



Teaching  
Regulation  
Agency

# **Ms Claudia Malley: Professional conduct panel outcome**

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

**May 2021**

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

<b>Teacher:</b>	Ms Claudia Malley
<b>Teacher ref number:</b>	1580440
<b>Teacher date of birth:</b>	08 January 1997
<b>TRA reference:</b>	19164
<b>Date of determination:</b>	4 May to 7 May 2021 and 14 May 2021
<b>Former employer:</b>	St Mary and St John Catholic Primary School, Wigan

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened between 04 May 2021 and 07 May 2021 (and reconvened on 14 May 2021) by way of a virtual hearing, to consider the case of Ms Claudia Malley.

The panel members were Mr Paul Millett (lay panellist), Mr John Martin (teacher panellist) and Ms Esther Maxwell (lay panellist – in the chair).

The legal adviser to the panel was Mr Liam Green of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Naomh Gibson of Halcyon Chambers.

Ms Malley was present and was not represented.

The hearing took place by way of a virtual hearing in public and was recorded.

## Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 12 February 2021.

It was alleged you are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed at the St Mary and St John Catholic Primary School between September 2018 and November 2019;

1. You sought to conceal that you had not achieved Qualified Teacher Status, by creating and/or sending emails from one or more email accounts portraying to be from;
  - a. University of Chester;
  - b. Wigan Council.
2. You provided false and/or misleading information in order to improve your prospects of securing and/or retaining a qualified teacher post at the school, including by;
  - a. in or around June 2019, informing the school that you had achieved Qualified Teacher Status, when in fact you knew and/or ought to have reasonably known you had not received this qualification;
  - b. in or around June 2019, relied on one or more emails to the school suggesting your Qualified Teacher Status had been upheld, when in fact you knew and/or ought to have reasonably known that the emails were not authentic;
  - c. in or around November 2019, informing the Headteacher that you not aware that you were insufficiently qualified to hold Qualified Teacher Status, when in fact:
    - i. you had received correspondence from the University of Chester in 2019 informing you of that fact;
    - ii. you had sat and failed one or more modules of the requisite qualification on or around three occasions;
    - iii. you had attended a graduation ceremony in November 2019 where you were awarded with a Level 5 Diploma in teaching which was not sufficient for you to hold QTS.

3. You caused and/or permitted and/or failed to prevent the improper use of school funds/resources by;
  - a. receiving a salary for the position of a qualified teacher when in fact you knew and/or ought to have known that you were not entitled to this level of pay;
  - b. claiming expenses which you had not incurred for school related purposes;
  - c. holding yourself out as having attended one or more training courses which you had not in fact attended.
4. Your conduct as may be found proven at 1 and/or 2 and/or 3 above lacked integrity and/or was dishonest.

These allegations were disputed in their entirety; Ms Malley did not admit the factual allegations as set out above, nor did she admit that those facts amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

## **Preliminary applications**

### **Procedural rules**

It was noted that since the date of the referral to the TRA in this case, new Teacher misconduct disciplinary procedures for the teaching profession were published in May 2020 (the “May 2020 Procedures”).

The panel understands that the earlier provisions contained within the Teacher misconduct disciplinary procedures for the teaching profession updated in April 2018 (the “April 2018 Procedures”) apply to this case, given that those provisions applied when the referral was made.

The panel has the power to direct that the May 2020 Procedures should apply in appropriate circumstances; the panel received no representations that this should be the case.

Accordingly, the panel confirms that it has applied the April 2018 Procedures in this case.

### **Application to admit additional documents**

The presenting officer made an application to admit the witness statement of Witness B into evidence.

The TRA accepted that it failed to serve that document in accordance with the requirements of paragraph 4.20 of the April 2018 Procedures. The TRA submitted the document was relevant, it would be fair to admit the document and there would be little prejudice to Ms Malley.

The application was opposed by Ms Malley primarily on the grounds of non-compliance with the April 2018 Procedures.

The panel were required to consider whether that document should be admitted under paragraph 4.25 of the April 2018 Procedures at the discretion of the panel. The panel took into account the representations and submissions of Ms Malley and the Presenting Officer. Under paragraph 4.18 of the April 2018 Procedures, the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case. The panel was satisfied that the document was relevant to the case as it was central to the TRA's allegations and that in all the circumstances, it would be fair to admit the document into the evidence.

Accordingly, the witness statement was added to the bundle.

