



National College for
Teaching & Leadership

Ms Mandy Carter: Professional conduct panel outcome

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

May 2017

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

Teacher: Ms Mandy Carter
Teacher ref number: 9605428
Teacher date of birth: 14 June 1971
NCTL case reference: 15253
Date of determination: 10 May 2017
Former employer: Outwood Academy, Portland

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 8 to 10 May 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Ms Mandy Carter.

The panel members were Prof. Ian Hughes (lay panellist – in the chair), Martin Pilkington (lay panellist) and Ms Kathy Thomson (teacher panellist).

The legal adviser to the panel was Mr Guy Micklewright of Blake Morgan LLP solicitors.

The presenting officer for the National College was Mr Ben Bentley of Browne Jacobson LLP solicitors.

Ms Mandy Carter 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 11 January 2017:

The panel will hear an allegation that Ms Mandy Carter is guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed at Outwood Academy Portland, she:

1. Failed to comply with WJEC GCSE Geography B Teachers' Guide in relation to the controlled assessment for WJEC GCSE Geography, in that she, on one or more occasions:
 - a. Allowed one or more student(s) to take their assessments home;
 - b. Gave one or more student(s) help and support beyond what was permitted by the exam board's guidelines;
 - c. Failed to sufficiently record how much time student(s) had spent on their assessment;
 - d. Allowed one or more student(s) to copy each other's work;
 - e. Added sentences into one or more student(s) work;
 - f. Suggested that another teacher should add answers to one or more student(s) work;
 - g. Failed to follow moderation guidelines.
2. Her conduct at 1.d-f was dishonest.

Ms Carter admits allegation 1.a. The rest of the allegations are denied.

Unacceptable professional conduct and conduct that may bring the profession into disrepute are also denied.

C. Preliminary applications

At the outset of the hearing, the presenting officer placed before the panel for its consideration material submitted by the teacher. That material consisted of testimonial evidence, copies of text messages, and Ms Carter's representations to the determination panel that she wished to rely upon before this panel. The panel considered the material contained therein was relevant to the issues in the case and that it was fair to admit it. The panel noted that the presenting officer did not oppose its admission and took no issue with the late service of the material. The panel therefore admitted the evidence.

The presenting officer applied for the hearing to proceed in Ms Carter's absence. The panel was satisfied that the Notice of Proceedings met the requirements of paragraph 4.12 of the Teacher Misconduct - Disciplinary Procedures for the Teaching Profession ("the Procedures") and was served in accordance with the requirements of paragraph 4.11. The panel carefully considered the submissions of the presenting officer and the email of 5 May 2017 from Ms Carter's representative confirming that she does not intend to attend the hearing. The panel accepted the advice of the legal advisor.

The panel approached its consideration of this application with great care and caution. It noted that no request had been made by either Ms Carter or her representative for an adjournment, nor was any indication given that, if an adjournment were granted, she would attend in future. The panel concluded that it could properly infer from the evidence before it that the teacher had voluntarily waived her right to appear at the hearing. The panel considered that there was a public interest in the allegations being heard in a reasonable time. It noted that there was a witness present in the building and at least two more witnesses had been warned to attend later in the week to give evidence. Accordingly, the panel was satisfied that it was appropriate to proceed in the absence of the teacher.

In her response to the Notice of Proceedings, Ms Carter requested that the hearing take place in private as there would be information about her medical history that she would rather not be made public knowledge. She does not identify whether she applies for all or part of the hearing to be in private. The presenting officer did not oppose the application to the extent that, if it becomes necessary to refer to the teacher's medical history, it would be appropriate for that part of the hearing to take place in private.

The panel considered that it was a fundamental principle of law that regulatory proceedings should take place in public, unless there is good reason to depart from that principle. Any interference with the expectation of a public hearing requires proper justification and should be kept to the minimum extent possible. The panel considered that a well-established circumstance where departure from the norm was appropriate is where evidence of a teacher's health is being heard. The panel therefore decided that, in the event that details of the teacher's medical history are raised during the hearing, either in evidence or in submissions, it is in the interests of justice for that part of the hearing to take place in private. However, all other parts of the hearing will take place in public.

On the morning of the second day of the proceedings, following enquiries by the panel, the presenting officer made an application to introduce a fuller copy of the 'administration of controlled assessment' section of the WJEC Geography B GCSE specification already included in the bundle. The copy contained in the bundle only contained copies of every other page of the original document. The panel determined that it was appropriate to admit the more complete copy.

