



Teaching  
Regulation  
Agency

# **Ms Dionne Bryan: Professional conduct panel outcome**

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

**November 2019**

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

**Teacher:** Ms Dionne Bryan  
**Teacher ref number:** 0933701  
**Teacher date of birth:** 13 May 1981  
**TRA reference:** 17835  
**Date of determination:** 8 November 2019  
**Former employer:** Portway Primary School (the “School”), London

### **A. Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 7 November 2019 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Ms Dionne Bryan.

The panel members were Mr John Matharu (lay panellist – in the chair), Mrs Alison Walsh (teacher panellist) and Ms Jean Carter (lay panellist).

The legal adviser to the panel was Ms Kara O’Neill of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Ms Helen Smith of DAC Beachcroft LLP solicitors.

The teacher was not present and 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 9 September 2019.

It was alleged that Dionne Bryan was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst a teacher at Portway Primary School (the "School"):

1. In or around June 2017, in your application to the School, you stated that you held Qualified Teacher Status, when you did not.
2. On or about 1 November 2017, you provided the School with a letter dated 25 October 2017 which purported to be from Chelsfield Park Hospital notifying you of a colposcopy procedure:
  - (a) when you knew that no such procedure was in fact scheduled to take place at Chelsfield Park Hospital or any other hospital in relation to yourself and/or;
  - (b) when the letter had not been written by representatives of Chelsfield Park Hospital, it had been falsified by you.
3. In relation to your absence from School on normal working days between 10 November 2017 and 20 December 2017:
  - (a) you provided medical certificates purporting to be from the Dysart Surgery which stated that you were absent from School because you were recovering from a colposcopy procedure when you had not undergone such a procedure and/or;
  - (b) you provided medical certificates which you knew were fake and had not been provided by the Dysart Surgery and/or;
  - (c) you informed the School that you could not attend Meetings on 14 December 2017 and 19 December 2017 because you were in recovery and unable to drive, when that was untrue and/or;
  - (d) you travelled overseas on 11th November 2017 and did not notify the School of that fact at the time or upon your return and/or;
  - (e) your absence from school during this period was wholly or partly attributable to the fact that you were overseas rather than for the medical reasons that you claimed.
4. In relation to your absence from School on 23 May 2018, you did not report your absence to the School on that day in accordance with school policy and procedure.
5. In relation to your absence from School on normal working days between 24 May 2018 and 8 June 2018:

(a) you falsely claimed that the reason for your absence was that you were abroad to arrange and attend your brother's funeral and/or;

(b) on 10 September 2018, you provided the School with an order of service for Individual A's funeral dated 16 June 2018, purporting to support your absence from School on 24 and 25 May 2018, when the individual named in the order of service had died unexpectedly on 28 May 2018 and/or;

(c) on and after 11 September 2018, you failed to provide, having been asked to do so, a death certificate or flight confirmation in relation to your absences from School on 24 and 25 May and between 4 and 8 June 2018 and/or;

(d) the reason you provided to the School for your absence from school during this period was untrue as your absence was not related to the death of Individual A and/or;

(e) your assertion that Individual A was your brother was untrue.

6. In relation to your absence from School on normal working days between 21 June 2018 and 23 July 2018:

(a) you informed the School that you had been in contact with the Police regarding a domestic violence incident, when you had not and/or;

(b) you informed the School that you had been staying at an address in Birmingham and/or your sister's address to flee a domestic violence incident, but you were in fact in Jamaica for all or part of that period and/or;

(c) you failed to report and keep in regular contact with the School during your absence.

7. You failed to have proper and professional regard for the ethos, policies and practices of the School by your conduct set out in all or any of the following allegations:

(a) allegation 1;

(b) allegation 2(a) and/or 2(b);

(c) allegation 3(a) and/or 3(b) and/or 3(c) and/or 3(d) and/or 3(e);

(d) allegation 4;

(e) allegation 5(a) and/or 5(b) and/or 5(c) and/or 5(d) and/or 5(e);

(f) allegation 6(a) and/or 6(b) and/or 6(c).

8. You failed to maintain high standards of attendance by your conduct set out in all or any of the following allegations:

- (a) allegation 2(a) and/or 2(b);
- (b) allegation 3(a) and/or 3(b) and/or 3(c) and/or 3(d) and/or 3 (e);
- (c) allegation 4;
- (d) allegation 5(a) and/or 5(b) and/or 5(c) and/or 5 (d) and/or 5(e);
- (e) allegation 6(a) and/or 6(b) and/or 6(c).

