



Teaching  
Regulation  
Agency

# **Mr Darren Griffiths: Professional conduct panel outcome**

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

**August 2022**

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

<b>Teacher:</b>	Mr Darren Griffiths
<b>Teacher ref number:</b>	1332111
<b>Teacher date of birth:</b>	29 January 1982
<b>TRA reference:</b>	18950
<b>Date of determination:</b>	22 – 24 August 2022
<b>Former employer:</b>	Barr’s Hill School and Community College, Coventry

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 22 August 2022 until 25 August 2022 by virtual means to consider the case of Mr Darren Griffiths

The panel members were Mrs Shabana Robertson (lay panellist – in the chair), Mr John Martin (teacher panellist) and Ms Geraldine Baird (lay panellist).

The legal adviser to the panel was Mrs Luisa Gibbons of Eversheds Sutherland (International) LLP.

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

Mr Griffiths was not present and was not represented.

The hearing took place in public and was recorded.

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 5 July 2022.

It was alleged that Mr Griffiths was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as Assistant Headteacher at Barr's Hill School and Community College ("the School") between 1 September 2017 and 31 August 2019, he:

1. During the academic years 2017-18 and/or 2018-19, whilst teaching the Creative IMedia Course he:
  - a. provided one or more pupils with assistance contrary to the exam board guidance on one or more occasions in that you:
    - i. provided inappropriate material to candidates;
    - ii assisted pupils in structuring their work;
  - b. allowed one or more pupils to work in small groups to complete written elements of assessment contrary to exam board guidance;
  - c. permitted one or more pupils to access secure computer files which contained controlled assessments and/or coursework and/or non-examination assessments contrary to the exam board guidance;
  - d. substituted one or more pupils' assessments for another pupil's assessment;
  - e. failed to adequately monitor pupils work resulting in plagiarised work being submitted;
  - f. submitted assessment marks for moderation and/or to the exam board for one or more pupils which exceeded the mark their work merited and/or did not reflect the grade their actual work merited.
2. His conduct as may be found proven at 1 above lacked integrity and/or was dishonest.

Mr Griffiths admitted allegations 1a, 1b and 1c but denied allegations 1d, 1e, 1f and 2. He also denied that he is guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

## Preliminary application

### Proceeding in Absence

The panel has considered whether this hearing should continue in the absence of the teacher.

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

The panel is also satisfied that the Notice of Proceedings complied with paragraph 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession 2018, (the "Procedures").

The Notice of Proceedings did not give the requisite eight weeks' notice required by paragraph 4.11 of the Procedures. However, the panel noted that in Mr Griffiths' response to the Notice of Referral dated 28 July 2020, he had requested that the TRA consider a shorter time period between the Notice of Proceedings and the hearing than the eight weeks required under the Procedures. Mr Griffiths also asked for the matter to be resolved "as a matter of urgency". Having received the Notice of Proceedings and being made aware of the hearing dates, Mr Griffiths sent an email on 26 July 2022 in which he raised no issue regarding the period of notice provided. In that email, Mr Griffiths confirmed that he was "content with the hearing proceeding in [his] absence and [he is] not seeking an adjournment".

The panel noted paragraph 1.4 of the Procedures allows any requirements set out in the Procedures (save for those matters subject to the Regulations) to be waived or varied where there is an agreement between the teacher and the presenting officer, provided that such a waiver or variation is not contrary to the interests of justice. The panel considered that there had been an effective waiver of the right to receive eight weeks' notice and that this was not contrary to the interests of justice. The interests of justice required that the hearing be held expeditiously.

The panel has 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 has taken as its starting point the principle from *R v Jones* 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 has 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*.

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

Mr Griffiths returned his response dated 21 July 2022 to the Notice of Proceedings thereby indicating that he had received the Notice of Proceedings. In that response, he responded “no” to a question as to whether he intended to be present at the hearing and also responded “no” to the question as to whether he intended to be represented at the hearing.

