good levels in the SATs tests, Ofsted would, "come in and basically I'll send them your [Witness C's] way". The panel heard Witness C's oral evidence that Mrs Simpson told staff, during the investigation about the 2014 SATs process, to, "stick" to the same version of events. The panel found this explanation for Mrs Simpson's conduct was accurate. As a result, the panel considered that Mrs Simpson's actions were premeditated and she intended to cover up the fact that she had personally reviewed the scripts and amended one or more answers to improve the levels the pupils would obtain.

As the panel finds both the objective and subjective test met, the panel finds this allegation of dishonesty proven.

3. Allowed and/or authorised the improper use of school funds and/or failed to ensure best value in the use of school funds, in that you;

a. allowed the purchase of first class travel to London on one occasion or more;

The panel had regard to the local authority's travel and subsistence policy contained within the School's personnel guidelines dated April 2010 which the panel can only assume was adopted by the School. This states that reimbursement of rail travel will be at second-class fare rates. Governors can, in exceptional circumstances, authorise first class travel. This will only be reimbursed where prior authorisation was given.

In his oral evidence, Witness C stated that Mrs Simpson booked train tickets for himself and her to attend a curriculum course in London. Mrs Simpson showed Witness C a train ticket website and explained to Witness C that she booked first class train tickets as it

was not much more than the standard ticket. Witness C's oral evidence was that he was not aware of the local authority's guidelines in this regard.

In her witness statement, Witness F states that the School's records reflect that first class travel had been booked and paid for by the School on the following occasions:

- £201.04 – in respect of two lots of first class train tickets booked for 10 and 11 March 2014;
- £154 in relation to two lots of first class train tickets booked for 25 and 26 June 2014;
- £195.60 in respect of two lots of first class train tickets booked for 22 and 23 September 2014.

Witness F stated that the School's records did not indicate why first class train travel had been booked. When questioned by the presenting officer, Witness F stated that she would have expected first class travel, which was booked using public funds, to have been discussed with, and approved by, the governors. However, none of the governing body minutes that Witness F had seen reflected that such a discussion/approval had taken place.

The panel noted from Mrs Simpson's witness statement that she did allow the purchase of first class travel, to and from London. She states that tickets were always purchased using internet search sites and she always opted for the cheaper fare. At times, this meant that first class advance tickets were cheaper than standard class advance tickets depending on the time of travel, therefore Mrs Simpson does not believe this is an improper use of school funds and that she did not fail to ensure best value.

Taking all evidence into account, the panel found this allegation proven.

b. allowed and/or authorised an amount which it was not reasonable or proportionate to incur using school funds to be spent in respect of hotel accommodation for overnight stays in London;

Witness C further stated that Mrs Simpson booked the hotel accommodation for them when they attended an early years curriculum course in London, a Radisson Blue hotel in Leicester Square which Witness C believed Mrs Simpson had been to before. When questioned by the presenting officer, Witness C could not recall if there was any investigation into whether there were any similar courses closer to the School than London.

It was both Witness C and Witness D's oral evidence that the nursery nurse who was friends with Mrs Simpson attended this course also, when in Witness D's opinion it would have been more appropriate for a member of the senior management team to attend. In her witness statement, Witness E stated that when Mrs Simpson and the nursery nurse returned, she asked the nursery nurse for feedback on the course and she was told by the nursery nurse that the School was doing everything it should be doing. In her closing

remarks, the presenting officer submitted that there was no explanation as to why Mrs Simpson attended this particular course and why the nursery nurse also attended.

Witness E's oral evidence was that it was never intended that Witness E would attend this early years course, despite the record of interview with the School's nursery nurse suggesting otherwise. Witness E further stated in oral evidence that there is no need to attend such courses in London as there are plenty of local courses covering this subject in the local area.

In her witness statement, Mrs Simpson states that hotels were always booked centrally to allow for easy access to the course/training. A comparison website such as laterooms.com would display hotels by location and best value for money.

The panel considered that Mrs Simpson did allow and/or authorise the School's funds to be spent in respect of hotel accommodation for overnight stays in London, and it was not appropriate or proportionate for Mrs Simpson to do so when the oral evidence of Witness F and Witness E was that there were suitable local courses available.