On the second day of the hearing, the presenting officer made an application to withdraw allegation 1.g. The panel considered that no unfairness would be caused to the teacher

by making that amendment to the allegation as to do so would reduce the scope of the allegations made against her. Given that the NCTL considered there was no longer a real prospect of proving the allegation, it was in the interests of justice to accede to the application.

D. Summary of evidence

Documents

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

Section 1: Chronology and key people list – pages 1 to 4

Section 2: Notice of Proceedings and Response – pages 5 to 18

Section 3: NCTL witness statements – pages 19 to 47

Section 4: NCTL documents – pages 48 to 230

In addition, the panel agreed to accept the following:

Further documents from the teacher; and

A further copy of the WJEC Geography B GCSE specification.

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

Witnesses

The panel heard oral evidence from:

Witness A, Geography Teacher

Witness B, Director of Humanities

Witness C, Vice-Principal

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 Carter was employed at Outwood Academy Portland (“the School”) as Head of Geography and Associate Director of Humanities. She started her role as Head of Geography on 1 January 2014. The allegations arise from concerns raised by Witness A (a geography teacher at the School), to senior staff about the conduct of Ms Carter in relation to controlled assessments for GCSE geography students. Witness A was employed at the School between January 2014 and December 2015. Ms Carter had produced a guidance sheet to assist students in undertaking their controlled assessments. It is said that this document provided guidance which was over and above that permitted by the WJEC examination board. In an email dated 13 October 2015, Ms Carter asked Witness A to hide the guidance sheet from directors who were due to visit the School to conduct an inspection the following day.

The School began an investigation. That investigation was carried out by Witness C, the vice-principal of the School. He interviewed a number of members of staff, including Witness A, as well as a number of students. Following the investigation, the school decided to dismiss Ms Carter and made a referral to the NCTL.

Controlled assessments replaced coursework for GCSE students in 2009. The examination board publishes a specification and a teachers' guide which sets out the requirements for the conduct and administration of the assessments, as well as the limits on what assistance teachers may give to students. The NCTL's case is that, in a number of respects, Ms Carter breached those requirements. It is said that in respect of three of those breaches she acted dishonestly.

Findings of fact

Our findings of fact are as follows:

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

- 1. Failed to comply with WJEC GCSE Geography B Teachers' Guide in relation to the controlled assessment for WJEC GCSE Geography, in that you, on one or more occasions:**

Given that the allegations are all pleaded as breaches of a duty to comply with the WJEC GCSE Geography B Teachers' Guide, the panel first considered whether there was a duty to comply with its contents. The panel heard evidence that there were two separate documents: the specification, and the guide. The panel did not consider that it could properly construe the allegation to encompass the requirements of the specification.

The panel considered that there was a symbiotic relationship between the guide and the specification. Whilst the purpose of the guide is undoubtedly, in part, to expand upon the specification, it is not a document which may simply be ignored. Part of the function of exam boards is to promote consistency, both between examination centres and nationally between examination boards. The contents of the guide, therefore, go to the

heart of the standardisation process and ensuring comparability of qualifications on a national scale. For it to be permissible for teachers and examination centres to ignore the guide would undermine the credibility of the system.

In the panel's view, the wording of the guide is clearly not that of a document designed to serve merely as guidance to a superior document. The wording is directive and couched in mandatory terms. Accordingly, there was a duty on Ms Carter to comply with the requirements of the guide, even if the guide was reflecting the contents of the specification.

a. Allowed one or more student(s) to take their assessments home;

The panel considered that the guide did not permit students to take home any part of the write-up phase of the assessment. The guide is clear that this phase of the assessment must be undertaken under 'high control' conditions. 'High control' conditions are not dissimilar to examination conditions. Certainly, they could not be achieved in the home environment. The guide says, "WJEC defines controlled assessment as coursework in a supervised environment within the school or college." This wording is explicit and unambiguous.

Ms Carter admits that she permitted students to take work home. During Witness C's interviews of students, at least seven out of the nineteen interviewed said that either they or other students they knew were permitted to take work home.

The panel accordingly finds the allegation proved.

b. Gave one or more student(s) help and support beyond what was permitted by the exam board's guidelines;

The guide sets out the extent to which teachers may assist students. It makes clear that a core aim of using controlled assessments is that students' work is entirely their own. Reference is made to certain things that teachers may not do, which include: offering advice about errors or omissions; advice about specific improvements to meet the assessment criteria; and commenting on paragraphing or section headings. The panel heard evidence from Witness B, the school's Director of Humanities, that it was a requirement that, if any general advice or guidance is given to all candidates, a log must be kept of it. The purpose of doing so is to enable the marks awarded to candidates to take into account the fact that such advice had been provided.

