



Teaching  
Regulation  
Agency

# **Mrs Helen Richardson: Professional conduct panel outcome**

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

**June 2018**

## Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	4
D. Summary of evidence	6
Documents	6
Witnesses	6
E. Decision and reasons	6
Findings of fact	7
Panel's recommendation to the Secretary of State	12
Decision and reasons on behalf of the Secretary of State	15

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

<b>Teacher:</b>	Mrs Helen Richardson
<b>Teacher ref number:</b>	0341016
<b>Teacher date of birth:</b>	9 May 1980
<b>TRA reference:</b>	16676
<b>Date of determination:</b>	13 June 2018
<b>Former employer:</b>	Bacon Garth Primary School, East Riding of Yorkshire (“the School”)

### **A. Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the Agency”) convened on 12 and 13 June 2018 at the Ramada Hotel, the Butts, Coventry CV1 3GG to consider the case of Mrs Helen Richardson.

The panel members were Mr Martin Pilkington (lay panellist – in the chair), Ms Ruth Winterson (former teacher panellist) and Mr Steve Woodhouse (teacher panellist).

The legal adviser to the panel was Mr Robin Havard of Blake Morgan LLP, solicitors.

The presenting officer for the Agency was Ms Natalie Millington of Browne Jacobson LLP, solicitors.

Mrs Helen Richardson 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 7 March 2017.

It was alleged that Mrs Helen Richardson was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, whilst employed as a teacher at the Bacon Garth Primary School from September 2006 until October 2016;

1. She led the School to believe that she had Qualified Teacher Status when she did not by:
  - a) applying for and/or being in the position at the School as a qualified teacher;
  - b) providing falsified records, in particular her qualified teacher status certificate;
  - c) on or around 19<sup>th</sup> July 2016, informing the School that she had passed the skills tests required to gain qualified teacher status, when in fact she had not;
2. Her actions as may be proven at allegation 1 above demonstrated a lack of professional integrity and/or were dishonest.

Mrs Richardson does not admit the facts of the allegations and therefore does not admit that she is guilty of unacceptable professional conduct or of conduct, which might bring the profession into disrepute.

## **C. Preliminary applications**

### **Proceeding in absence**

The Notice of Proceedings was sent to Mrs Richardson by letter of 7 March 2018. The Notice complies with the Teacher Misconduct – Disciplinary Procedures and provided in excess of eight weeks' notice of today's hearing.

The panel also notes that Mrs Richardson completed and returned the Notice of Proceedings form which is signed by her and dated 25 March 2018.

The panel is satisfied that the proceedings have been properly served.

The panel has gone on to consider whether it would be appropriate to proceed in the absence of Mrs Richardson. In accordance with paragraph 4.29 of the Teacher Misconduct – Disciplinary Procedures, the panel has a discretion whether to proceed with the hearing in the absence of the teacher or to adjourn the hearing.

In the Notice of Proceedings form, Mrs Richardson confirms that she does not intend to appear at the hearing nor does she intend to be represented.

In the statement, she has provided and dated 9 May 2018, Mrs Richardson confirms that she is not intending to attend. However, she requests that the hearing should proceed in her absence and makes no request for the hearing to be adjourned to a future date nor does she give any indication that, were the matter to be adjourned, she would attend at the adjourned hearing. Indeed, Mrs Richardson's representative states in a document dated 5 June 2018 that Mrs Richardson does not intend to appear and wanted the hearing to proceed in her absence.

Mrs Richardson is clearly aware of today's hearing and, in the absence of any request for an adjournment, the panel concludes that she has waived her right to attend.

Whilst the allegations are serious, Mrs Richardson has submitted a detailed response and therefore the panel is satisfied that it is able to fully understand the issues involved in this case and that it can reach findings of fact on the evidence before it.

Taking account of the public interest in proceedings taking place within a reasonable time, and the public interest in this case, the panel has decided that it is appropriate to proceed with the hearing in the absence of Mrs Richardson.

