



National College for
Teaching & Leadership

Miss Chinenyem Maria- Rita Ocho: Professional conduct panel outcome

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

February 2018

Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	5
D. Summary of evidence	5
Documents	5
Witnesses	6
E. Decision and reasons	6
Panel's recommendation to the Secretary of State	13
Decision and reasons on behalf of the Secretary of State	16

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

Teacher:	Miss Chinenyem Maria-Rita Ocho
Teacher ref number:	0731303
Teacher date of birth:	15 July 1976
NCTL case reference:	16056
Date of determination:	8 February 2018
Former employer:	Cardinal Wiseman Catholic School & Language College, Coventry and Holy Trinity Catholic School, Birmingham

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 5 February 2018 to 8 February 2018 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Miss Rita Ocho.

The panel members were Dr Robert Cawley (teacher panellist – in the chair), Ms Hilary Jones (lay panellist) and Dr Geoffrey Penzer (lay panellist).

The legal adviser to the panel was Ms Surekha Gollapudi of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the National College was Ms Samantha Paxman of Browne Jacobson LLP solicitors.

Miss Ocho was present and was represented by Ms Wendy Hewitt of 5 St Andrew’s Hill Chambers.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegation(s) set out in the Notice of Proceedings dated 3 November 2017.

It was alleged that Miss Ocho was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

Whilst employed as head of science at Cardinal Wiseman Catholic School from September 2014 until December 2015:

1. She signed the declaration in respect of the AQA GCSE Science Investigative Skills Assessment of one or more pupils, confirming that the work was produced solely by that pupil and conducted under the conditions laid out by the specification, when:
 - a. she knew that was not the case: and/or
 - b. she was unable to confirm whether or not that was the case
2. Her conduct as alleged at allegation 1.a., as may be found proven, was dishonest in that she made a declaration which she knew to be untrue
3. Her conduct as alleged at allegation 1.b., as may be found proven, demonstrated a lack of integrity

And whilst employed as head of science at the Holy Trinity Catholic School from May 2016 until March 2017, she:

4. Failed to inform the school she had received a sanction by the AQA's Irregularities and Appeals Committee
5. Her conduct as alleged at allegation 4, as may be found proven, was dishonesty and/or demonstrates a lack of integrity, in that she attempted to conceal that she had a sanction which might affect her position within the school
6. Failed to abide by the terms of a sanction imposed by AQA's Irregularities and Appeals Committee (IAC), in that she:
 - a. participated in the planning and/or delivery of the AQA controlled assessments
 - b. participated in invigilating AQA controlled assessments
 - c. had the keys for the storage area for the AQA controlled assessments
 - d. accessed the AQA controlled assessment storage facility on one or more occasions

7. By her failure as may be found proven at allegations 4 and/or 6, her conduct resulted in the controlled assessments of a cohort of students being rescinded

The teacher accepted the facts of all of the allegations and that they amounted to unacceptable professional conduct and / or conduct that may bring the profession into disrepute.

C. Preliminary applications

There were no preliminary applications.

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 2 to 3

Section 2: Notice of Proceedings and response – pages 5a to 9

Section 3: NCTL witness statements – pages 11 to 30

Section 4a: NCTL documents Cardinal Wiseman Catholic School & Language College – pages 32 to 112

Section 4b: NCTL documents Holy Trinity Catholic School – pages 114 to 205

Section 4c: NCTL documents AQA – pages 207 to 663

Section 6a: NCTL disputed documents Cardinal Wiseman Catholic School & Language College – pages 666 to 677

Section 6b: NCTL disputed documents Holy Trinity School – pages 679 to 700

Section 6c: NCTL disputed documents AQA – pages 702 to 708

In addition, the panel agreed to accept the following:

Section 7: Teacher documents – pages 709 to 766

Interview notes – pages 179a to 179b

The panel heard from the teacher's representative at the start of the hearing that the above listed disputed documents were no longer disputed.