On 26 July 2022, the presenting officer informed Mr Griffiths that she would be making an application to proceed in Mr Griffiths’ absence. She asked Mr Griffiths to confirm the reason for his absence. She also asked him to confirm that he was content with the hearing to proceed in his absence and that he was not seeking an adjournment. Mr Griffiths responded that he would not be attending the hearing due to his [REDACTED]. He stated that “I do not wish to attend as I do not feel that it will change the outcome”. He stated, “please take this as my intention not to attend the hearing and although I am not happy for the hearing to proceed without my presence, I would like for this to be resolved without my attendance so therefore content with the hearing proceeding in my absence and I am not seeking an adjournment.” The panel therefore considers that the teacher has waived his right to be present at the hearing in the knowledge of when and where the hearing is taking place.

There is no indication that Mr Griffiths will participate if the hearing is adjourned to a later date.

Mr Griffiths has not indicated that he wishes to adjourn the hearing to obtain legal representation.

The panel has the benefit of written representations made by Mr Griffiths and is able to ascertain his response to the allegations. Two witnesses are to be called to give evidence and the panel can test their evidence by questioning those witnesses, considering such points as are favourable to the teacher, as are reasonably available on the evidence. The panel is also able to 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 Mr Griffiths’ account.

Mr Griffiths has referred to his [REDACTED] as being the reason for his non-attendance, and has referred previously to [REDACTED], However, he has produced no [REDACTED] evidence for the panel to consider. Indeed, Mr Griffiths has asked for the matter to be resolved “as a matter of urgency”.

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

The panel recognises that the efficient disposal of allegations against teachers is required to ensure the protection of pupils and to maintain confidence in the profession. The School will have an interest in this hearing taking place in order to move forward.

The panel also notes that there are two witnesses available and prepared to give evidence, and that it would be inconvenient for them to return. Delaying the case may impact upon the memories of those witnesses.

The panel has decided to proceed with the hearing in the absence of the teacher. The panel considers that in light of: Mr Griffiths' waiver of his 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 are serious allegations and the public interest in this hearing proceeding within a reasonable time is in favour of this hearing continuing today. Mr Griffiths has also expressed an interest in having this hearing concluded.

### **Application to produce late documents and to rely upon hearsay evidence**

The presenting officer applied to admit a bundle of correspondence with Pupil B and Pupil C regarding their non-attendance at the hearing ("the Supplemental Bundle"). The presenting officer confirmed that the Supplemental Bundle had been provided to Mr Griffiths in advance of the hearing. The panel decided that the Supplemental Bundle was relevant to the presenting officer's application to rely upon the hearsay evidence of Pupil B and Pupil C. The panel decided that it was fair to admit the Supplemental Bundle. There has been no objection by Mr Griffiths to the inclusion of the Supplemental Bundle. The documents would assist the panel in deciding whether to admit Pupil B and Pupil C's hearsay evidence, as it evidenced the efforts made to secure the attendance of those witnesses at the hearing. The Supplemental Bundle was therefore admitted.

The presenting officer applied to admit the witness statements of Pupil B and Pupil C as hearsay evidence, given their non-attendance at the hearing. Those witness statements were taken for the purpose of these proceedings. The presenting officer also applied to admit handwritten statements of Pupil Q, Pupil C, Pupil K, Pupil V, Pupil S, Pupil T, Pupil I, Pupil H, Pupil O, Pupil L, Pupil P, Pupil D, Pupil G, Pupil B and Pupil A produced as part of the School's investigation.

The panel was satisfied that the documents are relevant to the case as they provide the pupils' evidence of practices within the classroom, the conditions in which they produced their coursework, the methods by which their coursework was stored and of the coursework they produced.

The central question for the panel was therefore whether it was fair in the circumstances to allow the evidence to be put forward by the presenting officer without the opportunity for those pupils to be questioned by the panel. The panel exercised particular care given that the hearing was to proceed in Mr Griffiths' absence.

The panel took account of the efforts made to secure the attendance of the pupils.

The panel noted correspondence from the presenting officer explaining to Pupil B and Pupil C the importance of witness engagement and the special measures that might be afforded to them. Pupil B provided a detailed response explaining the priority [REDACTED] has had to give to [REDACTED] university studies, limiting the time [REDACTED] has available to participate in these proceedings. Pupil C indicated that [REDACTED] did not wish to participate in the hearing as [REDACTED] has "nothing to provide". The panel was satisfied that considerable efforts had been made to secure the attendance of Pupil B and Pupil C, and that it would not have been proportionate to issue a witness summons compelling their attendance given the obvious difficulties it would have caused.