## **Late documents**

The solicitor acting for Mrs Richardson made a written application, requesting the panel to allow into evidence an email chain dated 4 June 2018 between her and the presenting officer, Ms Natalie Millington. The emails comment on a letter from Witness A to Browne Jacobson dated 5 October 2015. This letter refers to various attachments which the Agency subsequently confirmed did not exist and that this casts doubt on the accuracy of Witness A's statements.

In a written response, the presenting officer takes a neutral position but provided a chronology with regard to disclosure. She states that, if the panel were minded to allow the email chain into evidence, it would be appropriate to allow into evidence the letter from Browne Jacobson to Witness A of 25 September 2017. This was the letter which led to the response from Witness A dated 5 October 2017 and which explained why the documents were not attached to the letter from Witness A.

The panel decided that it would be in the interests of a fair hearing for the email chain of 4 June 2018 to be introduced at this stage together with the letter from Browne Jacobson to Witness A of 25 September 2017.

## **D. Summary of evidence**

### **Documents**

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

Section 1: Chronology – page 2

Section 2: Notice of Proceedings and Response – pages 3 to 14

Section 3: Teaching Regulation Agency witness statements – pages 15 to 23

Section 4: Teaching Regulation Agency documents – pages 24 to 163

Section 5: Teacher documents – pages 164 to 230.

In respect of the additional documents which the panel had agreed to allow into evidence, those documents were paginated from page 231 to 244.

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, headteacher of the School, who was called on behalf of the Agency.

## **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. Taking account of the fact that Mrs Richardson had chosen not to attend the hearing, at each stage of its deliberations, the panel took fully into account the written statement and submissions provided by Mrs Richardson.

In 2005, Mrs Richardson graduated from Leeds Metropolitan University (“the University”) with a BA (Hons) degree in Early Childhood Education leading to Qualified Teacher Status (“QTS”).

On 1 September 2006, Mrs Richardson commenced employment at the School.

Issues with regard to Mrs Richardson's QTS were raised by the School in 2008. These issues were never resolved and it led to allegations being made that Mrs Richardson had

not obtained QTS but produced a QTS certificate, which is alleged to be a false document.

On 1 September 2016, Mrs Richardson was suspended pending further investigation into her QTS status.

On 4 October 2016, Mrs Richardson resigned from her position at the School.

## **Findings of fact**

Our findings of fact are as follows:

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

**1. You led the School to believe that you had Qualified Teacher Status when you did not by;**

**a) applying for and/or being in the position at the School as a qualified teacher;**

The panel heard evidence from Witness A who has been the headteacher at the School since September 2004. He took part in the recruitment of Mrs Richardson in May 2006. The panel found Witness A to be a credible, straightforward witness who endeavoured to provide his evidence in a balanced way without exaggeration. He informed the panel when, due to the passage of time, he was unable to recollect the precise timing of events if not supported by documentation.

Witness A confirmed that he had considered Mrs Richardson's application, which, at that time, was completed in her maiden name, Miss Dooks. He had been one of three people who interviewed her and he had attended to observe her teach at the School where Mrs Richardson had completed the first of her three-term induction period.

Mrs Richardson had included in her written application form that she had attended the University between 2002 and 2005. She stated in the form that she had been awarded a BA (Hons) Early Childhood Education with QTS. Witness A stated that he had also obtained a similar degree i.e. one, which included QTS accreditation and therefore did not find it in any way surprising or unusual. Mrs Richardson handed to the School a file containing verification of her qualifications. The content of this file was copied although, at interview stage, Witness A did not see those documents.

References were provided by the School and the University. The reference from the University confirmed that, in contrast to the description in the application form, Mrs Richardson had obtained a BA (Hons) Early Childhood Education leading to QTS. In other words, Mrs Richardson would still have to sit her Basic Skills Tests in order to achieve QTS status and thereby qualify as a teacher.

Having been appointed as a KS1 teacher, Mrs Richardson was then promoted to be a phase leader in charge of the Early Years team.

From 2008, Witness A, with the assistance of his business manager, had attempted to resolve Mrs Richardson's QTS status as enquiries of the General Teaching Council for England ("GTCE") had shown that the records with regard to Mrs Richardson's QTS and Induction status were blank.

Mrs Richardson was asked to clarify the position but on two separate occasions had informed Witness A that the problems arose out of administrative issues within GTCE and some complications with regard to changes made to her personal data.