9. You failed to maintain high standards of ethics and behaviour, within and outside school by your conduct set out in all or any of the following allegations:

- (a) allegation 1;
- (b) allegation 2(a) and/or 2(b);
- (c) allegation 3(a) and/or 3(b) and/or 3(c) and/or 3 (d) and /or 3(e);
- (d) allegation 5(a) and/or 5(b) and/or 5(c) and/or 5 (d) and/or 5(e);
- (e) allegation 6(a) and/or 6(b).

10. You demonstrated a lack of integrity by your conduct set out in all or any of the following allegations:

- (a) allegation 1;
- (b) allegation 2(a) and/or 2(b);
- (c) allegation 3(a) and/or 3(b) and/or 3(c) and/or 3 (d) and/or 3(e);
- (d) allegation 5(a) and/or 5(b) and/or 5(d) and/or 5(e);
- (e) allegation 6(a) and/or 6(b).

11. You behaved in a manner which was dishonest by your conduct in in all or any of the following allegations:

- (a) allegation 1;
- (b) allegation 2(a) and/or 2 (b);
- (c) allegation 3(a) and/or 3(b) and/or 3 (c) and/or 3(d) and/or 3(e);
- (d) allegation 5(a) and/or 5(b) and/or 5(d) and/or 5(e);
- (e) allegation 6(a) and/or 6(b).

Ms Bryan admitted the facts and gave an admission of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in respect of all of the allegations save for allegation 6a.

## **C. Preliminary applications**

The panel understood that allegation 1 related to whether Ms Bryan was a qualified teacher, and as such the issue of jurisdiction arose.

The panel was directed to paragraph 7 of Teachers' Disciplinary (England) Regulations 2012, (the "Regulations") which stated that a professional conduct panel must consider cases referred to it by the Secretary of State. Paragraph 5 of the Regulations is the provision that covers the referral by the Secretary of State to the panel, and cases only fall under the consideration of the Secretary of State if they involve a teacher.

A teacher is defined in paragraph 2 of the Regulations as a person who is employed or engaged to carry out teaching work at a) a school in England; b) a sixth form college in England; c) relevant youth accommodation in England; d) a children's home in England; or e) when s53 of the Education Act 2011 is fully in force, a 16 to 19 Academy.

Teaching work is defined in paragraph 3 of the Regulations as a) planning and preparing lessons and courses for pupils; b) delivering lessons to pupils; assessing the development, progress and attainment of pupils; and c) reporting on the development, progress and attainment of pupils. Delivering includes delivering lessons through distance learning or computer aided techniques. These activities specified are not teaching work for the purposes of the Regulations, if the person carrying out the activity does so (other than for the purposes of induction), subject to the direction and supervision of a qualified teacher, or other person nominated by the head teacher to provide such direction and supervision.

The panel considered as a question of fact whether Ms Bryan was a teacher within the definition of the Regulations and that it was for Agency to prove on the balance of probabilities.

The panel considered the representations from the presenting officer that Ms Bryan would fall within the definition of a teacher as she was delivering lessons to pupils during the course of her employment. The panel reviewed evidence in the form of the job specification that she had been employed on the basis of teaching a reception class. The panel decided, on the balance of probabilities, that there was sufficient information before it at this time that Ms Bryan was a teacher within the definition of paragraph 2 of the Regulations in order to proceed with the case.

The panel also considered an application from the presenting officer to proceed in the absence of the teacher.

The panel was satisfied that the TRA complied with the service requirements of paragraph 19 a to c of 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 decided to exercise its discretion under paragraph 4.29 of the Procedures to proceed with the hearing in the absence of the teacher.

The panel understood that its discretion to commence a hearing in the absence of the teacher had to be exercised with the utmost care and caution, and that its discretion was a severely constrained one.

In making the decision, the panel noted that the teacher waived her right to participate in the hearing. The panel took account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC1. The panel was satisfied that the TRA had discharged its statutory obligations regarding service of the Notice of Proceedings and that Ms Bryan was clearly aware of the proceedings. The panel noted that the TRA had communicated with Ms Bryan via email and she was in agreement for service to be made via email and noted that responses were given. The panel further reviewed an email from Ms Bryan in which she stated, ‘I have no intention of attending the hearing in person or via any other platform’. The panel therefore considered that the teacher had voluntarily waived her right to be present at the hearing.