With regard to the other pupils for whom it was proposed to rely upon their handwritten statements, the presenting officer confirmed that those pupils had not been contacted with a view to securing their attendance. However, in circumstances where Pupil B and Pupil C had been contacted (and until recently were engaged in the process) and in light of the considerable admissions by Mr Griffiths in this case, the panel agreed that it would have been disproportionate to seek the attendance of the remainder of the pupils, resulting in a much longer hearing.

The panel had regard to the seriousness of the allegations in this case, and that it is open to the panel to recommend prohibition in this case if unacceptable professional conduct and/or conduct that may bring the profession into disrepute are found proven.

The panel also considered the importance of the evidence and whether it constituted a critical part of the evidence against the teacher. The panel noted that the pupils' evidence is not the sole or decisive evidence available in respect of any of the allegations. For some of the allegations, the panel has the benefit of admissions made by Mr Griffiths. The panel has available to it: notes of an interview with Mr Griffiths and a statement made by him responding to the allegations during the course of the School's investigation; examples of work submitted; course and examination board materials; and the School's code of conduct for employees. Furthermore, the panel will be able to ask questions of [REDACTED] both of whom are attending to give oral evidence.

The panel noted that the statements of Pupil B and Pupil C were provided to Mr Griffiths with the Notice of Proceedings. The draft hearing bundle containing the handwritten statements of the remainder of the pupils was provided to Mr Griffiths on 6 July 2022. No



objection was raised to the admission of the statements, and indeed Mr Griffiths relies upon the pupils' statements to some extent in his representations, noting that "statements all state that Mr Griffiths told us not to copy."

Given the circumstances: that considerable efforts have been made to secure the attendance of Pupil B and Pupil C; it would have been disproportionate to seek a larger sample of pupils to give evidence; there is other evidence available so the pupils' evidence is not the sole or decisive evidence available to the panel; and Mr Griffiths' himself relies upon the pupils' evidence, the panel has decided that there are sufficient safeguards to protect the teacher against any unfairness caused by being unable to question these witnesses.

The panel will be provided with a hearsay warning in due course, and the panel will determine what weight, if any it should attach to the evidence. The panel can ask questions of the [REDACTED] as to the process in which the handwritten statements were taken, and, if appropriate, can attach differing levels of weight to the evidence of those pupils who provided witness statements for these proceedings to those who provided handwritten statements during the School's investigation.

By reason of the above, the panel has decided to admit the witness statements of Pupil B and Pupil C and the handwritten statements of the pupils as hearsay evidence.

## **Summary of evidence**

### **Documents**

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

Section 1: Chronology and anonymised pupil list – pages 2 to 4

Section 2: Notice of proceedings and response – pages 5 to 20

Section 3: Teaching Regulation Agency witness statements – pages 21 to 37

Section 4: Teaching Regulation Agency documents – pages 38 to 482

In addition, the panel agreed to accept the Supplemental Bundle consisting of 15 pages of additional documents containing correspondence with Pupil B and Pupil C regarding their non-attendance at the hearing.

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

## Witnesses

The panel heard oral evidence from [REDACTED]. Both witnesses were called by the presenting officer.

## Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Griffiths was employed at the School from 1 September 2017 as assistant headteacher. On 5 July 2019, the School received notification from OCR of suspected malpractice. Investigations ensued. On 23 August 2019, Mr Griffiths resigned from the School.

## 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 employed as Assistant Headteacher at Barr's Hill School and Community College ("the School") between 1 September 2017 and 31 August 2019, you:**

**1. During the academic years 2017-18 and/or 2018-19, whilst teaching the Creative IMedia Course you:**

**a. provided one or more pupils with assistance contrary to the exam board guidance on one or more occasions in that you:**

**i. provided inappropriate material to candidates;**

**ii assisted pupils in structuring their work;**

The panel has seen examples of pupils' work in which almost identical tables have been completed by six pupils. In other examples of five pupils' work, the work has similar sub-headings and paragraphs.

In Mr Griffiths' response of 28 July 2020 to the Notice of Referral, and in his response of 21 July 2022 to the Notice of Hearing, he has admitted this allegation in its entirety.