The panel members confirmed that they had read all of the documents in advance of the hearing and read the additional documents following their admission.

Witnesses

The panel heard oral evidence from Miss Ocho.

E. Decision and reasons

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

Miss Ocho was employed as the head of science at the Cardinal Wiseman Catholic School & Language College from September 2014. In June 2015, the Cardinal Wiseman Catholic School & Language College received correspondence from the AQA raising concerns about independent skills assessments (“ISAs”) which Miss Ocho was responsible for. Miss Ocho resigned from Cardinal Wiseman Catholic School & Language College and left in December 2015.

In March 2016 the AQA concluded its investigation and determined that Miss Ocho had incorrectly authenticated pupils’ controlled assessments and that there was evidence she had provided inappropriate assistance to pupils during high control elements of the ISAs.

Miss Ocho commenced employment with the Holy Trinity Catholic School in February 2016 as head of science whilst the AQA investigation was ongoing. The AQA went on to impose restrictions on her involvement in examinations until after the 2018 examination session. Miss Ocho appealed this sanction but was unsuccessful in overturning the restrictions at a hearing in June 2016.

It was alleged that Miss Ocho did not inform Holy Trinity Catholic School of her AQA sanction, as would be expected, and continued to administer AQA examinations.

Miss Ocho left employment with the Holy Trinity School in March 2017.

Findings of fact

Our findings of fact are as follows:

The panel has found the following particulars of the allegation(s) against you proven, for these reasons:

Whilst employed as Head of Science at the Cardinal Wiseman Catholic School from September 2014 until December 2015:

- 1. You signed the declaration in respect of the AQA GCSE Science Investigative Skills Assessment of one or more pupils, confirming that the**

work was produced solely by that pupil and conducted under the conditions laid out by the specification, when:

a. you knew that was not the case: and/or

This allegation was admitted by Miss Ocho.

Miss Ocho gave oral evidence that after she joined Cardinal Wiseman Catholic School & Language College as the head of science, she became aware that a cohort of students had completed section 1 of their ISA, and had carried out a practical however they had not completed section 2 of the ISA.

Miss Ocho stated that she gave pupils scaffolding answers and a printout of a PowerPoint on the topic to assist them in carrying out section 2 of the ISA as she had serious concerns that they may not be able to gain passing grades. Miss Ocho acknowledged that this amounted to inappropriate assistance and resulted in a number of pupils writing similar answers which were closely linked to example answers provided in the mark scheme.

The panel was provided with documentary evidence which showed that Miss Ocho signed the declaration on pupils' ISA papers confirming that the work was produced solely by the relevant pupil, when she had in fact provided them with assistance during the ISA.

The panel also had regard to witness statements from a number of pupils who confirmed Miss Ocho provided them with assistance during the ISA.

The panel found that Miss Ocho's admission was consistent with the evidence and found allegation 1.a. proven.

b. you were unable to confirm whether or not that was the case

This allegation was admitted by Miss Ocho.

Miss Ocho gave oral evidence that she joined Cardinal Wiseman Catholic School & Language College as the head of science in September 2014. She was concerned from the outset that her department's progress in administering, marking and moderating ISAs during the previous school year was insufficient. Miss Ocho gave evidence that relationships between her and her departmental colleagues were difficult. As a result of this, Miss Ocho stated that despite requests to teachers in her department, she was not provided with any completed ISAs until the last day of her first term at the school and the ones she received were for only one or two classes out of approximately six classes. These ISAs were provided by a teacher who was leaving the employment of the school that day.

Miss Ocho confirmed in oral evidence that due to time pressures, she only glanced at these papers and noted that they were disorganised, and a number of them had not been signed by the teacher. Miss Ocho stated that she had no reason to doubt that the teacher who had completed the ISAs, and who was the previous acting head of department and considered a good teacher, had done so correctly. Miss Ocho therefore decided to sign the declarations without further checks as to whether the ISAs had been undertaken under the required conditions as specified by the Joint Council for Qualifications (“JCQ”).