The panel had regard to the requirement that it is only in rare and exceptional circumstances that a decision should be taken in favour of the hearing’s taking place. There was no indication that an adjournment might result in Ms Bryan’s attendance at a future hearing. The panel reviewed email evidence from Ms Bryan in which she stated she, ‘no longer lives in the UK’. The panel further became aware from email correspondence that Ms Bryan may currently be in the UK for a short period, but declined to attend the hearing either in person or via video link. The panel was satisfied that an adjournment would not result in her future attendance.

The panel considered the extent of the disadvantage to the teacher in not being able to give her account of events, having regard to the nature of the evidence against her. The panel was able to exercise vigilance in making its decision, taking into account the degree of risk of the panel’s reaching the wrong decision as a result of not having heard the teacher’s account.

The panel had regard to the seriousness of this case. The panel was aware of the potential consequences for the teacher and acknowledged that fairness to the teacher was of prime importance. In addition, the panel believed these were serious allegations and it was clearly in the public interest to proceed with the hearing.



## **D. Summary of evidence**

### **Documents**

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

Section 1: Chronology, Identification Key and list of roles – pages 1 to 4

Section 2: Notice of Hearing– pages 8 to 16

Section 3: Teaching Regulation Agency witness statements – pages 22 to 23

Section 4: Teaching Regulation Agency documents – pages 35 to 331

Section 5: Teacher witness statements – none provided

Section 6: Teacher documents – pages 333 to 343

Section 7: Additional documents bundle – pages 1 to 72

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, who was called by the Presenting Officer. [redacted]

## **E. Decision and reasons**

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

The panel announced its decision and reasons as follows:

Ms Bryan was employed as a qualified reception class teacher and Early Years Foundation Support (“EYFS”) lead and started work at the School on 1 September 2017. Between 22 September 2017 to 26 July 2018 there were a number of instances in which Ms Bryan was absent from the School. On 7 September 2018 the School undertook an investigation in which Ms Bryan admitted, amongst other allegations, to the falsification of medical evidence. On 10 September 2018, an additional investigation meeting took place. The outcome of a disciplinary hearing on 31 October 2018 was that Ms Bryan was dismissed from the School.

### **Findings of fact**

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

**1. In or around June 2017, in your application to the School, you stated that you held Qualified Teacher Status, when you did not.**

The panel had regard to the Notice of Proceedings in which the teacher admitted to allegation 1. The panel also noted an email dated 16 August 2019 sent by the administration team of the TRA which confirmed that Ms Bryan did not hold Qualified Teacher Status, stating that the certificate, 'does not appear to be genuine'.

The panel found allegation 1 proven.

**2. On or about 1 November 2017, you provided the School with a letter dated 25 October 2017 which purported to be from Chelsfield Park Hospital notifying you of a colposcopy procedure,**

**(a) when you knew that no such procedure was in fact scheduled to take place at Chelsfield Park Hospital or any other hospital in relation to yourself and/or**

**(b) when the letter had not been written by representatives of Chelsfield Park Hospital, it had been falsified by you.**

The panel had regard to the Notice of Proceedings in which the teacher admitted to the allegation. The panel also reviewed evidence given by the teacher in which she admitted during one of the School's investigation meetings that, 'the surgery letter is also fake - I used my previous letter from when I have had the surgery before'.

The panel determined from the teacher's admission, and having reviewed the forged letter dated 25 October 2017, that Ms Bryan had clearly falsified the date in the letter and that no such procedure took place at that time.

The panel found allegation 2 (a) and 2 (b) proven.

**3. In relation to your absence from School on normal working days between 10 November 2017 and 20 December 2017,**

**(a) you provided medical certificates purporting to be from the Dysart Surgery which stated that you were absent from School because you were recovering from a colposcopy procedure when you had not undergone such a procedure and/or**

**(b) you provided medical certificates which you knew were fake and had not been provided by the Dysart Surgery and/or**

The panel had regard to the Notice of Proceedings in which the teacher admitted to the allegation. The panel also reviewed evidence from the teacher during one of the School's investigation meetings. The panel noted that when first questioned about the certificates, Ms Bryan denied they were false. However having been presented with copies of the medical certificates and an email from the Dysart Surgery in which the Surgery confirmed

that they did not issue the medical certificates she replied, 'someone has done them for me, to be honest'.

The panel found allegations 3 (a) and 3 (b) proven.

**(c) you informed the School that you could not attend Meetings on 14 December 2017 and 19 December 2017 because you were in recovery and unable to drive, when that was untrue and/or**

The panel had regard to the Notice of Proceedings in which the teacher admitted to the allegation. The panel considered that having found allegations 3 (a) and 3 (b) proven, it was not possible for Ms Bryan to be in recovery as there would be no need for a recovery from an operation that had not taken place.