The need for evidence of Mrs Richardson's QTS status became more pronounced when the Single Central Register was introduced in 2010/2011. Whilst Witness A could not be precise as to the date, it was at or about this time, that Mrs Richardson produced a QTS certificate dated 1 June 2005.

At the time, Witness A did not have any reason to doubt the validity of the certificate. Mrs Richardson had been at the School for some five years and had become a trusted member of staff.

However, subsequent checks of the online facility operated by the National College for Teaching and Leadership ("NCTL"), which had by that time superseded GTCE, still showed a blank next to Mrs Richardson's name in respect of QTS accreditation and her induction status. NCTL also confirmed that the NQT year would be void without QTS and that there was no evidence to confirm that Mrs Richardson had passed her Basic Skills Tests, which would entitle her to QTS status.

During July and August 2016, Mrs Richardson was requested to provide the original documents with regard to her qualifications but she failed to deliver them.

In an email dated 28 September 2016 to the School from the student administration team leader at the University, by this stage known as Leeds Beckett University, it was confirmed that the University would not have recommended to GTCE that Mrs Richardson should acquire QTS status without verification that Mrs Richardson had passed her Basic Skills Tests.

Furthermore, the QTS certificate submitted by Mrs Richardson was dated 1 June 2005 but in that email, the University stated that it would not have been possible for the QTS certificate to be awarded before Mrs Richardson's degree had been confirmed. Such confirmation did not take place until 13 June 2005.

Finally, the University confirmed that students who had obtained a degree leading to QTS status would be told that they would have to pass skills tests in addition to the degree to receive a QTS certificate and that this was a condition of being recommended for QTS. The University confirmed that, "... students were contacted and offered skills tests support."

The panel accepted the information contained within the email from the student administration team leader at the University. There was no reason to question her impartiality and the questions, which had been asked, of her were fair.



Mrs Richardson maintained that she had passed the Basic Skills Tests in 2005 by attending Kingswood Enterprise Centre in Hull. However, she was not able to produce any evidence to support this assertion. Taking account of the findings above in relation to the University and the findings below relating to the information from GTCE and NCTL, the panel found, on the balance of probabilities, that she had not passed.

Mrs Richardson also said that she handed over her QTS certificate at the time of the interview, but the panel rejected this account. Had she done so, there would have been no need for the School to chase her for the certificate.

As stated, Mrs Richardson also represented to Witness A, and maintained in her statement to the panel, that the failure of GTCE to record her QTS status was due to administrative errors on the part of GTCE in recording changes in her personal data. However, this was in direct conflict with the communications log maintained by GTCE. This showed that, as early as June 2007, GTCE had noted that Mrs Richardson was unable to pass induction as, "no QTS". In the "Explanation/context" section, it stated, "Induction pass data received from LA could not be uploaded due to teacher not holding QTS on record".

The log showed that, on 7 February 2007, a letter was sent to Mrs Richardson, "requesting evidence of skills test passes".

On 23 March 2010, there was an entry in the log stating that the training provider had confirmed in writing that Mrs Richardson was never recommended for award of QTS and requested the return of the certificate so that the matter could be investigated. On the same date, GTCE wrote to Mrs Richardson, which included the following:

"We have conducted a search of the TDA skills test website and we are unfortunately unable to find any evidence that you have passed your skills tests. In addition we cannot find any evidence of QTS on our database for you."

This letter was sent after a telephone call to GTCE from Mrs Richardson on 16 February 2010.

There are further entries leading up to 27 September 2016 when it stated that NCTL had confirmed to, ".....Helen that we are still unable to award QTS as we are unable to confirm the skills test completion."

The panel also rejected Mrs Richardson's assertion that, between September 2006 and Summer 2016, she had not been asked to produce the originals of any certificates. The panel accepted Witness A's evidence and found that she had been asked on a number of occasions to produce her QTS certificate and she was fully aware of this issue and the reasons for it having to be resolved.