The guidance document which Witness A was asked to hide from inspectors provided advice to all students as to how to structure their written work and what to include in the introduction. It appears to make specific reference to the subject matter of the fieldwork undertaken for the purpose of the assessment. Witness B stated in her interview with Witness C that the contents of the document would probably comply with examination board requirements. In her oral evidence she clarified her position that it might be suitable for weaker or SEN students, although it would be necessary to ensure that the

examination board was provided with the document and given a full explanation of its use. Both she and Witness A were of the view that it was inappropriate to provide it to all students. The panel infers from Ms Carter's email to Witness A requesting that she "hide the crib sheet" that she knew that the contents of the guidance sheet were impermissible.

The panel does not accept the assertion of Ms Carter in her disciplinary interview that the document was sent to the examination board but that no response was received. The panel has seen no evidence to support this assertion. One would expect that Ms Carter would, at some point in the proceedings, have directed either the NCTL or the School to where some supporting evidence might be found, for example a letter or email stored on the School computer systems, or a date when the document was sent to the board. Ms Carter has neither given evidence nor referred to the issue in her representations to the panel, and the panel has not had the opportunity to question her about it.

The panel further considers that letting students take work home amounts to support over and above what is permitted. In such circumstances, students would be able to work on these assessments, should they wish, for more than the permitted time.

The panel considers that it could not properly make any findings in respect of the resource booklet referred to in the evidence of Witness B. She was unaware of its contents and the panel has not had the opportunity to consider it.

The panel finds this allegation proved.

c. Failed to sufficiently record how much time student(s) had spent on their assessment;

The panel considers that the guide is clear and explicit that there are time limits in respect of each aspect of the controlled assessment, which includes a limit on the amount of time that may be spent by pupils on the write-up phase. It is similarly clear that a log of the amount of time spent by each pupil had to be kept. The panel is satisfied that no proper or sufficient record was kept. It would be impossible for Ms Carter to record reliably time spent by students on their assessment at home. The panel accepted the evidence of Witness B that the time spent by students working on their assessments in the enrichment sessions was not captured properly.

The panel finds this particular proved.

The panel has found the following particulars of the allegation(s) against Ms Carter not proven, for these reasons:

1. Failed to comply with WJEC GCSE Geography B Teachers' Guide in relation to the controlled assessment for WJEC GCSE Geography, in that you, on one or more occasions:

d. Allowed one or more student(s) to copy each other's work;

The panel considers that Witness A is an honest witness who was doing her best to assist the panel. However, it was also conscious that, where there is an allegation of dishonesty, it is incumbent on the NCTL to adduce cogent evidence in support of the allegation.

The panel is not persuaded, on the balance of probabilities, that the evidence of Witness A is sufficiently cogent to prove this allegation. The detail in the oral account given by Witness A in her evidence was not matched in the account she is recorded as giving during the School interview, nor in the personal notes she was keeping about her concerns with the conduct of Ms Carter.

The panel therefore does not find the allegation proved.

e. Added sentences into one or more student(s) work;

There was no reference in either the interview notes or the personal notes of Witness A to her witnessing Ms Carter adding sentences to students' work, beyond "typing a student's coursework while the student was not in the room." In her oral evidence Witness A said that she could not be one hundred per cent sure what she actually saw. There is no corroborative evidence available to the panel.

Accordingly, the panel does not consider that the NCTL had presented sufficiently cogent evidence to satisfy it, on the balance of probabilities, that the allegation is proven.

f. Suggested that another teacher should add answers to one or more student(s) work;

The panel accepted Witness A's evidence that Ms Carter suggested that she added sentences to the work of students who had not met their targets. Her account was consistent in this respect and the panel considered her evidence to be credible.

The allegation, however, alleges that Ms Carter added 'answers' to students' work. During the course of its deliberations the panel invited submissions from the presenting officer as to whether the adding of sentences to students' controlled assessments could properly be said to amount to adding answers. The presenting officer submitted that it could. The panel considered the issue with care but, ultimately, felt that the adding of sentences could not properly be construed as adding answers. Sentences by their nature begin with a capital letter and end with a full stop. They are constituent parts of an answer but, unless the answer is only one sentence long, are not the same. An 'answer' is a complete entity, which may consist of words, phrases and one or possibly more sentences. In the panel's view, for the NCTL to demonstrate that the evidence of Witness A constituted adding answers to students' work, it would have to demonstrate that the sentences she was invited to add by Ms Carter would constitute the entirety of that student's answer. That was not the substance of the evidence.