Additionally, the panel noted that during this period of absence, there was email evidence given by the administration team of the TRA that on the 15 December 2017 Ms Bryan attempted her Qualified Teacher Status numeracy skills test but subsequently failed.

The panel found allegation 3 (c) proven.

**(d) you travelled overseas on 11th November 2017 and did not notify the School of that fact at the time or upon your return and/or**

The panel had regard to the Notice of Proceedings in which the teacher admitted to the allegation. The panel further reviewed evidence in the form of a time stamp from Ms Bryan's passport which was submitted to the School. The panel was satisfied that the passport provided evidence that the teacher travelled overseas on 11 November 2017. Witness A in his written evidence put forward that, 'the stamp was dated one day after the first fake medical certificate was produced' and he therefore concluded that, 'the absence had been pre-planned' and not for the purposes of recovering from surgery as purported to the School.

The panel found allegation 3 (d) proven.

**(e) your absence from school during this period was wholly or partly attributable to the fact that you were overseas rather than for the medical reasons that you claimed.**

The panel was mindful of the link between allegation 3 (d) and 3 (e). The panel had regard to the Notice of Proceedings in which the teacher admitted to the allegation.

The panel reviewed Ms Bryan's passport copy and saw evidence of a time stamp showing that the teacher was overseas as of 11 November 2017 and therefore was satisfied that her absence could not be attributed to medical reasons.

The panel found allegation 3 (e) proven.

**4. In relation to your absence from School on 23 May 2018, you did not report your absence to the School on that day in accordance with school policy and procedure.**

The panel had regard to the Notice of Proceedings in which the teacher admitted to the allegation.

The panel reviewed the School Code of Conduct which stated, 'You must call between 6:45am and before 7:15am'. The panel reviewed the written evidence of Witness A who stated, 'On 23 May, Ms Bryan did not arrive at work and did not communicate and follow school policy to report the reasons for her absence. Individual B at School called Ms Bryan during the afternoon to ascertain the reason for her absence as I was out. Ms Bryan stated she was ill during that call'. Further in oral evidence, Witness A indicated that all staff were aware of the school policy to report absences.

The panel found allegation 4 proven.

**5. In relation to your absence from School on normal working days between 24 May 2018 and 8 June 2018,**

**(a) you falsely claimed that the reason for your absence was that you were abroad to arrange and attend your brother's funeral and/or**

The panel had regard to the Notice of Proceedings in which the teacher admitted to the allegation.

The panel reviewed evidence in Witness A's written evidence that Ms Bryan stated she was in America to deal with an unforeseen family tragedy from 24 May 2018 until 8 June 2018.

The panel found allegation 5 (a) proven.

**(b) on 10 September 2018, you provided the School with an order of service for Individual A's funeral dated 16 June 2018, purporting to support your absence from School on 24 and 25 May 2018, when the individual named in the order of service had died unexpectedly on 28 May 2018 and/or**

The panel had regard to the Notice of Proceedings in which the teacher admitted to the allegation.

The panel reviewed a copy of the order of service which was dated 16 June 2018. The panel also examined the written evidence of Witness A who stated, 'Due to the inconsistencies in the timeframe, I made an internet search on the information provided on her brother's death. The person Ms Bryan presented as her brother was [redacted] killed on 28 May... However during the initial investigation meeting... Ms Bryan confirmed she was in Florida from 24 May to deal with the tragedy which was 4 days before the man presented as Ms Bryan's brother had been killed'.

The panel found this witness's evidence to be credible and supported by written evidence in the form of the obituary page and a crime stoppers' poster which clearly referred to the later date of death of Individual A.

On the balance of probabilities, the panel found allegation 5 (b) proven.

**(c) on and after 11 September 2018, you failed to provide, having been asked to do so, a death certificate or flight confirmation in relation to your absences from School on 24 and 25 May and between 4 and 8 June 2018 and/or**

The panel had regard to the Notice of Proceedings in which the teacher admitted to the allegation.

The panel reviewed written evidence from Witness A in which the School gave the teacher several opportunities to provide a death certificate or flight confirmation in relation to the absences and yet she failed to do so.

The panel found allegation 5 (c) proven.

**(d) the reason you provided to the School for your absence from School during this period was untrue as your absence was not related to the death of Individual A and/or**

The panel had regard to the Notice of Proceedings in which the teacher admitted to the allegation.