The panel was provided with documents which showed that Miss Ocho signed the declaration on pupils’ ISA papers confirming that the work was produced solely by the relevant pupil and was produced under exam conditions, when she did not know that this was the case.

The panel found that Miss Ocho’s admission was consistent with the evidence and found allegation 1.b. proven.

2. Your conduct as alleged at allegation 1.a., as may be found proven, was dishonest in that you made a declaration which you knew to be untrue

This allegation was admitted by Miss Ocho during her oral evidence.

The panel considered the test for dishonesty as set by the Supreme Court in the case of *Ivey v Genting Casinos (UK) Ltd.*

The panel therefore first considered the actual state of Miss Ocho’s knowledge or belief as to the facts. The panel went on to consider whether Miss Ocho’s conduct was dishonest, using the standards of ordinary decent people. The panel noted that there is no requirement that Miss Ocho must appreciate that what she has done is by those standards, dishonest.

Having found allegation 1.a. proven, the panel found that, applying the test in *Ivey v Genting Casinos (UK) Limited*, Miss Ocho’s actions in providing assistance during the course of the ISAs were dishonest.

The panel therefore found allegation 2 proven.

3. Your conduct as alleged at allegation 1.b., as may be found proven, demonstrated a lack of integrity

This allegation was admitted by Miss Ocho during her oral evidence.

The panel saw evidence of guidance available to teachers where controlled assessments have been carried out by a predecessor who is no longer available to sign the relevant declarations. The panel heard evidence from Miss Ocho that she was not aware of the specifics of the guidance and relied on her own experience of administering examinations in previous schools.

The panel considered that Miss Ocho failed in the standards expected of the profession by signing the ISA papers without knowing that they had been undertaken under appropriate examination conditions.

Having found allegation 1.b. proven, the panel found allegation 3 proven.

And whilst employed as head of science at the Holy Trinity Catholic School from May 2016 until March 2017, you:

4. Failed to inform the school you had received a sanction by the AQA's Irregularities and Appeals Committee

This allegation was admitted by Miss Ocho.

Miss Ocho gave oral evidence that at the time of applying for the role of head of science at Holy Trinity Catholic School, she was under investigation by AQA. She stated that this was considered at the interview and her offer of employment was not conditional upon the outcome of the AQA investigation. The panel read the notes of Miss Ocho's interview for the post and noted that she advised the interview panel that the AQA investigation related to her having signed declarations for ISAs when she was not in a position to confirm how the ISAs were conducted.

After she commenced her employment at the school, Miss Ocho was concerned that she should not have any contact with the ISAs and so spoke to the acting headteacher and AQA about how best to proceed with the summer 2016 exams. However, she did not tell the acting headteacher that a sanction had been formally imposed in March 2016. In oral evidence, Miss Ocho explained that this was because she was waiting for the outcome of her appeal. Miss Ocho acknowledged that she should have told the school about the sanction as soon as it was imposed.

Miss Ocho stated that she decided to appeal the sanction. Miss Ocho went on to state that she attended the appeal hearing in June 2016, but left before the decision was announced due to a family matter. Miss Ocho stated that she has never received the letter from AQA confirming that her appeal was unsuccessful, nor had she received the transcript of the appeal hearing which she had been told to expect at the appeal hearing. However, she took no steps to enquire about the outcome.

The panel found that Miss Ocho's admission was consistent with the evidence and found allegation 4 proven.

5. Your conduct as alleged at allegation 4, as may be found proven, was dishonest and/or demonstrates a lack of integrity, in that you attempted to conceal that you had a sanction which might affect your position within the school

This allegation was admitted by Miss Ocho.

The panel considered the test for dishonesty as set out by the Supreme Court in the case of Ivey v Genting Casinos (UK) Ltd.