Taking all the evidence into account, the panel finds this allegation proven.

c. allowed and/or authorised funds to be used to book overnight hotel accommodation for one or more staff training/team building event(s);

Further in his oral evidence, Witness A recalled that he attended three team building events whilst Mrs Simpson was headteacher. Twenty-five staff attended a hotel overnight and the next day, they went to a scout camp to undertake archery and other team building events. For the second occasion, the staff stayed at a local hotel, had food at the pub and the next day the staff undertook outdoor pursuit activities. For the third team building event, the staff had to go to various parts of Halifax and obtain photos of certain locations similar to an Apprentice task. Witness C stated that he attended an event which involved a treasure hunt around the city. Some staff stayed overnight in a hotel.

In their oral evidence, both Witness A and Witness C stated that they were not involved in booking these team building events.

Witness A was not aware of exactly how such team building events were funded other than funds were taken out of the School budget. A couple of staff that could have benefitted from team building did not attend, which Witness A considered was a shame. Witness C's oral evidence was that such team events did not have the positive impact anticipated, for example two teams working to defeat each other at LaserQuest was the opposite of team building, in his view.

In her oral evidence, Witness D stated that the whole school staff were not invited to team building exercises and she questioned why there was sufficient funds available to be able to stay for overnight accommodation for teaching staff when there was no offer to pay the teaching assistants for attending such events.

Witness E's oral evidence is that she felt pressured by Mrs Simpson and her friends within the School to attend team building events and she was also of the view that the these events were simply an excuse for a, "boozy night" with Mrs Simpson.

When questioned by the panel, Witness F stated that any team building events at the School are undertaken in house and delivered by external trainers and do not involve trips away overnight as resources need to be better spent in relation to up skilling teachers.

The panel noted from Mrs Simpson's witness statement that she admits that she did authorise the use of school funds with the primary objective being to motivate and encourage teamwork across all year groups in the School. Mrs Simpson further states that many schools do this and she does not believe that this was improper use of school funds.

Taking all of evidence into account, the panel finds this allegation proven on the balance of probabilities. It was clear to the panel that Mrs Simpson had allowed and/or authorised funds to be used to book overnight hotel accommodation for one or more staff training/team building events.

Stem of allegation 3

The panel had regard to the audit report prepared by the local authority dated 4 December 2009. This indicates that the School failed to ensure best value, with regard to the team building events. There appeared to be no reason why staff could not return home and return the next morning rather than incur the costs of hotel rooms. The panel noted from Witness F's, Witness A's and Witness C's oral evidence, such hotel accommodation was located very close to the School.

The panel was persuaded by the evidence of Witness F and Witness E that there were suitable local training courses nearby to the School, which would not have necessitated overnight hotel accommodation. In addition, the panel considered that there was no need for Mrs Simpson to use or authorise first class train travel as it was a requirement of the local authority's travel and subsistence policy, in the School's personnel guidelines, to always travel second class unless approved by the governors.

The panel considered that this is evidence of Mrs Simpson allowing or authorising the improper use of school funds and failing to ensure best value in the use of school funds.

The panel therefore finds the stem of allegation 3 proven.

4. In respect of building work which was carried out at the school you;

- a. failed to obtain the appropriate number of quotations where the value of the work required such quotations to be obtained;**

The panel had regard to the School's financial processes and procedures manual ("the Manual") dated July 2014 included in the bundle. This states that in the case of a contract valued below £10,000 the headteacher concerned shall be empowered to select the most efficient method of procurement which demonstrates value for money, keeping a written

record of the reason and action taken. This also states that in the case of a contract where the estimated value or amount exceeds £10,000 but does not exceed £60,000 then the headteacher concerned shall obtain 4 written quotations.

Witness C's oral evidence was that Mrs Simpson did not discuss the School's building or improvement works with him. He would have expected Mrs Simpson to do so as he was a member of the senior leadership team. A maintenance room was converted into a sensory room whilst Witness C was at the School and the first Witness C knew of it was when the contractors came onto site. Witness A's oral evidence was that he also was not aware of what building works were planned for the School whilst he was the deputy headteacher. Witness E's oral evidence was that she was also unaware of the planned building or improvement works.

When questioned by the presenting officer, Witness F stated in oral evidence that four quotes for tendering process would be required for planned building works. It would then be necessary to meet with the resources committee to consider the tenders received and to determine which was the best value bid submitted.

The panel notes from Mrs Simpson's written representations that she admits the factual particulars of allegation 4a, however she highlights that this was only because in her, "experience larger commercial companies charged over the odds for works such as this". She further states she had in the past, obtained quotations from other companies for different building works, and the company selected was always the best value for money. Mrs Simpson admits in hindsight that she should have been pragmatic and obtained further quotes for this particular project and she is very sorry for this.