The panel was mindful of the written evidence from Witness A in which Ms Bryan had texted on 4 June 2017 to communicate that she was abroad to arrange and attend her brother's funeral. Prior to this she had confirmed that the funeral was taking place in America.

However when a text was sent to Witness A on the 4<sup>th</sup> June 2018, he explained the text was from an, 'international number and the international dialling code indicates that the message came from Kingston, Jamaica'. Therefore the panel could not reasonably conclude that Ms Bryan was in Florida during the period of absence.

The panel was satisfied that on the balance of probabilities, allegation 5 (d) is proven.

**(e) your assertion that Individual A was your brother was untrue.**

The panel had regard to the Notice of Proceedings in which the teacher admitted to the allegation.

The panel further reviewed an email of 12 August 2019 from Ms Bryan to the presenting officer in which she stated, 'with regards to the deceased [Individual A], he is a family member. [Individual A] is my nephew and not my brother'.

The panel found allegation 5 (e) proven.

**6. In relation to your absence from School on normal working days between 21 June 2018 and 23 July 2018,**

**(a) you informed the School that you had been in contact with the Police regarding a domestic violence incident, when you had not and/or**

The panel was mindful that Ms Bryan did not admit this allegation and stated, 'I do not admit to this as I was in touch with the police for which I have provided evidence'.

The panel firstly reviewed the evidence that the teacher had submitted which was in the form of a record of communication with the Police. The record was clearly dated the 10 September 2018 which was later than the date of the purported absences. Furthermore, the teacher had forwarded an email dated 15 October 2018 from the Police referencing a crime number reference. The panel was unable to ascertain what the crime reference number was in relation to, or when it was raised. The panel concluded that neither pieces of evidence provided by the teacher made any specific references to the dates of absence from School between 21 June 2018 to 23 July 2018.

The panel went on to consider the written evidence given by Witness A who stated that during his investigation, on 13 July 2018, 'neither the police nor social care had any record of the [redacted] incident... I spoke to both the Police and Social Services before I made a referral for Ms Bryan's wellbeing, they both checked and could not find any record of Ms Bryan having reported an incident [redacted]'.

The panel was unable to see any evidence that the teacher was in contact with the Police between the dates of the absences. The panel found the evidence of Witness A to be consistent in oral and written evidence and found his enquiries into her absences to be diligent. The panel therefore preferred his evidence over the teacher's.

On the balance of probabilities, the panel found allegation 6 (a) proven.

**(b) you informed the School that you had been staying at an address in Birmingham and/or your sister's address to flee a domestic violence incident, but you were in fact in Jamaica for all or part of that period and/or**

The panel had regard to the Notice of Proceedings in which the teacher admitted to the allegation.

The panel had regard to an email dated 17 July 2018 in which Ms Bryan submitted she was staying with family in Birmingham at the time and that the, 'Police are involved' which justified her absence on the basis of fleeing [redacted]. The panel examined screenshots of telephone calls between the School and Ms Bryan made to the School on 17 July 2018 which were from an international telephone number. The written evidence of Witness A indicated that, 'the number Ms Bryan called from is registered to Kingston Jamaica'.

The panel further reviewed email evidence from Ms Bryan sent on 20 July 2018 in regards to her absence at that time and the panel noted that the email was sent, 'GMT -

5'. Witness A explained in his written evidence that he had undertaken research into which countries were 5 hours behind the UK in time, and confirmed that Jamaica was on the list.

On the balance of probabilities, the panel found allegation 6 (b) proven.

**(c) you failed to report and keep in regular contact with the School during your absence.**

The panel had regard to the Notice of Proceedings in which the teacher admitted to the allegation.

The panel had regard to the staff Code of Conduct which indicated that for instances of long term sickness absence which is deemed to be after a period of 7 days, 'it is expected that all employees call/email weekly to the head/deputy to provide an update'. The panel were unable to find evidence that the teacher had done this. The written evidence of Witness A stated, 'we attempted to make contact with Ms Bryan on numerous occasions during the period of 21 June to 23 July'.

The panel concluded that she failed to keep in regular contact with the School during her period of absence. The panel found allegation 6 (c) proven.

**7. You failed to have proper and professional regard for the ethos, policies and practices of the School by your conduct set out in all or any of the following allegations;**

**(a) allegation 1**

The panel had regard to the Notice of Proceedings in which the teacher admitted to the allegations contained within allegation 7.

Having found allegation 1 proven, the panel considered that in choosing to apply for a teaching post which specified in its job description that certain Qualified Teacher Status was essential, Ms Bryan failed to have regard to the policies of the school from the outset. She stated that she had a professional qualification on her application and submitted false documentary evidence.

