



Teaching  
Regulation  
Agency

# **Ms Lisa Howes: Professional conduct panel outcome**

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

**June 2021**

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

<b>Teacher:</b>	Ms Lisa Howes
<b>Teacher ref number:</b>	9654272
<b>Teacher date of birth:</b>	11 October 1972
<b>TRA reference:</b>	17829
<b>Date of determination:</b>	8 June 2021
<b>Former employer:</b>	Hedingham School and Sixth Form, Halstead, Essex

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 7 and 8 June 2021, remotely, to consider the case of Ms Lisa Howes.

The panel members were Mr Gamel Byles (teacher panellist – in the chair), Mr Nigel Shock (lay panellist) and Mr Jeremy Phillips QC (lay panellist).

The legal adviser to the panel was Mr Phil Taylor of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Ms Holly Quirk of Browne Jacobson LLP solicitors.

Ms Howes was not present and was not represented.

The hearing took place in public, except for the taking of oral evidence from the witnesses called by the TRA, and was recorded.

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 6 April 2021.

It was alleged that Ms Howes was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst a teacher at Hedingham School and Sixth Form:

1. On 8 January 2018, you notified Individual B by email that you had an appointment for an MRI Body Scan, when you did not;
2. On or about 8 January 2018, you provided a document to Individual B, which you represented as being a letter from Individual C regarding an appointment for an MRI Body Scan, when it was not;
3. In or around February 2018, you provided false information to Individual B regarding an appointment for a lumbar puncture;
4. On 7 March 2018, you notified Individual B by email that you were going to start a course of radiotherapy, when you were not;
5. On 19 March 2018, you provided a document to Individual B, which you represented as being a letter from Individual C regarding radiotherapy treatment, when it was not;
6. By your conduct in the foregoing paragraphs, you
  - (a) were dishonest,
  - (b) failed to act with integrity.

Ms Howes has not admitted the allegations, nor that they constituted unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

## Preliminary applications

### Proceeding in the teacher's absence

The panel considered an application from the presenting officer to proceed in the absence of Ms Howes.

The panel was satisfied that the TRA had complied with the service requirements of paragraph 19 a to c of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations").

The panel was also satisfied that the Notice of Proceedings complied with paragraphs 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession (the “Procedures”).

The panel determined to exercise its discretion under paragraph 4.29 of the Procedures to proceed with the hearing in the absence of the teacher.

The panel took as its starting point the principle from R v Jones [2003] 1 AC 1 that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one. In considering the question of fairness, the panel recognised that fairness to the professional is of prime importance but that it also encompasses the fair, economic, expeditious and efficient disposal of allegations against the professional, as was explained in GMC v Adeogba & Visvardis [2016] EWCA Civ 162.

In making its decision, the panel noted that the teacher may waive his or her right to participate in the hearing. The panel firstly took account of the various factors drawn to its attention from the case of R v Jones.

The panel was content that Ms Howes had received the Notice. Ms Howes was fully aware of when the hearing was taking place and that it was being convened virtually. Ms Howes acknowledged receipt of the Notice by email on 10 May 2021 and stated that she would not be attending the hearing. Later that day, Ms Howes sent a further email (at page 10 of the hearing bundle) in which she confirmed she would not be hearing and stated these reasons: “I do not have any further evidence to present, everything I have said in my final statement is my ‘evidence’. [redacted]. Please let me know if you wish this corroborated by my GP and I will furnish you with a letter. I do not wish to once again hear certain members of the hearing, present once again, what I believe to be a consistent attack on me personally and professionally. An adjournment would not facilitate me attending.”

Ms Howes also explained: “Since the start of this situation I have, as per my statement, [redacted]. This is why I cannot attend.”

The panel considered a letter from Ms Howes’ GP which recommended that Ms Howes did not attend a virtual hearing, although this letter did not set out any recommended period of time for any adjournment.

The panel also considered a statement provided by Ms Howes at pages 135 to 136 of the hearing bundle, in which she stated, among other things that she “had nothing ‘new’ in terms of evidence” to provide to the panel.

In light of the comments made by Ms Howes and the medical evidence made available to the panel, the panel did not consider there to be any prospect of an adjournment resulting in Ms Howes attending voluntarily. The panel did not know how long it would be

until the case could be heard in the event that it was adjourned and re-listed, but did not consider anything would be achieved by such an adjournment.