Taking all the evidence into account, including Mrs Simpson's admission, the panel finds this allegation proven.

- c. instructed a construction firm who had provided you with a quote in excess of £25,000 for building works to provide separate quotes of "less than £7,000", in order to avoid the requirement to obtain quotes from alternative suppliers;**

The panel notes from Mrs Simpson's written representations that she admits the factual particulars of allegation 4.c.

In her witness statement, Witness F stated that in searching the School's records, she located an email from a building company to Mrs Simpson dated 28 May 2013 which quoted the sum of £25,660 in respect of building works to be undertaken at the School. This quote appears to cover the works to be undertaken in respect of the, "treat room", the sensory room and the pastoral area. The panel noted from Mrs Simpson's email in response dated 3 June 2013, Mrs Simpson states that the "...quote also looks reasonable however I will need to have the quotes as separate [sic] projects (less than £7,000 for each one, otherwise I will have to get four more quotes)".

The panel finds this allegation proven on the balance of probabilities.

5. Your behaviour as set out at 4c above demonstrated a lack of integrity, in that you deliberately sought to avoid following the school's financial procedures;

The panel considered that by instructing a contractor by email to provide separate quotes of, "less than £7,000", as otherwise she would have had to obtain, "four more quotes", Mrs Simpson is aware of the correct financial procedure in accordance with the Manual. The fact that Mrs Simpson wished to avoid having to obtain four separate quotes for the planned building works was a deliberate attempt by her to avoid complying with the School's financial procedures. In the panel's view this demonstrated a lack of integrity as Mrs Simpson was acting in breach of her responsibilities as a headteacher as she was avoiding having to seek approval from the resources committee for the costs of the works.

This allegation is found proven.

6. You made one or more appointments;

- a. which did not comply with the school's guidelines on recruitment and/or without following a fair recruitment process;**
- b. without ensuring that appropriate checks had been carried out and/or without ensuring that a record of the appropriate checks was kept;**

In her opening remarks, the presenting officer drew the panel's attention to the School's personnel guidelines provided by the local authority. This states that recruitment decisions are made on the basis of merit. This also sets out a requirement to advertise posts. This states that it would be unlawful for an employee to make an appointment, which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any accusation of bias, employees should not be involved in an appointment where they are related to an applicant or have a close personal relationship with him or her. This further states that references should be requested and must always be taken up as soon as a list of short-listed candidates is prepared. The application form requests two references one of which must be from the current or previous employer.

The presenting officer submitted that Mrs Simpson breached the School's personnel guidelines on the appointment of her family member to work in the School.

The presenting officer also drew the panel's attention to the audit report in the bundle which confirms that there was no evidence of any interview notes made by any member of staff relating to the recruitment of certain individuals. It was submitted that the references on the file for Mrs Simpson's family member were provided by staff members at the School, namely Witness B and the School's business manager. Both were asked to write references when they had not known Mrs Simpson's family member for very long.

This was corroborated by Witness F's witness statement. The presenting officer invited the panel to consider whether those references were appropriate.

Witness F's oral evidence was that for an advertised post she would expect references to be provided from individuals who had known the applicant for the role for some time and not those who had known them for a short period of time.

Witness B's oral evidence was that she felt uneasy writing a reference for Mrs Simpson's family member as she had only known the family member for three months. However, Witness B's statement indicates that she felt she could not refuse the request to write a reference.

Witness F also stated in her witness statement that there was nothing on file to show whether the position undertaken by Mrs Simpson's family member was advertised and there was no application form or interview notes on file.

In her oral evidence and witness statement, Witness F further stated that in relation to a fixed-term contract for a member of staff, who had previously undertaken some work as a casual teaching assistant, there was only one reference on file, when there should be two. Witness F's witness statement also states that there was nothing on file to show whether the position had been advertised and there was no application form or interview notes relating to this role. This related to the appointment of Mrs Simpson's family member to the School. In her closing remarks the presenting officer submitted that Mrs Simpson's family member was originally taken on to support a specific child. However, this was not the role to which she was subsequently appointed. Mrs Simpson's family member ended up working in Witness E's reception class. The presenting officer submitted that this is evidence that a role was created for Mrs Simpson's family member and she may not have been the best candidate for the role. It was submitted that this was evidence of an unfair recruitment process.

Mrs Simpson states in her witness statement that to the best of her knowledge, she always adhered, "fully to a fair and robust recruitment process". She further states that all records of interviews, documentation and other relevant papers associated with the appointment of any new member of staff was collated and stored, to the best of her knowledge, by her School's business manager. It was the School's business manager's overall responsibility to seek references, DBS checks, proof of qualifications and any other statutory documentation required.