The notes of Mr Griffiths' interview as part of the School's investigation states that Mr Griffiths had explained that he had shown them how the table should be laid out as part of teaching the unit; that he had confirmed that he would have told them what sub-headings they needed; and explained that the pupils had an example piece of work and

were told that they were not to copy that example. The notes recorded that the example that Mr Griffiths provided the pupils with was one from OCR.

In Mr Griffiths' statement for the School's investigation, he stated that pupils would be given the OCR Model Assignment, downloaded from the OCR iMedia website. He went on to state that "In some cases a structure for the criteria would be given from analysis of the assignment brief. In most cases the students would have the same/ similar headings and in some cases similar/same work (such as the work plan)." Mr Griffiths stated that he had reviewed feedback from the 2018/2019 examination, and assumed that the way in which the work had been structured had been adequate and met criteria, hence he gave the same structure to the 2018/2019 candidates.

The JCQ Suspected Malpractice in Examinations and Assessments: Policies and Procedures sets out what would constitute providing improper assistance to candidates. This included "assisting candidates in the production of controlled assessment, coursework, non-examination assessment or portfolios, beyond that permitted by the regulations"; and "assisting or prompting candidates with the production of answers."

The JCQ instructions for conducting coursework state that "any explanation or interpretation given by teaching staff **must** be general and not specific to a candidate's work."

[REDACTED] stated that schools would have a bank of model assignments - these were not example answers, but provided a framework of points that the candidates would need to address to achieve certain grades. He also stated that the OCR website gave examples of completed work, so that teachers and candidates could understand what 'good' looks like, although those examples would relate to a different assignment to the assignment being used in the current assessment. [REDACTED] stated that pupils would be allowed to see exemplar material for the purpose of understanding what a 'good' answer would include.

The panel considered that the degree of similarity contained within the pupils' work exceeded that which might have been garnered from information provided in a model assignment.

Furthermore, pupils handwritten statements included evidence that:

"sometimes he gives us the answer table and we have to rewrite it. We had to fill the empty boxes";

"yes we were given table that we had to fill in ourselves and also subheadings but we had to provide our own information. We were also given a brief example piece of work"; ,

"for some of it we got given tables";

"given example work that some may have used more than others"; and

“my section is similar because we were given example work which I used to help me write. I’m unsure if it was somebody’s or the exam bored [sic] example.”

The panel placed some weight upon the handwritten statements and was struck that some of the pupils gave information that was not in their own interest, for example accessing and copying the work of another pupil. [REDACTED] confirmed that the statements had been written individually by the pupils in separate meetings, many of which took place on the same morning, therefore limiting the opportunity for collusion.

The panel found this allegation proven in its entirety.

**b. allowed one or more pupils to work in small groups to complete written elements of assessment contrary to exam board guidance;**

In Mr Griffiths’ response to the Notice of Referral, and in his response to the Notice of Hearing, he has admitted this allegation.

In his response to the Notice of Referral, in addressing this specific allegation he stated that “due to the nature of the cohort, I grouped some students together due to them having extreme language barriers. I tried to remove barriers to learning by sitting newly arrived EAL students next to other students of similar language.”

In an email dated 26 July 2022, Mr Griffiths stated “Yes, I allowed students to work in groups. The nature of the students I had in my class with English as an additional language made it impossible for me to teach/ remove barriers to learning with students with EAL needs. I partnered up students with the same/ similar languages so they could access the curriculum... Could I have controlled the work produced? Yes, and fully acknowledge this as a mistake.”

In his statement for the School’s investigation, Mr Griffiths stated “During the write up of a learning objective students would produce own work but in some cases were not made to work in silence as they were creating or writing up a piece of generic work, such as rules of photography and composition. Learners were encouraged at all times that work must be their own however speaking to another candidate was not deemed inappropriate if they could help each other.”

The JCQ instructions for conducting coursework state that “all coursework submitted for assessment **must** be the candidate’s own work.”

Pupil B refers in [REDACTED] witness statement to helping other pupils in nearly every lesson they had and Pupil C refers to being allowed to speak to a neighbouring pupil, although they wouldn’t be permitted to speak throughout the whole lesson. It is not clear if Pupil B and Pupil C were referring to their lessons with Mr Griffiths generally in making these comments, or whether a similar practice was adopted during the controlled assessments.

The pupils were asked during the school investigation whether they worked independently, in pairs or groups. A number of the pupils referred to working in groups.