Further, the panel heard oral evidence from Witness A that had they known that the teacher did not have Qualified Teacher Status, they would not have considered her for the role.

The panel found allegation 7 (a) proven.

**(b) allegation 2(a) and/or 2(b)**

**(c) allegation 3(a) and/or 3(b) and/or 3(c) and/or 3(d) and/or 3(e)**

**(d) allegation 4**



**(e) allegation 5(a) and/or 5(b) and/or 5(c) and/or 5(d) and/or 5(e)**

**(f) allegation 6(a) and/or 6(b) and/or 6(c)**

The panel, having found allegations 2, 3, 4, 5 and 6 proved considered that allegations 7 (b) to (f) are all relevant examples of failure to adhere to the ethos, policies and procedures within the School.

The panel assessed that in failing to adhere to the staff Code of Conduct through examples such as lying to the School about absences as well as providing inaccurate, and on occasions, clearly falsified evidence Ms Bryan had a blatant disregard for policies and procedures.

The panel heard oral evidence from Witness A that all teachers within the School were given a copy of the Staff Code of Conduct and were aware of their duties contained within the Code.

The panel found allegation 7 proven in its entirety.

**8. You failed to maintain high standards of attendance by your conduct set out in all or any of the following allegations;**

**(a) allegation 2(a) and/or 2(b)**

**(b) allegation 3(a) and/or 3(b) and/or 3(c) and/or 3(d) and/or 3 (e)**

**(c) allegation 4**

**(d) allegation 5(a) and/or 5(b) and/or 5(c) and/or 5 (d) and/or 5(e)**

**(e) allegation 6(a) and/or 6(b) and/or 6(c)**

The panel, having found allegations 2, 3, 4, 5 and 6 proven, went on to consider whether the teacher failed to maintain high standards of attendance.

The panel had regard to the Notice of Proceedings in which the teacher admitted to the allegations contained within allegation 8.

The panel heard evidence that the teacher had been absent for a period of 61 days in a single academic year. The panel was mindful that being absent for periods of time itself is not indicative of failing to maintain high standards and acknowledged there may be instances (such as long term illnesses) which would prevent a teacher for being able to maintain high standards of attendance.

However the panel considered that valid justification was never given by Ms Bryan as found proven in the allegations. Indeed, in the first term alone she was absent from 10 November 2017 – 20 December 2017 (inclusive) a period of 31 days which were supported by a series of false medical documentation.



On the balance of probabilities, the panel found allegation 8 proved in its entirety.

**9. You failed to maintain high standards of ethics and behaviour, within and outside school by your conduct set out in all or any of the following allegations**

**(a) allegation 1**

**(b) allegation 2(a) and/or 2(b)**

**(c) allegation 3(a) and/or 3(b) and/or 3(c) and/or 3 (d) and /or 3(e)**

**(d) allegation 5(a) and/or 5(b) and/or 5(c) and/or 5 (d) and/or 5(e)**

**(e) allegation 6(a) and/or 6(b)**

The panel, having found allegations 1, 2, 3, 5 and 6 proven, went on to consider whether the allegations were examples of the teacher failing to maintain high standards of ethics and behaviour within and outside the School.

The panel had regard to the Notice of Proceedings in which the teacher admitted to the allegations contained within allegation 9.

The panel found that in deceiving the School in lying about having Qualified Teacher Status, and then falsifying evidence to that effect, as well as being unable to justify reasons as to long periods of absence without notice, on the balance of probabilities Ms Bryan clearly failed to maintain standards of ethics and behaviour.

The panel found allegation 9 in its entirety proven.

**10. You demonstrated a lack of integrity by your conduct set out in all or any of the following allegations;**

**(a) allegation 1**

**(b) allegation 2(a) and/or 2(b)**

**(c) allegation 3(a) and/or 3(b) and/or 3(c) and/or 3 (d) and/or 3(e)**

**(d) allegation 5(a) and/or 5(b) and/or 5(d) and/or 5(e)**

**(e) allegation 6(a) and/or 6(b)**

The panel, having found allegations 1, 2, 3, 5, 6 proven, went on to consider whether the allegations demonstrated a lack of integrity.

The panel had regard to the Notice of Proceedings in which the teacher admitted to the allegations contained within allegation 10.

By engaging in conduct such as falsifying medical evidence, in conjunction with providing false reasons for her absences, Ms Bryan demonstrated a lack of adherence to the ethical standards of the teaching profession.