### **Application to hear the case in private**

Ms Malley made an application for the case to be heard in private primarily on the grounds of familial connections with the School.

The presenting officer opposed this application for not having sufficient merit to trigger a departure from the position of open justice and transparent hearings.

The panel considered whether to exercise its discretion under paragraph 11 of the Teachers' Disciplinary (England) Regulations 2012 (the "Regulations") and paragraph 4.57 of the April 2018 Procedures to exclude the public from all or part of the hearing.

The panel has taken into account the general rule that hearings should be held in public and that this is generally desirable to maintain public confidence in the administration of these proceedings and also to maintain confidence in the teaching profession.

The panel did not consider any of the exclusions in paragraph 11 (3) of the Regulations or under paragraph 4.57 of the April 2018 Procedures to be applicable.

Accordingly, the panel determined that the hearing would be held in public save for if the evidence began to pertain to sensitive matters such as mental health or children.

### **Application to rely on an additional witness**

Ms Malley expressed to the panel that she wished to rely on a defence witness, Individual A, which until the first day of the hearing neither the panel nor the TRA were aware of.

Ms Malley's position is that this witness would assist her in her defence of the proceedings and ultimately she misunderstood correspondence received from the TRA to the effect that she felt unable to rely on the witness.

The panel was extremely mindful of the fact that Ms Malley was unrepresented and given that she had now expressed in clear terms she would have relied on the witness if there had not been a misunderstanding, the panel considered this to amount to an application by Ms Malley to rely on an additional witness.

The panel were extremely mindful of Ms Malley's right to a fair hearing and that, regardless of the cause of the misunderstanding, this right should not be curtailed.

The TRA was equally mindful of the right to a fair trial and considered it essential this matter was dealt with before opening the case against Ms Malley.

Accordingly, the panel adjourned the hearing in line with its powers under paragraph 4.32 of the April 2018 Procedures with the following directions set:

1. The hearing is adjourned until 9.30am on 5 May 2021.
2. The Teacher must, no later than 5pm on 4 May 2021, confirm in writing to the legal adviser and presenting officer:
  - a. Whether or not she intends to call Individual A as a witness in her defence and if she intends to call Individual A as a witness in her defence, that Individual A agrees to give evidence;
  - b. And if so, the deadline by which Individual A's witness statement will be filed and served on the TRA and the legal adviser.

Ms Malley complied with the above directions and reported that Individual A did not wish to appear as a witness and Ms Malley confirmed that she did wish to call any other witness.

The hearing continued on 05 May 2021.

### **Amendment to the allegations**

At the start of the hearing, the allegation stated that Ms Malley had been "*employed at the St Mary and St John Catholic Primary School between September 2017 and November 2019*".

Ms Malley said that this was incorrect and whilst under oath, she confirmed it was September 2018 not September 2017.

Accordingly, the presenting officer requested that the allegation be slip amended so as to state the correct date of September 2018. This was not opposed.

Accordingly, in accordance with paragraph 4.46 of the April 2018 Procedures, the panel amend the allegation as follows:

Ms Malley had been *“employed at the St Mary and St John Catholic Primary School between September 2018 and November 2019”*.

## Summary of evidence

### Documents

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

Section 1: Chronology – page 2

Section 2: Notice of proceedings and response – pages 4 - 14

Section 3: Teaching Regulation Agency witness statements – pages 17 to 54

Section 4: Teaching Regulation Agency documents – pages 56 to 122

Section 5: Teacher documents – pages 124 - 273

In addition, the panel agreed to accept the following:

The witness statement of Witness B inserted into section 3.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional document that the panel decided to admit.

### Witnesses

The panel heard oral evidence from the following people, called by the presenting officer:

1. Witness A
2. Witness B
3. Witness C



Ms Malley also gave oral evidence.

## **Decision and reasons**

The panel announced its decision and reasons as follows:

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

By way of a brief background, Ms Malley was a student at the University of Chester studying a BA Honours degree in Primary Education with Qualified Teacher Status (“QTS”); she started her studies in 2015 and they were terminated by the University in September 2019.

She was employed as an unqualified teacher at St Mary and St John Catholic Primary School (“the School”) between September 2018 and November 2019.

During this time, she participated in the Catholic Certificate in Religious Studies (CCRS) ran by the Archdiocese of Liverpool.

Ms Malley informed the school, in or around May 2019, that she had obtained QTS and claimed to have received an email from the University of Chester to support the contention that that she was a qualified teacher holding QTS. As a result, Ms Malley was then treated as having QTS and her pay was backdated to September 2018 to reflect that of a qualified teacher.