The panel took significant note of Mr Griffiths' admissions, repeated on numerous occasions. Whilst there was ambiguity as to whether the comments made by pupils referred to controlled assessments or their usual lessons, in light of Mr Griffiths' admissions, the panel found it more probable than not that he allowed one or more pupils to work in small groups to complete written elements of assessment.

**c. permitted one or more pupils to access secure computer files which contained controlled assessments and/or coursework and/or non-examination assessments contrary to the exam board guidance;**

In Mr Griffiths' response to the Notice of Referral, and in his response to the Notice of Hearing, he has admitted this allegation.

In the notes of Mr Griffiths' interview during the school investigation, it is noted that Mr Griffiths had said that he had used a shared drive for students to submit work to him initially and that the students would have been able to access each other's work.

Pupil C, in his witness statement stated that "if another pupil wanted to see someone else's work that they had uploaded they would be able to". The pupils handwritten statements include comments such as:

"I copied [Pupil U] but [REDACTED] doesn't know a [sic] copied from the share box because I was running out of time";

"however it was on drop box and others could access it"; and

"I looked at others on the shared drive to help me."

[REDACTED] confirmed in oral evidence that pupils had access to a shared drive, thus enabling them to access the work of other pupils. That was a breach of security.

The JCQ Suspected Malpractice in Examinations and Assessments: Policies and Procedures sets out what would constitute a breach of security. This included "failing to keep candidates' computer files secure which contain controlled assessments, coursework or non-examination assessments".

The panel found this allegation proven.

**d. substituted one or more pupils' assessments for another pupil's assessment;**

In Mr Griffiths' response to the Notice of Referral, he admitted this allegation. In his subsequent response to the Notice of Hearing, Mr Griffiths denied this allegation without any explanation. In his email of 26 July 2022, he stated "Not now nor have I ever substituted work for others. In terms of previous years, I would I did [sic] not have access

to previous years work so not sure how I would have substituted that.” [REDACTED], however, stated in [REDACTED] oral evidence that as Mr Griffiths was responsible for submitting the sample the previous year, he continued to have access to it.

Pupil B’s witness statement stated that during the school investigation [REDACTED] was shown [REDACTED] folder which contained half of [REDACTED] own work and half of someone else’s. [REDACTED] clearly identified that all of the work was not [REDACTED] as the camera that [REDACTED] had chosen as the topic for one of [REDACTED] coursework assignments was not the one referred to on the piece of work contained within [REDACTED] folder. [REDACTED] stated that [REDACTED] remembered “the camera that I chose because I already had that type of camera at home.” The work that was in [REDACTED] folder was about a camera that Pupil B stated [REDACTED] would have never written about, and [REDACTED] could therefore identify that it was not [REDACTED] work. In [REDACTED] handwritten statement for the school’s investigation Pupil B stated that “as I was about to print my work, some of it was missing ... and after a long time of trying to find the work, Sir told me [REDACTED] would solve it and to not worry about it... It was all my work which I printed and I don’t know how the other work got there.”

[REDACTED] gave evidence that Pupil A’s folder on Mr Griffiths personal hard drive, contained the work of Pupil E. [REDACTED] stated that the work submitted for Pupil A had been surprisingly good for [REDACTED] ability and given [REDACTED] attendance record, and that it transpired that the work submitted in Pupil A’s name was the work of Pupil E who was a high attainer.

Given the discrepancies identified above, the panel found this allegation proven.

**e. failed to adequately monitor pupils’ work resulting in plagiarised work being submitted;**

Mr Griffiths admitted this allegation in his response to the Notice of Referral but denied it in his response to the Notice of Hearing. However, in his email of 26 July 2022, Mr Griffiths accepted that he could have controlled the work produced.

In his interview as part of the School’s investigation, Mr Griffiths stated that he had explained to pupils that the work must be their own, that they must properly reference, and that copying was not allowed. He was asked if he had used the school’s software for checking plagiarism and copying, and Mr Griffiths confirmed that he had not, nor had he noticed the similarity in the work when marking it. [REDACTED], in oral evidence, stated that [REDACTED] had accepted an oral assurance by Mr Griffiths that he had been using the school’s software to check for plagiarism and copying.

Many of the pupils’ handwritten statements confirm that Mr Griffiths’ told them that they were not allowed to copy. However, they go on to make reference to copying other’s work, having copied information from the internet and not knowing how to reference it.