The panel concluded that Mrs Richardson had knowingly misdescribed the degree she had attained from the University. When applying for the post at the School, she described her degree as, "BA (Hons) Early Childhood Education with QTS". However, in the letter to Mrs Richardson, then known as Miss Dooks, dated 21 June 2005, the University confirmed that she had been awarded a degree and the course was described as,

"Bachelor of Arts (Hons) Early Child Ed Leading To Qts/Full Time/Y4" and the degree certificate described the degree as a BA in, "EARLY CHILDHOOD EDUCATION LEADING TO THE AWARD OF QUALIFIED TEACHER STATUS".

The difference between the description provided by Mrs Richardson to the School and the actual degree she had been awarded was significant. Describing to the School that the degree was, "with QTS" would lead the School into believing that she already had QTS status whereas this was not the case. The degree that she had been awarded meant that Mrs Richardson still had to pass the Basic Skills Tests to obtain QTS status which in turn would allow her to become a NQT and subsequently qualify as a teacher.

The panel found that Mrs Richardson knew at the time of her application of the significance of the distinction and deliberately sought to mislead the School into thinking that she had QTS status.

In support of this finding, the panel found that, after Mrs Richardson had resigned from the School, she took up a position with a company called Chrysalis Assessment and Support Centre. She again described her degree as being, "with QTS" even though she knew she was not entitled to do so.

The panel also found based on the above facts that, when in her post at the School, Mrs Richardson continued to mislead the School into thinking that she had QTS status.

On this basis, the panel found the facts of particular 1.a) proved.

**b) providing falsified records, in particular your qualified teacher status certificate;**

As stated in the panel's findings in respect of particular 1.a), in or about 2010/2011, Mrs Richardson had provided to the School the QTS certificate dated 1 June 2005. Further enquiries, which ensued with GTCE and NCTL, suggested that the certificate, which Mrs Richardson had submitted, was not genuine.

In reaching its decision in respect of this particular, the panel found as follows.

The panel relied on its findings of fact in respect of particular 1.a) and that Mrs Richardson deliberately sought to mislead the School into believing she had QTS status, both at the time of her recruitment and throughout her period of employment at the School.

The certificate was dated 1 June 2005. However, she was only awarded her degree some 12 days later on 13 June 2005. Therefore, even on the basis that the degree was, "with QTS", which it was not, she could not have obtained her QTS status on 1 June 2005.

The certificate was signed by Individual A as chair of GTCE. However, a certificate for another student dated three days later on 4 June 2005, was signed by Individual B as chair of GTCE. Witness A stated, and the panel found, that Individual A had not been chair of GTCE for some ten months.

The header of the certificate and the font were different to the certificate signed three days later.

For all these reasons, the panel found, on the balance of probabilities, that Mrs Richardson had provided to the School a falsified document, namely the QTS certificate dated 1 June 2005.

Consequently, the panel found particular 1.b) proved.

- c) on or around 19<sup>th</sup> July 2016, informing the School that you had passed the skills tests required to gain qualified teacher status, when in fact you had not;**

In a document entitled, "Timeline of Key Dates and Communications", there was an entry dated July 19<sup>th</sup> 2016. In that entry, it recorded that Mrs Richardson, "...informed the Headteacher that she took the basic skills tests at Kingswood in 2005".

The panel relied on its findings of fact under particular 1.a) above and its finding that Mrs Richardson had not passed her Basic Skills Tests in 2005. Based on the findings of fact, the panel found that, in saying this to the headteacher on 19 July 2016, Mrs Richardson intended to mislead the School into thinking that she had passed the Basic Skills Tests required to gain QTS, when she had not.

On this basis, the panel found the facts of particular 1.c) proved.

**2. Your actions as may be proven at allegation 1 above demonstrated a lack of professional integrity and/or were dishonest.**

The panel had found the facts of particulars 1.a), 1.b) and 1.c) proved.

With regard to particular 1.a), the facts had been proved on the basis that Mrs Richardson knew that she did not have QTS status and had knowingly misled the School when she applied for her job in May 2005. Furthermore, she continued to mislead the School into believing that she had QTS accreditation. By the standards of ordinary decent people, such conduct was dishonest.