Mrs Simpson's also states that regardless of any personal relationship with staff, this never affected her professional manner within the School and the way she dealt with staff.

When questioned by the panel, Witness A, Witness C and Witness E stated that those aspects of the recruitment processes in which they were personally involved, were conducted fairly.

In her oral evidence, Witness D stated that the nursery nurse who was friends with Mrs Simpson was given a pastoral role for which she was not qualified and had no training. There were other members of staff in the School that were qualified to cover this role. Often vacancies were published on the staff room notice board or included in a memo to staff, however there were occasions when some teaching assistants were hired without the senior management team, including Witness D, being aware. In her witness statement, Witness D stated that a support assistant told her that she was taken on by the School as her relative was friends with Mrs Simpson. Witness D believed that this support assistant had not filled out an application form or attended an interview as the role was not advertised.

In her witness statement, Witness F stated that there was no application on file relating to a class teacher being subsequently, “seconded” to an assistant head role.

The panel had regard to the sample recruitment audit sheets included in the bundle. These confirm that there have been many contraventions of the School’s personnel guidelines. For example, there was nothing on file explaining how the nursery nurse provided support to the pastoral group. Further, there is no record that references had been obtained from previous employers for several staff members.

The panel carefully considered all the evidence and, in particular the oral evidence received from each of the witnesses.

In the panel’s view, it was more likely than not that one or more of Mrs Simpson’s recruitment decisions/appointments failed to comply with the school’s personnel guidelines on recruitment and a fair recruitment process was not followed, or that appropriate checks had been carried out or a record of such checks kept. There were several examples of improper practice in that not all roles were advertised, application forms not completed, interviews either not conducted or records kept and references were not available.

Therefore, the panel finds allegations 6.a. and 6.b. proven.

7. You behaved unprofessionally in your management of staff, including by;
a. displaying favouritism towards one or more members of staff with whom you had a personal relationship;

The panel noted from Mrs Simpson’s witness statement that it is her view that she treated, “all staff with integrity and afforded them the autonomy to succeed whilst always holding them accountable in a fair and robust manner”. Witness A’s oral evidence was that he was not aware of Mrs Simpson showing favouritism towards staff but she did have friends amongst the staff.

In her witness statement, Witness B stated there was a clear, “in crowd” who had more freedom within the School and were not held accountable as other members of staff.

Witness C stated in oral evidence that those within, “the clique” were given, “carte blanche” to do as they liked and were not subject to random lesson observations. In his

witness statement, Witness C stated that he was excluded from decisions made by the inner circle within the School.

In her oral evidence, Witness B stated that when she asked for resources to buy vital materials for the classroom including pencils and blinds (so that the children could see the whiteboard), she was told there were insufficient funds for this. As Witness B was only given a budget of £100 for the year for resources, she would regularly buy things herself for the class. Witness B considered that those that were in the, “in crowd” had a lot more freedom and were given more resources to use for school purposes. Witness E’s oral evidence was that, when she asked for teaching resources, these were denied.

Mrs Simpson states in her witness statement, that she did not behave unprofessionally in relation to the management of her staff and did not display any favouritism. Witness B considers this is untrue. Witness C’s oral evidence was that it was clear that Mrs Simpson did show favouritism towards certain members of staff.

Witness D’s oral evidence was that Mrs Simpson would sit with those in her friendship group at mealtimes, go out with them in the evenings and the atmosphere created a culture of, “them” and “us”. Mrs Simpson would openly make inappropriate comments about those members of staff who were not part of the friendship group in front of other staff. This caused many staff members to leave.

Witness E’s oral evidence was that Mrs Simpson interacted with her family member and friends at the School more than the other members of staff that were not in the, “in crowd”.

The panel noted from Witness D’s oral evidence that Witness D did not consider that the nursery nurse was qualified to undertake the pastoral role to which she was promoted. However, it was Witness F’s oral evidence that the nursery nurse is very good at this pastoral role.

The panel found all of the oral witnesses gave credible and consistent evidence. The panel preferred their evidence to the written representations of Mrs Simpson. The panel noted that the character statements submitted on behalf of Mrs Simpson suggested that Mrs Simpson did not exercise any favouritism – however the panel considered that Witness F provided some objective oral evidence in relation to this allegation. Witness F stated that two nursery nurses had the same employment contracts, yet one who was a member of the, “clique” received a higher pay grade than the other. Witness F considered that this constituted favouritism. The panel agreed.