Given the clear evidence of copying, the panel found that Mr Griffiths had failed to adequately monitor pupils' work for plagiarism and found this allegation proven.

**f. submitted assessment marks for moderation and/or to the exam board for one or more pupils which exceeded the mark their work merited and/or did not reflect the grade their actual work merited.**

Mr Griffiths denied this allegation both in his response to the Notice of Referral and the response to the Notice of Hearing.

Given the panel's findings that some of the pupils' work was not their own, it follows that Mr Griffiths submitted assessment marks for moderation and/or to the exam board that did not reflect the grade that their actual work merited. [REDACTED] cited the case of work submitted for Pupil A that had been surprisingly good for [REDACTED] ability and attendance record, and had actually been the work of Pupil E who was a high attainer. [REDACTED] also stated that it was surprising that some of the pupils could have produced work of the quality shown as the grammar and tone of the work submitted was not in keeping with their ability.

This allegation was therefore found proven.

**2. Your conduct as may be found proven at 1 above lacked integrity and/or was dishonest.**

In his response to the Notice of Referral, Mr Griffiths accepted that his actions lacked integrity but disagreed that he was dishonest.

The panel considered that the ethical standards of the teaching profession required teachers to adhere to the policies, procedures and instructions for conducting assessments in order to uphold the integrity of the qualification for which the pupils were studying. This is essential to ensure that pupils' achievements reflect the quality of the work, and to ensure that future opportunities available to those pupils, and pupils from other schools can be allocated fairly based on the pupils' own achievements. In failing to adhere to those policies, procedures and instructions, Mr Griffiths actions fell below those ethical standards and thereby lacked integrity.

In considering the issue of dishonesty, the panel considered the test set out by the Supreme Court in the case of Ivey v Genting Casinos (UK) Limited.

The panel first sought to ascertain Mr Griffiths' state of knowledge or belief as to the facts.

In his response to the Notice of Referral, Mr Griffiths explained that he had tried to remove barriers to learning, and that some pupils were lacking support from the School or external agencies to complete their work. His response stated "how can you get these children a fair chance at life when they receive no support through the school system.

Majority of new arrivals had either no or very limited English.” In an email of 26 July 2022, Mr Griffiths stated that he had “allowed students to work in groups. The nature of the students I had in my class with English as an additional language made it impossible for me to teach/remove barriers to learning with students with EAL needs. I partnered up students with the same/similar languages to that they could access the curriculum”. It appears therefore that Mr Griffiths was likely to be motivated by a sense of wanting to level up the opportunities for those pupils with EAL needs. He went on to state that he could have controlled the work produced, and fully acknowledged that he had made a mistake in that regard.

The panel then considered whether Mr Griffiths’ conduct was dishonest by applying the objective standard of ordinary decent people. The panel noted that there is no requirement that Mr Griffiths must appreciate that what he has done by those standards is dishonest. The panel considered that ordinary people would consider that the facts found proven, involving providing pupils with assistance, allowing them to work in groups, failing to keep pupils’ work secure, substituting pupils’ work for another’s, allowing plagiarised work to be submitted, and submitting marks that did not reflect the grade the work merited would all be considered to be dishonest actions. The ordinary person would expect pupils’ grades to reflect the quality of their work. Interfering in the assessment process, in the way Mr Griffiths did, for the purpose of levelling the playing field for pupils with EAL needs was dishonest and deliberately undermined the efficacy of the assessment. Although Mr Griffiths has stated that he made a mistake in failing to control the work produced, the panel considered that he had knowingly allowed the circumstances to prevail in which pupils could copy other pupils’ work, with a view to levelling the playing field and that this was dishonest.

The panel found Mr Griffiths’ conduct to have both lacked integrity and to have been dishonest.

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

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

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

The panel was satisfied that the conduct of Mr Griffiths, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Griffiths 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:



- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position

Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach

Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Griffiths fell significantly short of the standard of behaviour expected of a teacher.

The panel also considered whether Mr Griffiths' conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that the offence of fraud or serious dishonesty was relevant. 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.

Accordingly, the panel was satisfied that Mr Griffiths was guilty of unacceptable professional conduct.

The panel took into account the way the teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils 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.