The purpose of the allegation is to specify what the NCTL's case is. It would be anticipated by the teacher, given that the word 'sentences' is used in particular 1.e. of the allegation, that particular 1.f. was intended to convey something different.

The presenting officer reminded the panel of its power to amend the charge of its own motion, even at this late stage. He confirmed that he was not making an application on behalf of the NCTL to amend the allegation. The panel considered that it would be inappropriate to amend the allegation of its own motion at this stage in the way suggested. To do so would not simply correct a typographical error or make a distinction between which parts of an allegation the panel may have found proven; it would be to amend the allegation to fit the evidence presented. It would deny the teacher, had she attended, the opportunity to meet a different case. To do so would not be in the interests of justice.

The panel therefore finds the allegation not proved.

2. Your conduct at 1.d-f was dishonest.

Given that the panel has found none of allegations 1.d-f proved, the issue of dishonesty falls away.

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

The panel is satisfied that the misconduct of Ms Carter was serious and fell significantly short of the standards expected of the profession.

The panel has also considered whether Ms Carter's 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.

Ms Carter was required to adhere to the rules and regulations of the WJEC examination board in the conduct of the controlled assessments. She failed to adhere to the requirement of those rules and regulations. This strikes at the heart of the examination system and the public's expectation that the assessment of students is fair, consistent, and capable of being relied upon as an accurate reflection of the level of a student's attainment. In providing an impermissible level of assistance to students, and permitting them to work on their assessments in an uncontrolled environment for an unrestricted amount of time, she sought to provide her students with an unfair advantage over those students whose work complied with the exam board's requirements.

Once this inappropriate conduct came to the attention of more senior staff within the School, students were, in the panel's view, put at significant risk of being disadvantaged by having to repeat their controlled assessments. This would have, in all probability, interfered with other demands on their time, potentially to their detriment. Had Ms Carter conducted the assessments properly then that situation would not have arisen. Her conduct was not in her students' best interests.

Accordingly, the panel is satisfied that Ms Carter is guilty of unacceptable professional conduct.

The panel has taken into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

The panel considers that the conduct of Ms Carter may undermine public confidence in the profession, as the public are entitled to expect that teachers properly manage the conduct of controlled assessments.

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

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it 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 protection of pupils, 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 Carter, which involved findings that go to the heart of the integrity of the examination process, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Carter was not treated with the appropriate level of seriousness when regulating the conduct of the profession.

The panel considers that there is a strong public interest consideration in declaring proper standards of conduct in the profession present as the conduct found against Ms Carter was outside that which could reasonably be tolerated.

Notwithstanding 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 the teacher. It appears from the testimonials placed before the panel that Ms Carter is currently earning her living from teaching and a prohibition order would preclude her from doing so.

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 Carter. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards; and
- ...deliberate behaviour that undermines pupils, the profession, the school or colleagues.

The panel considers that this case demonstrates the following aggravating features:

- Ms Carter initially denied the allegations when they were first put to her by the School;
- Her behaviour was not an isolated incident; rather, it was a deliberate and calculated course of conduct over a significant period of time;
- Ms Carter was the lead person in a multi-academy trust for the Geography controlled assessment and, as Head of Geography, she was in a senior position and a position of responsibility;
- Ms Carter's behaviour placed students at a risk of a detrimental effect on their GCSE attainment;

- When she was challenged by both Witness A and by Witness B, Ms Carter responding inappropriately and failed to accept that her conduct of the controlled assessments was inappropriate; and
- The panel considered that Ms Carter had little insight into the conduct which formed the substance of particulars 1.b. and 1.c.