Ms Malley attended her graduation ceremony on 05 November 2019 and received a Diploma in Higher Education. This was a lesser qualification than a degree and did not have QTS attached to it. It transpires that she was awarded this as a result of failing to meet the requirements of the degree programme.

Witness A was informed by Ms Malley in November 2019 that she had received a Level 5 Diploma of Higher Education, but not a degree with QTS. Ms Malley’s position was that, up until the date of her graduation, she was unaware she had failed to meet the academic requirements in order to achieve a degree and QTS.

As a result of an internal investigation carried out by the School, Ms Malley’s employment was terminated summarily and the case was referred to Greater Manchester Police (owing to an allegation of fraud) and to the TRA.

## **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:

- 1. You sought to conceal that you had not achieved Qualified Teacher Status, by creating and/or sending emails from one or more email accounts portraying to be from;**
  - a. University of Chester;**
  - b. Wigan Council.**

The panel considered the purported University of Chester email sent from [redacted] on 23 May 2019 at 13:40 to Ms Malley's School email and the purported Wigan Council email sent from "Claudia Malley [redacted]" on 16 May 2019 at 17:26 also to Ms Malley's School email.

It was submitted by the TRA that Ms Malley had created the 16 May email address and drafted the contents. Upon it being sent from the Outlook account to Ms Malley's School email address it contained her name suggesting that she was the sender of the email.

As a result of this error, it was submitted that Ms Malley went on to create the 23 May email which does not show Ms Malley's name as the sender.

The panel accepted the evidence of both Witness B and Witness C that the emails in question did not originate from their respective institutions nor were they the authors of those emails.

The panel noted the similar characteristics between the two emails – in particular, font size, type and American date formatting along with similar errors of grammar and punctuation adopted in both emails.

More significantly, the contents of both emails were detailed, specific and possessed similarities in nature, form and substance. In particular, there were references to marking discrepancies, backdated QTS and the financial consequences of not holding QTS.

The panel concluded that it was most probable that the author of the emails was the same person.

It was clear from the evidence that the Wigan Council email has the name "Claudia Malley" immediately prior to the email address itself; this suggests that the email account was associated with Ms Malley and by extension, in the view of the panel, Ms Malley had a clear involvement in the drafting of that email. The panel does

accept that there was no evidence to suggest Ms Malley relied upon the Council email and it was only found due to a search of her School email inbox.

Ms Malley was given the opportunity to explain to the panel who she believed the true author to be; she did not wish to answer this question in order to avoid speculation.

The panel formed that view that the person who would benefit most from the creation of the emails was Ms Malley. Her benefit would be threefold: confirmed QTS, career progression and financial gain by virtue of an increase in salary due to moving from unqualified teacher status to QTS. Additionally, the panel noted that both emails make significant use of references to “marking discrepancies”, which is consistent with the evidence given by Ms Malley. This was, however, inconsistent with the evidence heard by the panel from Witness B and the four letters from the University notifying her of her failure to pass a number of modules. The panel, on balance, found the collective evidence of the University more credible.

The panel found that it was more likely than not that Ms Malley created both of the email addresses and had an involvement in the drafting the contents of the two emails. As a result, the panel concluded, on the balance of probabilities, that Ms Malley had created and/or sent the emails from one or more email accounts portraying to be from the University and the Council and in so doing sought to conceal the fact she had not obtained QTS.

The panel found this allegation proved.

- 2. You provided false and/or misleading information in order to improve your prospects of securing and/or retaining a qualified teacher post at the school, including by;**
  - a. in or around June 2019, informing the school that you had achieved Qualified Teacher Status, when in fact you knew and/or ought to have reasonably known you had not received this qualification;**
  - b. in or around June 2019, relied on one or more emails to the school suggesting your Qualified Teacher Status had been upheld, when in fact you knew and/or ought to have reasonably known that the emails were not authentic;**
  - c. in or around November 2019, informing the Headteacher that you not aware that you were insufficiently qualified to hold Qualified Teacher Status, when in fact:**

- i. you had received correspondence from the University of Chester in 2019 informing you of that fact;**
- ii. you had sat and failed one or more modules of the requisite qualification on or around three occasions;**
- iii. you had attended a graduation ceremony in November 2019 where you were awarded with a Level 5 Diploma in teaching which was not sufficient for you to hold QTS.**

The evidence given to the panel established clearly that Ms Malley had provided the School with the purported University of Chester email sent from [redacted] on 23 May 2019 at 13:40.