As for particular 1.b), the panel had found that Mrs Richardson had falsified the QTS certificate dated 1 June 2005 with the objective of deceiving the School into believing that she had QTS status. Again, by the standards of ordinary decent people, such conduct was dishonest.

There was considerable overlap between the facts of particulars 1.a) and 1.c). The conduct found proved in respect of particular 1.c) formed part of the ongoing attempts by Mrs Richardson to mislead the School into believing that she had QTS status. Consequently, by the standards of ordinary decent people, such conduct was dishonest.

Having found Mrs Richardson to have been dishonest in respect of particulars 1.a), 1.b) and 1.c), it must follow that such conduct represents a failure on the part of Mrs Richardson to live up to the ethical standards expected of the profession. The panel therefore found that Mrs Richardson had acted with a lack of professional integrity.

Consequently, the panel found allegation 2. proved.

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

Having found the allegations to be proved, the panel had gone on to consider whether the facts of those proven allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document Teacher Misconduct: The prohibition of teachers, which the panel referred to as “the Advice”.

The panel is satisfied that the conduct of Mrs Richardson in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that by reference to Part Two, Mrs Richardson was 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 was satisfied that the conduct of Mrs Richardson fell significantly short of the standards expected of the profession. The conduct included findings of dishonest conduct, which was sustained over a number of years. The aim of such dishonesty was to mislead the School as to Mrs Richardson's status as a teacher to enable her to fulfil a role for which she was not properly qualified.

The panel therefore found Mrs Richardson guilty of unacceptable professional conduct.

The panel had 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 had 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 therefore found that Mrs Richardson's actions constituted 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 all three 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.

The panel also acknowledged that there is a public interest in a person who is able to make a valuable contribution to the profession being able to continue in that profession, as outlined in the judgment in *Wallace v Secretary of State for Education* [2017] EWHC 109 (Admin). The Wallace judgment also stated that a finding of unacceptable professional conduct and the formal publication of the findings of misconduct are of themselves detrimental and illustrate that such misconduct is wholly unacceptable.

The panel's findings against Mrs Richardson involved dishonesty. The panel had found that her dishonest conduct, which was sustained over some ten years, was designed to mislead. It transpired that, on the evidence of Witness A which the panel had accepted, Mrs Richardson had proved to be a competent "teacher" even though not properly qualified to teach at the School. Therefore, fortunately, it would appear that the well-being of pupils had not been put at risk. However, the issue for the panel was that Mrs Richardson's lack of qualification could have put at risk the proper development of pupils under her care. The whole purpose of examinations, tests and accreditation was to ensure there is verifiable evidence of a person's entitlement to teach in a particular school and of a person's competence to do so. Indeed, the integrity of the entire academic process is predicated on this understanding.

Public confidence in the profession could be seriously weakened if conduct such as that found was 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 also present as the conduct found against Mrs Richardson was outside that which could reasonably be tolerated.

Notwithstanding the clear public interest considerations that were present, the panel considered carefully whether it would be proportionate to impose a prohibition order taking into account the effect that this would have on Mrs Richardson. In considering the issue of proportionality, the panel applied the following test, namely whether a less

intrusive measure could be used without unacceptably compromising the achievement of the relevant objective and whether, having regard to these matters and the severity of the consequences for Mrs Richardson, a fair balance can be struck between the rights of Mrs Richardson and the interests of the public.

In carrying out the balancing exercise, the panel has considered the public interest considerations both in favour of and against prohibition. 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 departures from the personal and professional conduct elements of the Teachers' Standards;
- dishonesty, especially where it has been repeated.

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 had not been able to hear any submissions in mitigation, nor had it been provided with any testimonials or character references.

There was evidence, namely from Witness A, that Mrs Richardson was a competent and hard-working employee who had fulfilled an important role within the School. Nevertheless, Mrs Richardson had failed to approach the issue of her QTS accreditation in an open and transparent way, despite having been encouraged to do so by Witness A who had given her every opportunity to resolve the matter.

The panel considered her conduct was deliberate and she was not acting under duress.

Mrs Richardson's professional reputation has already been adversely affected by these proceedings. In the particular circumstances of this case, the public findings of unacceptable professional conduct and conduct that may bring the profession into disrepute is a sanction in itself and will remain with Mrs Richardson throughout her career as a teacher.