The panel therefore first considered the actual state of Miss Ocho's knowledge or belief as to the facts. The panel went on to consider whether Miss Ocho's conduct was dishonest, using the standards of ordinary decent people. The panel noted that there is no requirement that Miss Ocho must appreciate that what she has done is by those standards, dishonest.

The panel noted that Miss Ocho had a number of opportunities to notify Holy Trinity Catholic School of the sanction and she accepted that she did not take these opportunities. These included when the sanction was first imposed, when her temporary position was made permanent and when she was asked to take part in work which could breach her sanction.

Having found allegation 4 proven, the panel found that, applying the test in Ivey v Genting Casinos (UK) Limited, Miss Ocho's actions in not notifying Holy Trinity Catholic School of her sanction, were, dishonest.

The panel therefore found allegation 5 proven.

6. Failed to abide by the terms of a sanction imposed by AQA's Irregularities and Appeals Committee (IAC), in that you:

a. participated in the planning and/or delivery of the AQA controlled assessments

This allegation was admitted by Miss Ocho.

The panel heard oral evidence from Miss Ocho that she put in place a timetable for the ISA exams.

Miss Ocho confirmed that on one occasion she was in the room when an ISA practical was being undertaken. Miss Ocho gave evidence that the teacher leading that class was having difficulty controlling the pupils and that they were acting unsafely during the magnesium experiment. As an experienced science teacher, Miss Ocho was asked by her line manager to attend the class for health and safety reasons. The panel accepted that Miss Ocho was not considering her sanction at this time and her primary concern was the safety of the pupils. The panel noted that although this was a clear breach of her sanction, health and safety considerations were paramount in this part of the evidence.

Miss Ocho confirmed in oral evidence that she did ask for her department to forward her their ISA results and papers. She stated that she asked for these in order to be certain they were being conducted.

The panel saw documentary evidence that she requested these papers and was more widely involved in planning the AQA assessments.

The panel found that Miss Ocho's admission was consistent with the evidence and found allegation 6.a. proven.

b. participated in invigilating AQA controlled assessments

This allegation was admitted by Miss Ocho.

The panel heard oral evidence that Miss Ocho invigilated an AQA controlled assessment on 9 December 2016, in contravention of her sanction. Miss Ocho stated in oral evidence that she was asked to cover this examination by the headteacher. The panel had sight of a cover request completed by Miss Ocho, requesting teaching cover for her class whilst she invigilated this ISA exam. This request had been completed four days before the exam.

The panel saw documentary evidence showing that a JCQ assessor identified that Miss Ocho was the assessment supervisor on 9 December 2016.

The panel found Miss Ocho's admission was consistent with the evidence and found allegation 6.b. proven.

c. had the keys for the storage area for the AQA controlled assessments

This allegation was admitted by Miss Ocho.

Miss Ocho confirmed that she was one of two members of staff that held keys to the storage area for the AQA controlled assessments.

Miss Ocho acknowledged that this was contrary to the terms of her sanction.

The panel found Miss Ocho's admission was consistent with the evidence and found allegation 6.c. proven.

d. accessed the AQA controlled assessment storage facility on one or more occasions

This allegation was admitted by Miss Ocho.

Miss Ocho stated in oral evidence that this storage area was also the stationary cupboard and where the petty cash was stored, so she would access it regularly, bringing her into contact with the controlled assessments in contravention of her sanction.

The panel found Miss Ocho's admission was consistent with the evidence and found allegation 6.d. proven.

7. By your failure as may be found proven at allegations 4 and/or 6, your conduct resulted in the controlled assessments of a cohort of students being rescinded

This allegation was admitted by Miss Ocho.

Miss Ocho confirmed in oral evidence that she was aware that a number of students had to repeat their ISAs due to her involvement in the assessment process.

The panel noted the witness statement of the headteacher of Holy Trinity Catholic School in which he confirmed that a significant number of students were required to carry out further ISAs in the period immediately prior to their final examinations due to AQA not accepting the ISAs completed under Miss Ocho's supervision. The headteacher's written evidence was that this disadvantaged the pupils.