As a result of allegation 1 being found proved, Ms Malley had to have known that she had not received QTS. If she had genuinely believed that she had been awarded this qualification, there would have been no need to fabricate evidence in support of her holding it.

It is implausible that she could have reasonably have held any other view at the time of providing the fraudulent email to the School.

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

The panel found the following particulars of the allegation 2 (c) against you not proved, for these reasons:

The panel noted in particular the opening wording of allegation 2 (c) that in or around November 2019 Ms Malley informed the Headteacher that she was not aware that she was insufficiently qualified to hold QTS status. Based on the evidence before it, the panel concluded that Ms Malley did, in or around November 2019, inform Witness A that she was insufficiently qualified to hold QTS.

Witness A confirmed in her evidence that Ms Malley informed her of the QTS position on 08 November 2019.

The panel found allegation 2 (c) not proved.

- 3. You caused and/or permitted and/or failed to prevent the improper use of school funds/resources by;**
  - a. receiving a salary for the position of a qualified teacher when in fact you knew and/or ought to have known that you were not entitled to this level of pay;**

- b. claiming expenses which you had not incurred for school related purposes;**
- c. holding yourself out as having attended one or more training courses which you had not in fact attended.**

In respect of 3 (a), the panel found it clear from the evidence that Ms Malley appreciated that upon obtaining QTS she would receive an increase in her salary.

It is clear from both fraudulent emails that salary and finances were on the mind of Ms Malley. Ms Malley knew or could not reasonably have been of any other view, that upon successfully deceiving the School as to her QTS, she would be paid a higher salary than what she was actually entitled to.

In respect of 3 (b) and (c), Ms Malley accepted in her evidence that there were a number of occasions on which she retrospectively accepts that she (by mistake) claimed expenses via the mileage expense forms submitted when in reality she had not attended the CCRS session.

Whilst the evidence was not quite clear enough to establish the exact number of occasions of non-attendance where a mileage claim was made, it was clear that this was not an isolated incident and that Ms Malley demonstrated a propensity to claim for mileage she had not actually incurred as a result of a professional obligation – i.e. attending the CCRS.

In particular, the panel found it concerning that after Ms Malley suggested she completed in advance her mileage claim forms on a monthly basis [redacted] she failed subsequently to correct inaccurately completed claim forms. Ms Malley's position was that she considered it a "chore" to deal with expenses and it must have slipped her mind. The panel thought this was an untenable and unrealistic explanation given the frequency she made illegitimate claims.

Further, by submitting mileage expense forms for CCRS sessions not attended, that alone has the effect of holding herself out as attending a session when she had not.

The panel found allegation 3 (a), (b) and (c) proved.

#### **4. Your conduct as may be found proven at 1 and/or 2 and/or 3 above lacked integrity and/or was dishonest.**

The panel carefully considered whether Ms Malley's actions in respect of the proven facts of allegation 1, 2 (a) and (b) and 3 were dishonest and/or lacked integrity.

The panel carefully considered the evidence as a whole and Ms Malley's position that she did not accept her actions were dishonest and/or lacked integrity.

The panel also considered the evidence of Ms Malley's previous good character.

The panel concluded that Ms Malley, despite having previous good character, did act dishonestly in respect of all the facts which were found proved.

The panel went on to consider whether Ms Malley lacked integrity in terms of her actions. The panel considered the case of *Wingate & Anor v The Solicitors Regulation Authority [2018] EWCA Civ 366* in which Lord Justice Jackson clarified that integrity is about more than simply acting honestly. The panel was satisfied on the evidence that Ms Malley's conduct had lacked integrity.

In summary, the panel was satisfied, on the balance of probabilities, that Ms Malley had acted dishonestly and her actions lacked integrity.

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

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

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

The panel was satisfied that the conduct of Ms Malley, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Ms Malley was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality; and
- 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 Malley amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Ms Malley's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 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 more likely to conclude that an individual’s conduct would amount to unacceptable professional conduct.

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

The panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community.

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

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

The panel therefore found that Ms Malley’s actions constituted conduct that may bring the profession into disrepute.

Having found the facts of particulars 1 to 4, save for allegation 2 (c), proved the panel further found that Ms Malley’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 should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out 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. Further, the panel considered the interest of retaining the teacher in the profession relevant in this case.