The panel had the benefit of representations made by the teacher in the hearing bundle and was able to ascertain the lines of defence.

The panel did not identify any significant gaps in the documentary evidence provided to it and acknowledged that should such gaps arise during the course of the hearing, the panel could take such gaps into consideration. The panel was satisfied that it could exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account.

The panel recognised that the allegations against the teacher are serious and that there was a real risk that if proven, the panel would be required to consider whether to recommend that the teacher ought to be prohibited from teaching.

The panel recognised that the efficient disposal of allegations against teachers is required to maintain confidence in the profession.

The panel also noted that there were two witnesses present at the hearing, who were prepared to give evidence, and that it would be inconvenient and distressing for them to return again. Delaying the case for an unknown period may impact upon the memories of those witnesses.

The panel decided to proceed with the hearing in the absence of the teacher. The panel considered that in light of the teacher's waiver of her right to appear, by taking such measures referred to above to address that unfairness insofar as is possible, and taking account of the inconvenience an adjournment would cause to the witnesses, that on balance, these were serious allegations and the public interest in the hearing proceeding within a reasonable time was in favour of this hearing continuing as listed.

### **Excluding the public**

The panel considered whether to exercise its discretion under paragraph 11 of the Regulations and paragraph 4.57 of the Procedures to exclude the public from all or part of the hearing.

After hearing representations in private from the presenting officer, the panel determined to exercise its discretion under paragraph 11(3)(a) of the Regulations and the first bullet point of paragraph 4.57 of the Procedures that the public should be excluded from part of the hearing.

In making the decision, the panel took into account the general rule that hearings should be held in public and that this is generally desirable to maintain public confidence in the administration of these proceedings and also to maintain confidence in the teaching profession. Mindful that the teacher was not represented before it, the panel noted

concerns about confidential matters relating to the teacher's health being placed in the public domain. The panel balanced the reasons why the public should be excluded against the competing reasons for which a public hearing is required, referring to the rationale which was summarised in the case of *R v Legal Aid Board Ex p Kaim Todner* (a firm) [1999] QB 966 as well as the need to maintain confidence in the profession by having disciplinary hearings open to the public.

The panel took note that any interference with the public nature of the proceedings is therefore to be avoided unless it is justified by one of the specific exceptions to this general rule provided in the Regulations and the Procedures.

The panel noted that any departure from the general rule had to be no greater than the extent reasonably necessary and that interference for a limited period of the hearing was preferable to a permanent exclusion of the public. The panel therefore considered whether there were any steps short of excluding the public that would serve the purpose of protecting the confidentiality of matters relating to the teacher's health. The panel considered that to the extent it became necessary during the course of the hearing to discuss such matters, the panel could exclude the public from that part of the hearing only. The panel considered this would be the case where witnesses were to give oral evidence, due to the information those witnesses may have on health and personal matters.

The panel therefore determined to proceed in public but to exclude the public from the part of the hearing during which oral witness evidence would be heard.

## **Summary of evidence**

### **Documents**

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

Section 1: Chronology and identification key – pages 2 to 4

Section 2: Notice of proceedings and response – pages 6 to 11

Section 3: Teaching Regulation Agency witness statements and exhibits – pages 13 to 51

Section 4: Teaching Regulation Agency documents – pages 53 to 129

Section 5: Teacher documents – pages 131 to 164

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

## Witnesses

The panel heard oral evidence, in private, from two witnesses who were called by the presenting officer: Individual A , [redacted]; and Individual B, [redacted].

No witnesses were called to give oral evidence by Ms Howes.

## Decision and reasons

The panel announced its decision and reasons as follows:

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

Ms Howes had been employed as a Head of House and teacher of modern foreign languages at Hedingham School and Sixth Form (the “School”) between 1 April 2002 and 25 June 2018.

In the period of January to April 2018, Ms Howes requested a number of periods of absence. In connection with these requests, Ms Howes provided a number of documents to the School. This included a letter dated 12 March 2018 which set out a treatment plan which was said to be starting on 10 April 2018. This letter was reviewed by Individual B and the headteacher of the School, and following advice from an HR professional, Individual B took steps to confirm the authenticity of the letter.