The panel found Miss Ocho's admission was consistent with the evidence and found allegation 7 proven.

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

The panel is satisfied that the conduct of Miss Ocho in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Miss Ocho is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school...
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel is satisfied that the conduct of Miss Ocho amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel has also considered whether Miss Ocho's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and has found that the offence of serious dishonesty is relevant. The panel found that Miss Ocho was dishonest over a significant period of time and the dishonesty was serious as it related to the integrity of the examination system. Additionally, Miss Ocho's continuing action in concealing her sanction was in itself dishonest, and had a serious impact on a cohort of students at Holy Trinity Catholic School.

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.

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 was particularly concerned that pupils were aware that they were being provided with inappropriate assistance and this was a very poor example for Miss Ocho to set. Additionally Miss Ocho's actions had further consequences in that some pupils had to repeat work during the second year of their GCSEs and this had the potential to impact on their final grade.

Having found the facts of all of the allegations proved, we further find that Miss Ocho'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; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and the interest of retaining the teacher in the profession.

The panel's findings against Miss Ocho involved her providing inappropriate assistance to pupils during controlled assessments as part of their GCSEs and signing declarations for ISAs when she was unable to confirm they had been carried out under appropriate exam conditions. Additionally, once the AQA sanction was imposed, she did not let her new employer know and became increasingly involved in the administration of AQA examinations, contrary to the terms of the sanction.

There is a strong public interest consideration in respect of the protection of pupils, given the serious finding that a cohort of students had to retake their controlled assessments just prior to their final examinations, as AQA did not accept the controlled assessments carried out under Miss Ocho's supervision. The panel noted that Miss Ocho is subject to

an AQA sanction until after the 2021 examination session and this will go some way towards ensuring the protection of pupils in future examinations.

Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Miss Ocho were not treated with the utmost seriousness when regulating the conduct of the profession. The panel noted that the AQA sanction will also go some way to providing the public with the confidence that her conduct is being restricted in relation to the administration of the examination system.

The panel found that a strong public interest consideration in declaring proper standards of conduct in the profession was present, as the conduct found against Miss Ocho was outside that which could reasonably be tolerated.

Conversely, the panel noted that there was a strong public interest consideration in retaining the teacher in the profession. The panel considered evidence from Cardinal Wiseman Catholic School & Language College that she had, for example, “very good classroom management skills” and, “her subject knowledge was good.”

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 Miss Ocho.

In carrying out the balancing exercise the panel has balanced the public interest considerations both in favour of and against prohibition as well as the interests of Miss Ocho. 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; and
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up.

Even though there were behaviours that would point to the appropriateness of a prohibition order, the panel went on to consider whether or not there were sufficient mitigating factors to militate against the appropriateness and proportionality of the imposition of a prohibition order, particularly taking into account the nature and severity of the behaviour in this case.

There was no evidence that the teacher’s actions were not deliberate or that she was acting under duress. The panel accepted that she did have a previously good history.

The panel also had regard to eight character references which were provided by Miss Ocho.

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 not meet the stated public interest considerations, despite the severity of consequences for the teacher 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 Miss Ocho. The prolonged length of time over which Miss Ocho was dishonest about having provided inappropriate assistance to pupils whilst they were carrying out their ISAs, and the length of time she concealed the AQA sanction from her employer, were significant factors in forming that opinion. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate to decide to recommend that a review period of the order should be considered. The panel was mindful that the Advice 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 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include serious dishonesty. The panel has found that Miss Ocho was dishonest in relation to two separate incidents and her dishonesty persisted over a number of years. Miss Ocho made a poor decision in prematurely trying to put behind her the previous issues she had with controlled assessments at Cardinal Wiseman Catholic School & Language College. This led to her concealing the AQA sanction from her next employer, Holy Trinity Catholic School and to an extended AQA sanction.