Taking all the evidence into account, the panel finds this allegation proven on the balance of probabilities.

b. expecting one or more members of staff to undertake roles without providing appropriate and/or adequate support;

The presenting officer drew Witness A’s attention to Mrs Simpson’s witness statement. Witness A’s oral evidence was that he believed that Mrs Simpson tried to create a happy, caring and nurturing environment for children. However, she did not have the

management or people skills to motivate or support the adults that worked with those children. Witness F's oral evidence corroborated this.

In her witness statement, Witness E stated that she considered that Mrs Simpson seemed to put her faith in people who were really inexperienced and that she lacked leadership skills and did not know how to motivate staff.

Witness A recalled staff having termly lesson observations which he undertook and fed back to staff personally. He could not recall any, "work scrutinies" as suggested by Mrs Simpson in her witness statement. Witness B's and Witness C's oral evidence was that there were lesson observations and work scrutinies.

It was the oral evidence of Witness B, Witness C and Witness E that they were shocked that Mrs Simpson could believe she had created a, "happy, caring or nurturing environment". Witness F's oral evidence is that there were two clear camps of staff within the School, neither camp were happy and it affected the environment. Seven out of eleven classes were being taught by supply teachers as so many staff left whilst Mrs Simpson was a headteacher. The panel placed greater weight on the oral evidence of Witness F as the current headteacher of the School.

Witness B could not recall any support being provided by Mrs Simpson and that it was not the case that Mrs Simpson would be, "out on the shop floor" constantly interacting with other staff or pupils as suggested by the character statement from the behaviour specialist manager included in the bundle. Witness E's oral evidence was that Mrs Simpson never walked around the School, never taught lessons, rarely took assemblies and the parents of the pupils did not know who she was. This was contrary to a character statement on behalf of Mrs Simpson provided by a former reception and Year 1 teacher at the School. This character statement indicated that Mrs Simpson would regularly make her way around the School in the mornings to greet parents and children and would often come into class to say, "hello".

Some of the oral witnesses gave evidence of some staff undertaking roles in which they had limited experience. Witness D stated that Mrs Simpson made a decision to put a member of staff who had not formally taught for eight years back into the classroom without any form of support or training. Witness C stated that a teacher at the School was told he could not do his job and he was moved into Year 1. This teacher was given no support and was asked to teach a year group which he had no experience or training to deal with. It was Witness E's oral evidence that a junior member of staff with limited experience was appointed to assistant head.

Witness C's further oral evidence was that he could not recall any member of staff, in his time at the School, being mentored or supported to achieve. This was corroborated by the oral evidence of Witness D and Witness E.

The panel noted a contrary view from a witness statement from the School's behaviour specialist manager. He considered that Mrs Simpson was extremely welcoming and very supportive during his induction. Witness E's oral evidence was that Mrs Simpson did not attend inductions or welcome events for new staff.

The panel preferred the oral evidence of the witnesses that attended the hearing. The panel considered there was overwhelming evidence that Mrs Simpson expected one or more staff to undertake their roles without her providing appropriate or adequate support.

This allegation is therefore found proven.

c. asking and/or allowing one or more members of staff to report back to you in respect of the actions and/or behaviour of other members of staff other than in the context of an appropriate performance management process.

Witness A's oral evidence was that members of staff would raise complaints to him about Mrs Simpson or issues relating to the School and those that were friends with Mrs Simpson would, in his view, report back to Mrs Simpson on those complaints. Witness A recalled that a teacher had been asked by Mrs Simpson to report to her in relation to a family member who also worked in the School. Witness A could not recall if this request was made as part of a formal performance management process.

Witness A said that Mrs Simpson would have a meeting relating to the complaints raised and would then come down really hard on those that raised issues. It was Witness A's view that Mrs Simpson did not like confronting staff and she would not do anything at an early stage and allow things to build up and move staff onto capability procedures, too hastily, in his view.

Witness A remembered being performance managed whilst at the School. This related to setting of targets. He did not recall having more than one review a year.

In her oral evidence, Witness B told the panel that a member of staff that she was close to, broke down in tears on a night out, and explained that Mrs Simpson had asked this member of staff to report to her as to what went on in Witness B's classroom. Witness B considered that Mrs Simpson was looking at a way of trying to, "get at her" and was very upset by this. Witness B believed that Mrs Simpson felt threatened by her.