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 considered the following mitigating factors were present:

- There is evidence that a medical condition may have contributed to Ms Carter's behaviour, but that is not supported by a report from a medical practitioner;
- Ms Carter has a previously good disciplinary history;
- Ms Carter has provided the panel with some positive testimonials. The panel considered that one testimonial, from her current employer, appears to have been made in the knowledge of the reasons for her dismissal from the School and these proceedings;
- Ms Carter clearly felt under pressure to obtain good results for her students, although the panel considers that such pressure was no more than would be experienced by any other teacher; and
- During the School investigation, Ms Carter eventually admitted permitting students to take work home and expressed remorse for doing so. In addition, she has admitted that allegation in these proceedings.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations in prohibiting Ms Carter from teaching outweigh the interests of Ms Carter. Her conduct strikes at the very heart of public confidence in the role of teachers and the integrity of national examinations. The panel is satisfied that her conduct was deliberate and with the aim of inappropriately inflating her students' grades. Her conduct took place over a prolonged period and, when challenged about it, her reaction was to try robustly, to deflect that criticism rather than accept that she had acted inappropriately and take remedial action.

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 it to decide to recommend that a review period of the order should be considered. The panel was

mindful that the Advice states 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 two years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. The panel did not consider that any of these behaviours were present in this case.

The panel felt 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 of five years.

The panel considered that this was a serious case. However, although the conduct of Ms Carter fell far below the standards the public and the profession expect of the teacher, it is of significance that Ms Carter's conduct did not involve any finding of dishonesty or any of the behaviours identified in the advice. Accordingly, the panel consider it proportionate to recommend to the Secretary of State that Ms Carter should be permitted to apply for the prohibition order to be reviewed after a period of five years.

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 sanction and review period.

In considering this case, I have given very careful attention to the advice that is published by the Secretary of State concerning the prohibition of teachers.

In this case, the panel has found some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. Where the panel has not found the allegations proven, I have put those allegations from my mind when considering this case. The panel has made a recommendation to the Secretary of State that Ms Carter should be the subject of a prohibition order, with a review period of five years.

In particular, the panel has found that Ms Carter 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... .

The panel is satisfied that the misconduct of Ms Carter was serious and fell significantly short of the standards expected of the profession.

The panel has also considered whether Ms Carter's 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.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself whether or not a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Ms Carter, and the impact that will have on her, is proportionate.

In this case I have considered the extent to which a prohibition order would protect children. The panel has observed "students were, in the panel's view, put at significant risk of being disadvantaged by having to repeat their controlled assessments. This would have, in all probability, interfered with other demands on their time, potentially to their detriment." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse which the panel sets out as follows, "The panel considered that Ms Carter had little insight into the conduct which formed the substance of particulars 1.b. and 1.c."

The panel has also commented that Ms Carter showed some remorse.

In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour and this risks future pupils' examination performance. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "Her conduct strikes at the very heart of public confidence in the role of teachers and the integrity of national examinations."

I have had to consider that the public has a high expectation of professional standards of all teachers and that failure to impose a prohibition order might be regarded by the public as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an "ordinary intelligent and well-informed citizen."

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as

being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Ms Carter herself. I note that the panel has seen one testimonial from a current employer in which they say “appears to have been made in the knowledge of the reasons for her dismissal from the School and these proceedings;”

A prohibition order would clearly deprive the public of her contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel’s comments “The panel is satisfied that her conduct was deliberate and with the aim of inappropriately inflating her students’ grades. Her conduct took place over a prolonged period and, when challenged about it, her reaction was to try robustly, to deflect that criticism rather than accept that she had acted inappropriately and take remedial action.”

I have noted that the panel has said that this case does not involve dishonesty.

I have also placed considerable weight on the finding of the panel that Ms Carter’s behaviour “was not an isolated incident; rather, it was a deliberate and calculated course of conduct over a significant period of time.”

I have given less weight in my consideration of sanction, to the contribution that Ms Carter has made and is making to the profession.

In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision that is not backed up by sufficient insight does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the aims which a prohibition order is intended to achieve.

I have gone on to consider the matter of a review period. In this case, the panel has recommended a five year review period.

I have considered the panel’s comments “...considered that this was a serious case”

The panel has also said that a five year review period would “would be proportionate in all the circumstances.”

I have considered whether a five year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, there are a number of factors that in my view mean that a two year review period is not sufficient to achieve the aim of maintaining public

confidence in the profession. These elements are: Ms Carter initially denied the allegations when they were first put to her by the School; her behaviour was not an isolated incident; rather, it was a deliberate and calculated course of conduct over a significant period of time; Ms Carter's behaviour placed students at a risk of a detrimental effect on their GCSE attainment; and Ms Carter had little insight into the conduct which formed the substance of particulars 1.b. and 1.c.

I consider therefore that a five year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Ms Mandy Carter 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 21 May 2022, five 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 Mandy Carter remains prohibited from teaching indefinitely.

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

Ms Mandy Carter 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: 15 May 2017

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