On 26 March 2018, a representative of the West Suffolk NHS Foundation Trust advised the School that the letter appeared to be fraudulent. The School then reviewed certain other documents previously provided by Ms Howes, and was advised that they were also fraudulent. An internal investigation took place and the School convened a disciplinary hearing on 16 April 2018. A further disciplinary hearing was held on 25 June 2018 which resulted in Ms Howes summary dismissal on the grounds of gross misconduct.

Ms Howes appealed the decision, and an appeal hearing was heard on 20 September 2018. Ms Howes was in attendance, and was accompanied by a Union representative. The appeal panel upheld the original decision.

## Findings of fact

The findings of fact are as follows:

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

Whilst a teacher at the School:

**1. On 8 January 2018, you notified Individual B by email that you had an appointment for an MRI Body Scan, when you did not;**



This allegation was supported by evidence provided to the panel, notably Individual B's and Individual A's written witness statements and oral evidence.

Ms Howes did not dispute that she had sent the email in question, which appeared at page 36 of the hearing bundle. It was Ms Howes' account that she did have an appointment for such a scan and she did attend it. The evidence she had provided to the School to support her claim was the letter which appeared at page 38 of the bundle, and this letter formed the subject of allegation 2.

The panel heard evidence from Individual A that this letter was not genuine, and that the hospital records did not contain any record of such an appointment being booked. Individual A explained that even should an appointment be cancelled or not attended, this would nevertheless appear in the hospital records. The panel found Individual A to be an entirely credible witness, unconnected to the School, who would have no reason to provide false or misleading testimony to the panel.

The panel noted that Ms Howes had not provided any further written evidence to support her claim that she had the MRI Body Scan appointment as she claimed, nor had she chosen to appear before the panel to provide further oral evidence.

Furthermore, the panel did not find persuasive Ms Howes' argument that the School had sought to find fault with her in relation to her requests for time off. The panel heard evidence from Individual B that she had reminded Ms Howes to back up her requests for time off with documentary evidence, and that this was the usual practice when managing staff absences. The panel did not consider there to be any reason for Individual B to falsify allegations against Ms Howes.

The panel was satisfied on the balance of probabilities that Ms Howes had not had an appointment for a scan as she had claimed, and therefore this allegation was found proved.

**2. On or about 8 January 2018, you provided a document to Individual B, which you represented as being a letter from Individual C regarding an appointment for an MRI Body Scan, when it was not;**

The panel carefully considered the letter which appeared at page 38 of the hearing bundle. The panel heard evidence from Individual A that this letter was not genuine for a number of reasons: it contained barcodes which would only be used in letters sent out by an external company on behalf of the hospital, and were not appropriate for the type of letter which Ms Howes had presented to the School; the date and time of the appointment was not written in the standard format used by the West Suffolk NHS Foundation Trust; the phrasing of the information about the scan was not consistent with standard practice; Individual A had not been able to find any further information in hospital records which showed that this appointment had been booked; and Individual A

had confirmed with Individual C (a consultant) that he had not treated Ms Howes at this time.

The panel had the opportunity to question Individual A, and found her to be a credible and independent witness. Individual A stated when questioned that she was 100% sure that the letter was not genuine.

The panel was, however, not provided with any credible evidence within Ms Howes' written statement which showed that the letter was genuine, nor did it have the opportunity to hear oral evidence from Ms Howes.

On the balance of probabilities, the allegation was therefore found proved.

### **3. In or around February 2018, you provided false information to Individual B regarding an appointment for a lumbar puncture;**

The panel's attention was drawn to a 'Consent Form' at pages 40 and 41 of the hearing bundle, which had apparently been signed by Individual C. It was alleged that this form was not genuine. The panel heard evidence from Individual A that the form itself may have been a genuine hospital form, but that she had not been able to find any record of Ms Howes undergoing this procedure at the hospital. Individual A stated that she had spoken to Individual C who had confirmed he had not signed the form. Although the panel did not have the opportunity to question Individual C, it accepted the evidence of Individual A in this regard, again finding her evidence entirely credible.

Ms Howes had suggested that another professional may have signed a letter on Individual C's behalf. Individual A rejected this suggestion and gave evidence that it was not hospital policy for anyone else to "pp" someone else's signature.