When questioned by the panel, Witness B stated that she recalled that the performance management in her time at the School was undertaken by the deputy headteacher and was subsequently undertaken by a young member of staff who became an assistant headteacher.

When questioned by the panel, Witness B's oral evidence was that the two teaching assistants Mrs Simpson was friendly with and her family member who worked in the School were, "the eyes and ears", of the School.

In his witness statement, Witness C said that staff members who did not fit in with Mrs Simpson's clique/group were, "treated terribly" and that Mrs Simpson had members of staff reporting back to her about others.

Witness D's oral evidence was that whilst on a school residential trip in July 2010, one of the teaching assistants told her that Mrs Simpson had asked the teaching assistant, "to

spy” on Witness D and three other members of staff. Mrs Simpson wanted this teaching assistant to report back to her in order to, “make out that they were not doing their jobs”.

The panel found again, that there was overwhelming evidence that Mrs Simpson asked or allowed one or more members of staff to report back to her in respect of the actions and/or behaviour of other members of staff. The panel could find no evidence that such requests were made by Mrs Simpson in the context of an appropriate documented performance management process.

The panel therefore finds allegation 7.c. proven.

Stem of allegation 7

The panel considered that the conduct found proven in relation to allegations 7.a., 7.b. and 7.c. were examples of Mrs Simpson behaving unprofessionally in her management of staff. The entirety of allegation 7 is therefore found proven.

The panel has found the following particulars of the allegations against you not proven, for these reasons:

- 4. In respect of building work which was carried out at the school you;**
 - b. failed to obtain the authorisation of the governors when the value of the work required such authorisation to be obtained;**

The panel noted that the School’s Manual states, under the resources committee’s terms of reference, that the resources committee (which is a sub-committee of governors) are required to scrutinise tenders/estimates (in excess of £7,500) or refer such matters to the governing body for agreement. The Manual further states that the headteacher has delegated responsibility for approving orders for goods, works and services under £7,500. Orders over £7,500 must be approved by the governors.

The panel noted from Mrs Simpson’s witness statement that she denies this allegation as she states that the project had been, “clearly articulated” in full governing body minutes with the approval of the governors.

In her oral evidence, Witness F stated that the tendering process should be reflected in governing body minutes and it would usually be clear in such minutes who would be responsible for seeking the tenders and who would be responsible for approving them. Witness F further stated that she had not seen any reference to the building works included in the governing body minutes.

In her closing remarks, the presenting officer drew the panel’s attention to the full governing body meeting minutes dated 23 September 2013. These minutes stated that the head informed governors that whilst works were in progress, it was suggested that some extra works could be undertaken at a little extra cost and the chair could use her chair’s prerogative to authorise additional cost of £7,000 to £8,000.

The panel was not persuaded by the presenting officer, on the balance of probabilities, that there has been a failure by Mrs Simpson to obtain the authorisation of the governors

relating to the building works being carried out at the School. It appears to the panel that the governing body minutes referred to above reflect the governors approving the cost of the works, as they state that, “the governors agreed that this was a wise and cost-effective decision”. Therefore allegation 4.b. is found not proven.

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

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.

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 presenting officer submitted in her opening remarks that the allegations relate to Mrs Simpson’s abuse of her power as headteacher.

The panel is satisfied that the conduct of Mrs Simpson in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mrs Simpson 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, by
 - showing tolerance of and respect for the rights of others;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school....,
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel is satisfied that the conduct of Mrs Simpson fell significantly short of the standards expected of the profession. She was involved in the maladministration of SATs tests, she breached the School’s Manual in failing to obtain four quotes for building works, she authorised improper use of school funds for first class rail travel and unnecessary overnight hotel stays for staff and failed to follow fair recruitment processes.

The panel has also considered whether Mrs Simpson’s conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel has found that the offence of serious dishonesty, in relation to Mrs Simpson’s amending answers on children’s SATs test scripts in an attempt to improve their levels, 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 Mrs Simpson 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 Mrs Simpson's status as a member of the teaching profession, potentially damaging the public perception of the profession.

In the panel's view, Mrs Simpson's actions did constitute conduct that may bring the profession into disrepute. For example, she authorised school funds to be used for unnecessary first class train travel and hotel accommodation, when some staff had limited teaching resources. In addition, she sought to avoid compliance with the School's Manual and other financial processes, and failed to support staff in their roles. Mrs Simpson's conduct in relation to the SATs process led to some pupils' marks being annulled. The panel viewed this as very damaging to the public perception of the teaching profession.