In the light of the panel's findings against Ms Malley, which involved dishonesty where there have been serious consequences, and/or it has been repeated and/or covered up, there was a strong public interest consideration in respect of the maintenance of public confidence in the profession. The panel was mindful that the public confidence could be seriously weakened if conduct such as that found against Ms Malley 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 Ms Malley was considered by the panel to be outside that which could reasonably be tolerated.

That said, the panel had regard to the fact that there was also a public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon her abilities as an educator and she had started to make a valuable contribution to the profession.

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Ms Malley.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Ms Malley. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

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

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

In the light of the panel's findings there was evidence to suggest that Ms Malley's actions were deliberate and prolonged. There was no evidence to suggest that Ms Malley was acting under duress.



The panel was mindful of Ms Malley's previous good history and character; the bereavement she suffered; the character reference from Individual B of [redacted] and that she participated in her induction period with positive comments and praise throughout her reviews.

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 Ms Malley of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Ms Malley. The duration of the crudely executed fraud as a whole, combined with the apparent lack of meaningful reflection or insight, was a significant factor in forming that opinion. 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 prohibition 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 two years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours includes fraud or serious dishonesty. The panel considers that this factor applies to Ms Malley due to the very nature of allegations found proved which, in the view of the panel, amount to fraud and dishonesty.

However, whilst the panel considered that Ms Malley was the author of these consequences, the panel was mindful that she was young (in her early twenties), inexperienced and by her own admission, naive. Further, the panel had taken into account the prompt repayment of the amount overpaid to her and the facts found proved by the panel raised no safeguarding issues.

The panel also had regard to the fact that she was taking steps to complete the final year of her degree at a different university reflecting her clear passion and ambition to become a teacher. Further, the panel considered her clear ability and aptitude for

teaching as evidenced by the following quotations from her training and NQT assessments:

Ms Malley has made a *“very positive start to her teaching career”* and *“engaged well with support and advice to make improvements to her teaching”*. Further, she has shown *“resilience, commitment and enthusiasm”* to teaching;

Ms Malley has *“developed an effective working conduct and continues to respond to feedback from the SLT which supports and enhances her practice”*; and

Ms Malley has a *“proactive and conscientious attitude to her placement”* and that she would *“continue to develop and grow on her successful placement and become an outstanding teacher”*.

In this case, the panel decided that whilst prohibition was clearly required, it was also of the firm view that a recommendation for prohibition without a review period would be disproportionate and not in the public interest in this case.

Accordingly, the panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a 3 year 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 some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven, I have therefore put those matters entirely from my mind.

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

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

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

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

The findings of misconduct are particularly serious as they include a finding to conceal not achieving QTS, providing false/misleading information to secure/retain a qualified teaching post, failed to prevent the improper use of school funds/resources, conduct that was dishonest and lacked integrity.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Ms Malley, and the impact that will have on her, is proportionate and in the public interest.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The duration of the crudely executed fraud as a whole, combined with the apparent lack of meaningful reflection or insight, was a significant factor in forming that opinion." In my judgement, the lack of full insight means that there is some risk of the repetition of this behaviour. 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, "In the light of the panel's findings against Ms Malley, which involved dishonesty where there have been serious consequences, and/or it has been repeated and/or covered up, there was a strong public interest consideration in respect of the maintenance of public

confidence in the profession". I am particularly mindful of the finding of dishonesty in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an "ordinary intelligent and well-informed citizen."

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Ms Malley herself and the panel comment "the panel had regard to the fact that there was also a public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon her abilities as an educator and she had started to make a valuable contribution to the profession". A prohibition order would prevent Ms Malley from teaching. A prohibition order would also clearly deprive the public of her contribution to the profession for the period that it is in force.

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Malley has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended a 3 year review period.

I have considered the panel's comments "Ms Malley was the author of these consequences, the panel was mindful that she was young (in her early twenties), inexperienced and by her own admission, naive." The panel "decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a 3 year review period."

I have considered whether a 3 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, the following factors mean that a 2 year

review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the lack of meaningful insight and/or remorse and the dishonesty found which was repeated and/or covered up.

I consider therefore that a 3 review period is required to satisfy the maintenance of public confidence in the profession.

**This means that Ms Claudia Malley is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England.** She may apply for the prohibition order to be set aside, but not until 25 May 2024, 3 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Ms Malley remains prohibited from teaching indefinitely.

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

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

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

**Decision maker: Sarah Buxcey**

**Date: 19 May 2021**

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