The panel heard evidence from Individual A that the signature on the form was not Individual C's. The panel was shown an example of Individual C's genuine signature and noted they were significantly different.

The panel considered evidence in the bundle provided by Ms Howes' father which stated that Ms Howes had told him of the lumbar puncture procedure, and that he had seen Ms Howes in pain following the procedure as well as observing a dressing on her back. Similarly, the panel was shown evidence from one of Ms Howes' friends in which she stated that Ms Howes had told her of the procedure and that she had witnessed Ms Howes in pain and had seen a dressing on her back. These witnesses were not called by Ms Howes to give evidence and so the panel was not able to test this evidence. The panel furthermore noted that neither witness had attended the appointment with Ms Howes and so could not in any event have provided a first-hand account that the procedure did take place. The panel therefore gave this evidence less weight.

The panel carefully weighed the evidence made available to it. On the balance of probabilities, the panel preferred the evidence of Individual A and therefore concluded that Ms Howes had provided false information to Individual B as alleged.

On the balance of probabilities, the allegation was therefore found proved.

**4. On 7 March 2018, you notified Individual B by email that you were going to start a course of radiotherapy, when you were not;**

Ms Howes did not dispute that she had sent the email in question, which appeared at page 43 of the hearing bundle. However, the panel noted that no further evidence had been provided to support the assertions made in the email which referred to a likely four or six future sessions.

The evidence Ms Howes had provided to the School to support her claim was the letter which appeared at page 45 of the bundle, and this letter formed the subject of allegation 5.

The panel again heard evidence from Individual A that this letter was not genuine. The letter referred to a course of radiotherapy to take place at Addenbrooke's Hospital. Individual A stated that she had not made enquiries directly with Addenbrooke's to confirm whether such treatment took place there, but that any such referral would have been recorded on the West Suffolk NHS records and no such records could be found. The panel accepted Individual A's evidence on this point.

The panel noted that Ms Howes did not appear before the panel to provide further oral evidence on this point, nor had she produced any corroborating documentation. The panel was therefore satisfied on the balance of probabilities that the radiotherapy course had not been arranged and therefore this allegation was found proved.

**5. On 19 March 2018, you provided a document to Individual B, which you represented as being a letter from Individual C regarding radiotherapy treatment, when it was not;**

The panel carefully considered the letter which appeared at page 45 of the hearing bundle.

The panel again heard compelling evidence from Individual A that this letter was not genuine, for similar reasons as she had explained in relation to allegation 2, in particular that the use of barcodes was inconsistent with usual practice and that the tone of the letter was not appropriate. The panel's attention was drawn to the use of the phrases 'which I know you are not a huge fan of having done' and 'just in case you wanted to read it' which Individual A said were overly informal. The panel accepted this evidence in its entirety.

The panel was not provided with any credible evidence which showed that the letter was genuine. On the balance of probabilities, the allegation was therefore found proved.

## **6. By your conduct in the foregoing paragraphs, you**

### **(a) were dishonest,**

The panel carefully considered the relevant test to be applied, as set out in the case of *Ivey v Genting Casinos*.

The panel examined the evidence made available to it, including statements made by Ms Howes as part of the School's disciplinary process as well as statements prepared in response to TRA, in which she denied falsifying documents in question and stated that she had attended the medical appointments in question. The panel concluded that on the balance of probabilities that Ms Howes could not have believed her account of the material events to have been true.

The panel carefully examined the question of dishonesty in relation to Ms Howes as a professional. The panel bore in mind that dishonesty may not be the only explanation for such conduct and that there can be other explanations, such as mistake or carelessness. However, the panel noted that Ms Howes' conduct had taken place over a period of time and had consisted of a number of deliberate acts. The panel was mindful that dishonesty is a particularly serious allegation and therefore examined closely the strength and quality of the evidence which had been placed before it, taking into account the serious consequences which could follow if found proved. Here, the panel noted Individual A's account of the detailed investigations that had been undertaken in order to determine whether the various documents in question were genuine. The panel bore in mind the experience of Individual A and others in her team and placed weight on her unequivocal evidence that the documents were fraudulent and that this was regarded as sufficiently serious to warrant a report to the police.