Having found the facts of allegations 1 to 3, 4.a., 4.c., and 5 to 7 be proved, the panel further finds that Mrs Simpson's 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 a 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 protection of pupils and the protection of other members of the public, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

The panel considers that protection of children and members of the public was relevant as Mrs Simpson's actions in relation to the SATs tests led to pupils, whose test scripts had been amended, to have their SATs scores annulled. This failed to protect the pupils and parents of those pupils.

In addition, public confidence in the profession could be seriously weakened if conduct such as that found against Mrs Simpson were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel also considered that a strong public interest consideration in declaring proper standards of conduct in the profession was present. The panel found that Mrs Simpson's conduct was outside that which could reasonably be tolerated.

In view of the 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 Mrs Simpson.

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 Mrs Simpson. 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;
- misconduct seriously affecting the education and/or well-being of pupils and particularly where there is a continuing risk;
- a deep-seated attitude that leads to harmful behaviour;
- abuse of position or trust... 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;
- ... other deliberate behaviour that undermines pupils, the profession, the school or colleagues;

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 light of the panel's findings, there was no evidence that Mrs Simpson's actions relating to the SATs, building works, train travel and hotels, recruitment of staff and behaving unprofessionally in her management of staff were not deliberate. There was no evidence to suggest that Mrs Simpson was acting under duress, and in fact the panel found Mrs

Simpson's actions to be calculated and motivated. The panel considered there was no evidence that Mrs Simpson did not have a previous good history, prior to her becoming the headteacher at the School. There was also no evidence that indicates that Mrs Simpson was previously subject to disciplinary proceedings or warnings. However, the range of conduct found proven against Mrs Simpson causes the panel concern.

The panel noted from a record of Witness A's interview with the HR consultant, as part of the local authority's investigation, dated 5 March 2015 that Witness A believes that Mrs Simpson was a, "great classroom practitioner, great with kids, she was child centred, she really wanted the best for the children yet she just did not have the skills to run a school" such as the School and one that was in "dire straits". Witness A did not believe that Mrs Simpson had enough experience to be able to run the School without support.

The panel noted from a character statement from a former teacher at the School that this former teacher found Mrs Simpson to be a very supportive headteacher and she would regularly make her way around the School in the mornings to greet parents and children. This evidence was not corroborated by any of the oral evidence heard by the panel. Witness B's oral evidence was that Mrs Simpson would be hidden away in her office in the School. The former teacher further states in their character statement that Mrs Simpson would often seek the staff's input on new policies and procedures but Witness B's further oral evidence was that Mrs Simpson would ask for input, but would not listen to the feedback provided and so many staff stopped engaging in this way. Witness B indicated that this former teacher was part of Mrs Simpson's clique/inner circle.

A character statement from the School's behaviour specialist manager states that Mrs Simpson was more than a headteacher, she was a figurehead in the community and an extremely professional, honest, hardworking, caring person who always set a good example for others. This was at odds with the oral evidence from Witness E who stated that because Mrs Simpson behaved unprofessionally and did not support staff, this led to many members of staff leaving the teaching profession altogether. Witness E herself considered doing so due to the lack of support.

The character statement from a nursery nurse at the School indicated that Mrs Simpson was an experienced, respected and enthusiastic teacher who was seen to be an asset. This statement also suggests that during her time as headteacher the School went from Ofsted grade "notice to improve" to "good". It was Witness D's oral evidence that Mrs Simpson was appointed as headteacher after the School had achieved a, "good" Ofsted rating. The School did go on to achieve a further, "good" Ofsted grade but this was not, in Witness D's view, down to Mrs Simpson, she "was not one for leading or inspiring people". The good rating was achieved as a result of the diligence of the staff and not Mrs Simpson's leadership.

The panel had further regard to the short, "thank you" letters included in the bundle on behalf of Mrs Simpson. These indicated that Mrs Simpson was liked by some of the former members of staff and that she did provide support to these members, but they did

not add much in terms of weight. The panel also noted from a character statement from a former teaching assistant at the School that she regarded Mrs Simpson as a professional, dedicated and hardworking person who cared passionately for her pupils, their families and the people she worked with. This member of staff received support from Mrs Simpson whilst a family member was ill and regarded Mrs Simpson as a, “great team player”. The panel noted that the views expressed by each of the character statements submitted by Mrs Simpson contrasted sharply with the oral evidence given at the hearing.