In considering the issue of whether the facts of those proved allegations amounted to conduct that may bring the profession into disrepute the panel also considered whether Mr Griffiths' conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. As referred to above, the panel found that the offence of fraud or serious dishonesty was relevant.

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 conduct that may bring the profession into disrepute.

The panel considered that Mr Griffiths' conduct could potentially damage the public's perception of a teacher and undermine confidence in the profession.

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

Having found the facts of all of the allegations proved, the panel found that Mr Griffith's 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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Griffiths and whether a prohibition order is necessary and proportionate. 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 in the Advice and, having done so, found a number of them to be relevant in this case, namely, the protection of other members of the public; the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct.

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

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

Although no doubt had been cast upon Mr Griffiths' abilities as an educator, the panel considered that the adverse public interest considerations referred to above outweighed any interest in retaining Mr Griffiths in the profession, given that his behaviour fundamentally breached the standard of conduct expected of a teacher, and undermined confidence in the integrity of the assessment process. A prohibition order would therefore strike the right balance between the rights of Mr Griffiths and the public interest.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times.

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15 of the Advice. In the list of such factors, those that were relevant in this case were:

serious departure from the personal and professional conduct elements of the Teachers' Standards;

misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;

abuse of position of trust (particularly involving pupils);

violation of the rights of pupils;

dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests;

deliberate action in serious contravention of requirements for the conduct of an examination or assessment leading to an externally awarded qualification or national assessment (or deliberate collusion in or deliberate concealment of such action) particularly where the action had, or realistically had the potential to have, a significant impact on the outcome of the examination assessment;

Even though the behaviours found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider the mitigation offered by the Mr Griffiths and whether there were mitigating circumstances.

There was no evidence that Mr Griffiths' actions were not deliberate.

There was no evidence to suggest that Mr Griffiths was acting under extreme duress, eg a physical threat or significant intimidation.

Mr Griffiths did have a previously good history. He joined the school as an assistant headteacher. [REDACTED] stated that [REDACTED] considered his relationship with Mr Griffiths to be a positive one, that Mr Griffiths worked hard, dealt with pupils well and was committed. [REDACTED] described Mr Griffiths as a good classroom teacher, that [REDACTED] had good classroom management and an excellent relationship with pupils, although his approach was a touch informal. [REDACTED] gave oral evidence that [REDACTED] observations of Mr Griffiths' lessons were that his teaching was solid, and that his behaviour management was very good. However, there is no evidence of Mr Griffiths having demonstrated exceptionally high standards in both personal and professional conduct and having contributed significantly to the education sector. Pupil B described Mr Griffiths as acting like a friend, and that Pupil B and two other pupils helped him out a lot in the classroom with other pupils. Pupil C described him as an "okay teacher; he was not too strict but not too laidback either."

Mr Griffiths has not adduced any character statements for the panel to consider. The bundle contains references obtained by the School in 2017, at the time of Mr Griffiths'

recruitment to his post. The panel did not place any weight upon them, given that they are some five years old.

The panel heard evidence from [REDACTED] that Mr Griffiths had chosen the iMedia course to deliver, having taught it previously in other schools. [REDACTED] stated that he was provided with internal support with the delivery and moderation of vocational courses via the School vocational lead, and had access to support from other teachers in the trust delivering similar courses. In oral evidence, [REDACTED] confirmed that support could be accessed and that there were a number of opportunities for subject collaboration. [REDACTED] also confirmed that Mr Griffiths would have been given individual pupil targets that were aspirational but commensurate with the pupils' reading and writing ability. [REDACTED] confirmed the availability of support for pupils via the SEND and inclusion team, the possibility of special access arrangements for assessments, and a strong pastoral system. Despite the above support, Mr Griffiths took matters in his own hands with a view to affording an advantage to pupils with EAL needs, regardless of the impact on the pupil body as a whole, and the integrity of the assessment system.

Although Mr Griffiths has accepted that his actions lacked integrity, admitted some of the allegations and acknowledged that he had erred in his control of the work produced, he has not demonstrated any insight of the potential consequences for pupils of his actions. He has denied some of the allegations that the panel has found proven, including that he acted dishonestly. He has not participated in this hearing, and has not conveyed any sense that he has a passion to return to teaching. Mr Griffiths has not expressed any remorse for the impact of his actions on pupils. The pupils were denied the opportunity to be awarded a grade based upon all of the work they had produced and recognising their own efforts. Pupil B in particular stated that the grade [REDACTED] ultimately received based upon [REDACTED] examination, was lower than that which [REDACTED] had anticipated. Furthermore, Mr Griffiths' actions have the potential to seriously undermine public confidence in the assessment process.