However, the panel had to weigh in the balance the seriousness of the findings against Mrs Richardson. The acts of dishonesty were deliberate and sustained over a substantial period.

The panel considered whether the public announcement of the panel's findings of unacceptable professional conduct and conduct that may bring the profession into disrepute would unacceptably compromise the achievement of the relevant objective, namely, the protection of the public interest, having regard to the severity of the

consequences for Mrs Richardson. However, this case involves dishonesty, which, in the panel's view, compromises the integrity of the profession.

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 it would be appropriate to recommend a review period in respect of the prohibition order. 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 two years.

The panel had considered the Advice, which indicates that there are behaviours that, if proven, would militate against a review period being recommended. This includes cases of fraud and serious dishonesty. The panel notes that Mrs Richardson has denied the allegations throughout and has shown neither insight nor any contrition with regard to her conduct.

However, the panel has taken a step back and considered the overall circumstances of this case. Whilst any finding of dishonesty is serious, fortunately the dishonest conduct had not led to the welfare or progress of any pupils being prejudiced. Indeed, as stated, Witness A confirmed that, due to her good work, Mrs Richardson achieved early promotion to a responsible leadership position within the School and her effectiveness in this role was validated by reports from the headteacher and Ofsted.

In its judgement, 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 Mrs Richardson entitled to apply for a review after a period of five years. This would adequately and sufficiently mark to the public the seriousness of the panel's findings.

## **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 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 all of the allegations proven and found that those proven facts amount to both unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel has made a recommendation to the Secretary of State that Mrs Richardson should be the subject of a prohibition order, with a review period of five years.

In particular the panel has found that Mrs Richardson 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 also found that the conduct included findings of dishonest conduct, which was sustained over a number of years. The aim of such dishonesty was to mislead the School as to Mrs Richardson's status as a teacher to enable her to fulfil a role for which she was not properly qualified.

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 Mrs Richardson, 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 "fortunately the dishonest conduct had not led to the welfare or progress of any pupils being prejudiced." I have taken into account the panel's comments on insight and remorse which the panel sets out as follows, "Mrs Richardson has denied the allegations throughout and has shown neither insight nor any contrition with regard to her conduct."

In my judgement the complete lack of insight means that there is some risk of the repetition of this behaviour. The panel do state that, "However, the issue for the panel was that Mrs Richardson's lack of qualification could have put at risk the proper development of pupils under her care. The whole purpose of examinations, tests and accreditation was to ensure there is verifiable evidence of a person's entitlement to teach in a particular school and of a person's competence to do so. Indeed, the integrity of the entire academic process is predicated on this understanding."



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 has considered, “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 had 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.”

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 Mrs Richardson herself. She has clearly performed effectively as a teacher and I have noted the panel’s comments that “due to her good work, Mrs Richardson achieved early promotion to a responsible leadership position within the School and her effectiveness in this role was validated by reports from the headteacher and Ofsted.”

A prohibition order would prevent Mrs Richardson from teaching and would also 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 concerning the lack of insight or remorse and the sustained nature of the dishonesty, “her dishonest conduct, which was sustained over some ten years, was designed to mislead.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mrs Richardson 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 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 5 year review period.

I have considered the panel's comments "Mrs Richardson had failed to approach the issue of her QTS accreditation in an open and transparent way, despite having been encouraged to do so by Witness A who had given her every opportunity to resolve the matter."

The advice that is published makes it clear that dishonest behaviour of the type identified here would normally be likely to lead to an order with no provision to review. However, I have taken careful account of the panel's advice in this case.

The panel has also said that a 5 year review period would "adequately and sufficiently mark to the public the seriousness of the panel's findings."

I have considered whether a 5 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, but also that a prohibition without review would not be proportionate. These elements are the dishonesty found, the lack of either insight or remorse, and the pressure placed on other junior members of staff to act dishonestly.

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

**This means that Mrs Helen Richardson 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 June 2023, 5 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, Mrs Helen Richardson remains prohibited from teaching indefinitely.

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

Mrs Helen Richardson 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 June 2018**

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