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 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 in this case, despite the severity of consequences for Mrs Simpson 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 the teacher. Mrs Simpson’s maladministration relating to the 2014 SATs tests 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 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 behaviours includes serious dishonesty. The panel has found Mrs Simpson has been responsible for deliberately amending answers on pupils’ SATs test scripts to try to ensure that the pupils achieved a higher level than they should have done. This is evidence, in the panel’s view, of serious dishonesty that led to the relevant pupils not attaining a SATs grade.

The panel took into account that Mrs Simpson admitted to the factual particulars of allegations 4.a. and 4.c., and that she was sorry that she had not obtained further quotes for the building works commissioned. The presenting officer submitted that such admissions were made by Mrs Simpson in the context of very strong evidence that she had failed to obtain four quotes for the building works commissioned and the copy of her email asking for separate quotes under £7,000 was included in the bundle.

The panel did not consider that Mrs Simpson had demonstrated she had any insight over the inappropriateness of her actions as a whole reflected in the range of different misconduct found proven against her.

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 provision for a review period.

Decision and reasons on behalf of the Secretary of State

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

In considering this case I have paid careful attention to the advice published by the Secretary of State concerning the prohibition of teachers.

In this case I have noted that one element of one allegation was found not proven by the panel. I have therefore put that from my mind when considering my decision.

In this case the panel has found the facts proven in the majority of the allegations made. The panel has gone on to find that those facts amount to both unacceptable professional conduct and conduct that may bring the profession into disrepute. In particular the panel has found that, by reference to Part Two, Mrs Simpson 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, by
 - showing tolerance of and respect for the rights of others;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school....,
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel has set out that it is satisfied that the conduct of Mrs Simpson fell significantly short of the standards expected of the profession. She was involved in the maladministration of SATs tests, she breached the School's Manual in failing to obtain four quotes for building works, she authorised improper use of school funds for first class rail travel and unnecessary overnight hotel stays for staff and failed to follow fair recruitment processes.

In addition the panel has found that the offence of serious dishonesty, in relation to Mrs Simpson's amending answers on children's SATs test scripts in an attempt to improve their levels, is relevant. The published 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.

Having found that the proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute, the panel has gone on to make its recommendation on sanction to me. The panel has found that the following behaviours have been proven:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils and particularly where there is a continuing risk;
- a deep-seated attitude that leads to harmful behaviour;
- abuse of position or trust... 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;
- ... other deliberate behaviour that undermines pupils, the profession, the school or colleagues;

The panel has recommended a prohibition order in this case.

I have weighed the various elements of the public interest against the interest of the teacher. I have recognised that in some cases a finding and public declaration of unacceptable professional conduct and conduct that may bring the profession into disrepute may be sufficient and proportionate as an outcome to a case. This may particularly be the case where the teacher is very highly regarded and has made an outstanding contribution. I have also weighed the fact that a prohibition order should not be given to be punitive, even though its effect may be punitive. I have also taken into account the interest of the individual teacher, and the need to be proportionate.

In this case I agree with the panel that applying the standard of the ordinary intelligent citizen, a decision not to impose a prohibition order is not a proportionate and appropriate response. The publication of adverse findings is not a sufficient response in this case as it would unacceptably compromise the public interest considerations present in this case, despite the severity of consequences for Mrs Simpson of prohibition.

I agree with the panel that prohibition is both proportionate and appropriate. Mrs Simpson's maladministration relating to the 2014 SATs tests is a significant factor in forming that opinion. Accordingly, I support the recommendation that a prohibition order should be imposed with immediate effect.

I have gone onto consider the matter of a review period. I have noted the panel's comments on mitigation, insight and remorse. I have also taken into account the published advice which indicates that there are behaviours that, if proven, would militate against a review period being imposed. One of these behaviours includes serious dishonesty. The panel has found Mrs Simpson has been responsible for deliberately amending answers on pupils' SATs test scripts to try to ensure that the pupils achieved a higher level than they should have done. This is evidence, in the panel's view, of serious dishonesty that led to the relevant pupils not attaining a SATs grade.

I have noted the admissions made by Mrs Simpson.

Having weighed all of these factors, I have concluded with the panel that a review period is not proportionate in this case. This reflect the panel's comments that they "did not consider that Mrs Simpson had demonstrated she had any insight over the inappropriateness of her actions as a whole reflected in the range of different misconduct found proven against her."

This means that Mrs Adele Simpson 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 Mrs Adele Simpson 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.

Mrs Adele Simpson 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.



Decision maker: Alan Meyrick

Date: 22 March 2017

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