Of particular concern to the panel, is that in relation to allowing students to work in groups, he has stated as recently as 26 July 2022 that he would do the same again, if he was teaching, in order to remove barriers to learning for those pupils with EAL needs. The panel therefore considered there to be a real risk of repetition.

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 was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Griffiths 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 Mr Griffiths. The lack of insight into the impact on pupils and the integrity of the assessment process were significant factors in forming that opinion, together with his lack of any remorse. 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 cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. One of these cases include fraud or serious dishonesty. The panel found that Mr Griffiths was responsible for dishonesty that impacted upon the integrity of the assessment system.

The panel noted that it should consider the case on its individual merits taking into account all of the circumstances involved. In circumstances in which Mr Griffiths has shown no insight into the impact of his actions despite having already had three years to reflect upon them and having recently indicated that he would act in a similar way again, the panel has grave concerns about Mr Griffiths returning to the profession.

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 provision 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 Mr Griffiths should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Griffiths 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:

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position

Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach

Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was also, "satisfied that the conduct of Mr Griffiths fell significantly short of the standard of behaviour expected of a teacher."

The findings of misconduct are particularly serious as they include a finding of both lack of integrity and dishonesty in relation to the public examination system.

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 Mr Griffiths, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed, "The pupils were denied the opportunity to be awarded a grade based upon all of the work they had produced and recognising their own efforts." 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 lack of insight into the impact on pupils and the integrity of the assessment process were significant factors in forming that opinion, together with his lack of any remorse." In my judgement, the lack of full insight or remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils as well as the integrity of the public examination system. 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, “The panel considered that Mr Griffiths’ conduct could potentially damage the public’s perception of a teacher and undermine confidence in the profession.”

I am particularly mindful of the finding of lack of integrity and 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 Mr Griffiths himself. The panel comment “Mr Griffiths did have a previously good history. He joined the school as an assistant headteacher. [REDACTED] stated that [REDACTED] considered [REDACTED] relationship with Mr Griffiths to be a positive one, that Mr Griffiths worked hard, dealt with pupils well and was committed. [REDACTED] described Mr Griffiths as a good classroom teacher, that he had good classroom management and an excellent relationship with pupils, although his approach was a touch informal. [REDACTED] gave oral evidence that [REDACTED] observations of Mr Griffiths’ lessons were that his teaching was solid, and that his behaviour management was very good. However, there is no evidence of Mr Griffiths having demonstrated exceptionally high standards in both personal and professional conduct and having contributed significantly to the education sector.”

A prohibition order would prevent Mr Griffiths from teaching and would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel’s comments concerning the lack of insight or remorse. The panel has also said, “The pupils were denied the opportunity to be awarded a grade based upon all of the work they had produced and recognising their own efforts. Pupil B in particular stated that the grade [REDACTED] ultimately received based upon [REDACTED] examination, was lower than that which [REDACTED] had anticipated. Furthermore, Mr Griffiths’ actions have the potential to seriously undermine public confidence in the assessment process.”

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

I have considered the panel's comments "The panel noted that it should consider the case on its individual merits taking into account all of the circumstances involved. In circumstances in which Mr Griffiths has shown no insight into the impact of his actions despite having already had three years to reflect upon them and having recently indicated that he would act in a similar way again, the panel has grave concerns about Mr Griffiths returning to the profession."

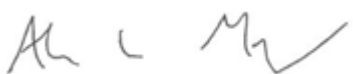
I have considered whether not allowing a review period reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. In this case, the factors which mean that allowing for no review period is necessary are the dishonesty and lack of integrity found, the lack of either insight or remorse, and in particular the stated intention that he would do the same again.

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 Mr Darren Griffiths 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 proved against him, I have decided that Mr Darren Griffiths shall not be entitled to apply for restoration of his eligibility to teach.

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

Mr Darren Griffiths has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this order.



**Decision maker: Alan Meyrick**

**Date: 26 August 2022**

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