The panel considered that Ms Bryan's behaviour was in contrast to the manner in which the profession professes to serve the public. The panel was of the view that Ms Bryan was recovering from a medical procedure that did not take place, as well as taking advantage of a family death to justify absence were prime examples of a lack of integrity.

On the balance of probabilities, the panel found allegation 10 in its entirety proven.

**11. You behaved in a manner which was dishonest by your conduct in in all or any of the following allegations;**

**(a) allegation 1**

**(b) allegation 2(a) and/or 2 (b)**

**(c) allegation 3(a) and/or 3(b) and/or 3 (c) and/or 3(d) and/or 3(e)**

**(d) allegation 5(a) and/or 5(b) and/or 5(d) and/or 5(e)**

**(e) allegation 6(a) and/or 6(b)**

The panel, having found 1, 2, 3, 5 and 6 proved, went on to consider whether Ms Bryan's conduct was dishonest.

The panel had regard to the Notice of Proceedings in which the teacher admitted to the allegations contained within allegation 11.

The panel received advice from the legal adviser and having formed their own view was satisfied, on the balance of probabilities, that Ms Bryan had deliberately concealed the facts of her absences and of her lack of Qualified Teacher Status, and that would be deemed dishonest.

The panel firstly turned its mind to the actual state of Ms Bryan's knowledge or belief as to the facts. Ms Bryan in a letter to the panel stated that she knew, 'what I did was wrong'. The panel considered that Ms Bryan's actions in knowingly falsifying medical evidence would be wholly regarded as dishonest by the objective standard of 'ordinary and decent people'. The panel considered whether the teacher's actions could be attributed to a mistake or carelessness. The panel was mindful that Ms Bryan herself described her actions as, 'deceit, lies and misconduct on my part'. Therefore, the panel concluded that it was more likely than not that her actions were deliberate.

Having reviewed all of the evidence, the panel therefore found all of allegation 11 proven.

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

The panel was satisfied that the conduct of Ms Bryan in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considered that by reference to Part Two, Ms Bryan 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, by
- 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.
- 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 Ms Bryan fell significantly short of the standards expected of the profession.

The panel also considered whether Ms Bryan's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice.

The panel found that the offence of serious dishonesty was relevant. The panel found Ms Bryan's actions were deliberate, pre-meditated and repeated. The teacher abused the trust of the School to a significant extent and she also frustrated the School's policies and procedures which had a serious negative impact on the School.

As a consequence of Ms Bryan's dishonesty, the panel heard oral evidence from the Witness A that classroom cover had to be sought at very short notice, with serious cost implications for the School. Moreover, the School often had to have difficult conversations with parents over the lack of a regular teacher at the very beginning of the pupils' school careers.

The panel considered that public trust in the teaching profession must be maintained and in being dishonest as in these instances, there was clearly a severe impact on the School community.

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. Through her actions, Ms Bryan fell significantly short of this standard.

Accordingly, the panel was satisfied that Ms Bryan was guilty of unacceptable professional conduct and conduct which 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 also considered the public interest of retaining a teacher in the profession, but considered this to be outweighed by the adverse public interest considerations present in this case. The panel considered the particular public interest considerations set out in the Advice and having done so found a number of them to be relevant in this case, namely the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In light of the panel's findings against Ms Bryan, which involved serious dishonesty, there is a strong, adverse, public interest consideration. The panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against the teacher were not treated with the utmost seriousness when regulating the conduct of the profession.

Notwithstanding the clear adverse 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 teacher.

In carrying out the balancing exercise the panel considered the public interest considerations both in favour of and against prohibition as well as the interests of Ms Bryan. 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;
- a deep-seated attitude that leads to harmful behaviour;
- abuse of position of trust; and

- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up.

Even though there were clear behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case.

In light of the panel's findings there was no evidence that Ms Bryan's actions were not deliberate or that Ms Bryan was acting under duress.

The panel noted that Ms Bryan did have a previously good history as described in her reference from her teacher training year at Greenwich University in 2012. Ms Bryan in her written statement to the panel put forward that she now, 'volunteers to help children to improve their learning in the country which I reside'. The panel heard oral evidence from Witness A in which he said she, 'was a very personable person and was a competent teacher' and that she was an embryonic leader who was being given support to develop her role.

As seen in a statement to the panel, the panel acknowledged that Ms Bryan had some limited insight into her actions in stating, 'I accept full responsibility for my actions. At this point in time I look back and do not recognise the person I became'. She also put forward, 'there is nothing that can justify my despicable actions and I would like to take this opportunity to apologise to all who have been affected by my actions, the children, the School, the staff'.