Nevertheless the panel considered that Miss Ocho's dishonesty was at the lower end of serious dishonesty. In reaching this conclusion, the panel was persuaded that Miss Ocho's dishonest actions were within the context of working in two very challenging school environments and noted that at previous schools she had not had any similar issues.

Miss Ocho admitted all of the allegations when at the hearing, having previously denied them. This demonstrates that Miss Ocho has started to develop insight into the gravity of

her actions, and their consequences. Throughout her oral evidence she provided compelling, credible evidence as to her thought process throughout her time at Cardinal Wiseman Catholic School & Language College and Holy Trinity Catholic School. Miss Ocho was careful not to excuse her behaviour, repeatedly expressed her regret and confirmed that she would not repeat the behaviour in the future.

The findings indicated a situation in which a review period would be appropriate and so the panel decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provision for a review after three 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 three year review period.

In considering this case, I have also 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 the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel has made a recommendation to the Secretary of State that Miss Ocho should be the subject of a prohibition order, with a review period of three years.

In particular the panel has found that Miss Ocho is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school...
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel finds that the conduct of Miss Ocho fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of dishonesty.

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 Miss Ocho, 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 Mrs Ocho's actions meant, "a cohort of students had to retake their controlled assessments just prior to their final examinations". A prohibition order would therefore protect the risk to pupils in future examinations from being present. I have also taken into account the panel's comments on insight and remorse which the panel sets out as follows, "Miss Ocho has started to develop insight into the gravity of her actions, and their consequences." The panel has also commented that Miss Ocho's dishonesty happened over a, "prolonged length of time". In my judgement the lack of insight means that there is some risk of the repetition of this behaviour and this risks future pupils' examinations. 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, "conduct found against Miss Ocho was outside that which could reasonably be tolerated. I am particularly mindful of the finding of dishonesty in this case and the impact that such a finding has on the reputation of the profession.

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 Miss Ocho herself. The panel say it had regard to, "eight character references which were provided by Miss Ocho." Furthermore the panel had seen evidence from Cardinal Wiseman Catholic School & Language College that Miss Ocho had, " "very good classroom management skills" and, "her subject knowledge was good.""

A prohibition order would prevent Miss Ocho from continuing in the teaching profession. A prohibition order would also clearly deprive the public of her contribution to the profession for the period that it is in force.

I have placed considerable weight on the finding of the panel that Miss Ocho “was dishonest in relation to two separate incidents and her dishonesty persisted over a number of years”.

I have given less weight in my consideration of sanction therefore, to the contribution that Miss Ocho has made 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 fully by remorse or 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 3 year review period.

I have considered the panel’s comments that it, “considered that Miss Ocho’s dishonesty was at the lower end of serious dishonesty.” It also noted that throughout Miss Ocho’s oral evidence, “she provided compelling, credible evidence as to her thought process throughout her time at Cardinal Wiseman Catholic School & Language College and Holy Trinity Catholic School.” The panel went on to say, “Miss Ocho was careful not to excuse her behaviour, repeatedly expressed her regret and confirmed that she would not repeat the behaviour in the future.”

The panel has also said that a 3 year review period would “ be appropriate and so the panel decided that it would be proportionate in all the circumstances”.

I have considered whether a 3 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 three 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 the dishonesty found, the lack of full insight or remorse, and the impact of Miss Ocho’s behaviour on the pupils themselves.

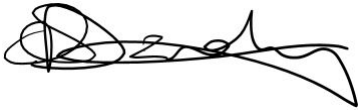
I consider therefore that a three year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Miss Chinenyem Maria-Rita Ocho 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 25 February 2021, three 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, Miss Ocho remains prohibited from teaching indefinitely.

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

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

A handwritten signature in black ink, appearing to read 'Dandy', with a stylized flourish at the end.

Decision maker: Dawn Dandy

Date: 16 February 2018

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