Applying the standards of the ordinary honest person, the panel concluded that on the balance of probabilities the teacher's conduct as found proven at 1 to 5 above was dishonest.

### **(b) failed to act with integrity.**

The panel noted that want of integrity is a separate concept from that of dishonesty, and that integrity connotes adherence to the ethical standards of one's own profession that involves more than mere honesty. In making its decision, the panel drew on its own knowledge of the teaching profession and its ethical standards.

The panel noted that it had found a number of allegations proven which spanned a period of time. Ms Howes had therefore had a number of opportunities to act with integrity in her dealings with her employer but the panel considered that she had clearly failed to do so. In the panel's opinion, as a teacher Ms Howes was expected to set an example of

appropriate and ethical behaviour to pupils. However, by providing false information relating to medical appointments, including falsifying NHS documents in order to take time off from her duties at the School, she clearly fell far short of this expectation.

On the balance of probabilities, this allegation was therefore found proved.

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

Having found all of the allegations proved, the panel went on to consider whether the facts of those proved 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 is referred to as “the Advice”.

The panel was satisfied that the conduct of Ms Howes, in relation to the facts found proved, involved breaches of the Teachers’ Standards.

The panel considered that, by reference to Part 2, Ms Howes was in breach of the following standards:

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel also noted that the preamble to the Teachers’ Standards states that teachers “make the education of their pupils their first concern and are accountable for achieving the highest possible standards in work and conduct” and “act with honesty and integrity”.

The panel was satisfied that the conduct of Ms Howes, which included dishonesty and want of integrity, amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Ms Howes’ conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. 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 found that the offence of “fraud or serious dishonesty” was relevant and that Ms Howes’ conduct displayed behaviours associated with this offence.

The panel noted that the allegations related to actions which took place outside the education setting. However, the panel considered that given the pattern of behaviour which it had found proven, this conduct was relevant to its consideration of unacceptable

professional conduct as it affected the way the way in which Ms Howes fulfilled her teaching role including the example she should have been setting to pupils. Furthermore, her conduct affected the availability of teachers and teaching assistants in the School and therefore the provision of education to pupils.

In addition, Ms Howes was an experienced teacher, with a career of more than 20 years, who should have been well aware of the conduct expected of her, but nevertheless engaged in behaviour which fell significantly short of expectations.

Accordingly, the panel was satisfied that Ms Howes was guilty of unacceptable professional conduct.

The panel took into account the way 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 also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception of the profession as well as that of the School.

Ms Howes' conduct was closely linked to her employment at the School. It would have been reasonably foreseeable that Ms Howes' conduct could have become more widely known, as it had involved acts which were considered serious enough for the NHS to report it to the police.

The panel therefore found that Ms Howes' actions constituted conduct that may bring the profession into disrepute.

Having found the facts of particulars 1 to 6 proved, the panel further found that Ms Howes' conduct amounted 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 was 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 had to consider whether it would be an appropriate and proportionate measure, and whether it would be 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 had regard to the particular public interest considerations set out at page 12 of the Advice and, having done so, found the following to be relevant in this case: the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In the light of the panel's findings against Ms Howes, which involved acts of dishonesty and lack of integrity, there was a strong public interest consideration in respect of declaring and upholding proper standards of conduct.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Howes were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel did not consider this to be a case where there was evidence that the teacher had made an exceptional contribution to teaching.

In view of the clear 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 Ms Howes. The panel noted written comments made by Ms Howes in relation to her past medical issues and her feeling that she had already been punished in many ways due to the disciplinary process at the School, as well as evidence of the current state of her health. Ms Howes stated that teaching had been her dream job which she had found rewarding and exciting.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Ms Howes. 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 proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards; and
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up.

Even though the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

Ms Howes commented in her written submissions that she had performed well in the classroom. The panel was told by Individual B of a previous disciplinary incident in 2010, now expired, but was not provided with any level of detail. The panel therefore

considered that Ms Howes had been of previous good character over at least the past 10 years.

The panel reviewed a number of documents in the hearing bundle which included numerous very positive comments from ex-pupils (in the form of 'thank you' cards) praising Ms Howes and indicating that she was hard-working, went "beyond the call of duty", was supportive and well liked. However, the panel was not able to test this evidence and noted that several of those comments had been made at some point in the past, while some were undated and therefore there was no evidence of when they had been made or whether they had been made for the purpose of the hearing. The panel therefore gave these statements less weight. The panel additionally noted that no character references from Ms Howes' colleagues had been included in evidence.