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 was of the view that applying the standard of the ordinary intelligent citizen recommending no prohibition order is not a proportionate and appropriate response. Recommending that publication of adverse findings is sufficient in the case would unacceptably compromise the public interest considerations present in this case, despite the severity of consequences for Ms Bryan of prohibition.

The panel was of the view that prohibition is both proportionate and appropriate. The panel decided that the public interest considerations significantly outweigh the interests of Ms Bryan. The serious dishonesty, over the whole period of her employment at the School, in the form of pre-meditation, repeated lies and the continuation of lying until she was caught out, were significant factors in forming that opinion. Additionally, the panel was of the view that claiming she was recovering from a medical procedure that simply did not take place, as well as taking advantage of a family death, to justify periods of absence, was unforgivable.

Further the panel was appalled by her continued abuse of trust of the School in her attempts to lie by way of falsifying documents such as medical certificates, and indeed even her own Qualified Teacher Status. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend that a review period of the order should be considered. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances in any given case that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 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. In light of the egregious behaviour involved, the panel was satisfied that a review period would *not* be appropriate in the circumstances. The panel formed the view that her behaviour would be considered by the 'ordinary intelligent citizen' as being incompatible with being a teacher. Ms Bryan herself acknowledged in a letter to the panel that her actions were, 'deceit, lies and misconduct on my part'. Moreover, the panel recognised the negative consequences for the pupils and the school as a result of her continued dishonesty.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provisions for a review period.

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

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

In considering this case, I have 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 Dionne Bryan should be the subject of a prohibition order with no provision for a review period.

In particular, the panel has found that Dionne Bryan is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
- 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.
- 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 Ms Bryan fell significantly short of the standards expected of the profession.

In addition the panel found, “that the offence of serious dishonesty was relevant. The panel found Ms Bryan’s actions were deliberate, pre-meditated and repeated. The teacher abused the trust of the School to a significant extent and she also frustrated the School’s policies and procedures which had a serious negative impact on the School.”

The findings of misconduct are particularly serious as they include a finding of serious 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 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 Dionne Bryan, 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 stated, “the panel recognised the negative consequences for the pupils and the school as a result of her continued dishonesty.” A prohibition order would therefore prevent such a risk from being present in the future. I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “the panel acknowledged that Ms Bryan had some limited insight into her actions in stating, ‘I accept full responsibility for my actions. At this point in time I look back and do not recognise the person I became’. She also put forward, ‘there is nothing that can justify my despicable actions and I would like to take this opportunity to apologise to all who have been affected by my actions, the children, the School, the staff’.”

In my judgement, the lack of full insight means that there is some risk of the repetition of this behaviour and this puts at risk the well being of pupils in any future school at which

she is employed. 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 that it, “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.” 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 Dionne Bryan herself. The panel has noted that, “Ms Bryan did have a previously good history as described in her reference from her teacher training year at Greenwich University in 2012. Ms Bryan in her written statement to the panel put forward that she now, ‘volunteers to help children to improve their learning in the country which I reside’. The panel heard oral evidence from Witness A in which he said she, ‘was a very personable person and was a competent teacher’ and that she was an embryonic leader who was being given support to develop her role.”

A prohibition order would prevent Dionne Bryan 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 full insight. The panel has also said, “The serious dishonesty, over the whole period of her employment at the School, in the form of pre-meditation, repeated lies and the continuation of lying until she was caught out, were significant factors in forming that opinion. Additionally, the panel was of the view that claiming she was recovering from a medical procedure that simply did not take place, as well as taking advantage of a family death, to justify periods of absence, was unforgivable.”

I have given less weight in my consideration of sanction therefore, to the contribution that Dionne Bryan 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 full 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 that no provision should be made for a review period.

I have considered the panel's comments "Further the panel was appalled by her continued abuse of trust of the School in her attempts to lie by way of falsifying documents such as medical certificates, and indeed even her own Qualified Teacher Status".

I have considered whether allowing for no review period is proportionate to achieve the aim of maintaining public confidence in the profession. In this case, three factors mean that a no review period is both proportionate and in the public interest with the aim of maintaining public confidence in the profession. These elements are the repeated nature of the dishonesty, the serious nature of the dishonesty and the lack of full insight.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

**This means that Dionne Bryan is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England.** Furthermore, in view of the seriousness of the allegations found proven against her, I have decided that Dionne Bryan shall not be entitled to apply for restoration of her eligibility to teach.

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

Dionne Bryan 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: 13 November 2019**

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