The panel saw no evidence that Ms Howes had been acting under duress and nothing to suggest that her actions had been anything other than calculated and motivated by self-interest.

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 would be sufficient. The panel came to the view that, applying the standard of the ordinary intelligent citizen, this would not be a proportionate and appropriate response given the proven facts and circumstances of the case. Recommending that it would be sufficient only to publish adverse findings would unacceptably compromise the public interest considerations present in this case, despite the potential severity of the consequences for Ms Howes of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Ms Howes. The significant factors in forming that opinion were: Ms Howes, while working as a teacher, had on more than one occasion falsified NHS documents and lied to the School about her reasons for absence from work; and her actions had become known outside the School and had been reported to the police. Accordingly, the panel made 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 a review period of the order. 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 proved, would militate against the recommendation of a review period. One of these behaviours is fraud or serious dishonesty. The panel found that Ms Howes was responsible for deliberate and repeated acts of dishonesty, and the panel had not seen persuasive evidence that this behaviour



would not be repeated. In addition, the panel did not consider that Ms Howes had shown any level of insight into her actions, nor had she displayed any remorse.

Against this, the panel weighed that Ms Howes' actions had not damaged any students, and took into account the [redacted] health issues which Ms Howes had described in her written submissions.

The panel noted Ms Howes' own comments that she [redacted], did not expect to [redacted] work again, and did not wish to return to teaching. However, the panel considered that Ms Howes should be given the opportunity to return to teaching or a similar role should her health sufficiently improve and should she wish to do so in future.

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

## **Decision and reasons on behalf of the Secretary of State**

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

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published 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 unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Ms Lisa Howes should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Ms Howes is in breach of the following standards:

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- 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 Ms Howes fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include a finding of falsifying NHS documents and lying to the School about her reasons for absence from work, conduct found to be dishonest and lacked integrity.

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 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 Howes, and the impact that will have on her, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, “the panel weighed that Ms Howes’ actions had not damaged any students”.

I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “the panel did not consider that Ms Howes had shown any level of insight into her actions, nor had she displayed any remorse”.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “In the light of the panel’s findings against Ms Howes, which involved acts of dishonesty and lack of integrity, there was a strong public interest consideration in respect of declaring and upholding proper standards of conduct”. 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 the public might regard a failure to impose a prohibition order 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 Howes herself and the panel commented;

“Ms Howes commented in her written submissions that she had performed well in the classroom” and “The panel therefore considered that Ms Howes had been of previous good character over at least the past 10 years”.

“The panel noted written comments made by Ms Howes in relation to her past medical issues and her feeling that she had already been punished in many ways due to the disciplinary process at the School, as well as evidence of the current state of her health. Ms Howes stated that teaching had been her dream job which she had found rewarding and exciting”.

A prohibition order would prevent Ms Howes from teaching. A prohibition order 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 “given the pattern of behaviour which it had found proven, this conduct was relevant to its consideration of unacceptable professional conduct as it affected the way the way in which Ms Howes fulfilled her teaching role including the example she should have been setting to pupils. Furthermore, her conduct affected the availability of teachers and teaching assistants in the School and therefore the provision of education to pupils”.

Ms Howes was an experienced teacher, with a career of more than 20 years, who should have been well aware of the conduct expected of her, but nevertheless engaged in behaviour which fell significantly short of expectations.

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Howes 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, in light of the circumstances in this case, 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 intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended a 2 year review period.

I have considered the panel’s comments “The panel noted Ms Howes’ own comments that she [redacted], did not expect to [redacted] work again, and did not wish to return to teaching. However, the panel considered that Ms Howes should be given the opportunity to return to teaching or a similar role should her health sufficiently improve and should she wish to do so in future”.

I have decided that a 2 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.

**This means that Ms Lisa Howes 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 14 June 2023, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Ms Howes remains prohibited from teaching indefinitely.

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

Ms Lisa Howes 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 'SABuxcey', with a horizontal line underneath.

**Decision maker: Sarah Buxcey**

**Date: 14 June 2021**

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