



Teaching
Regulation
Agency

Ms Tracy Doran: Professional conduct panel meeting outcome

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

March 2019

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

Teacher:	Ms Tracy Doran
Teacher ref number:	0206598
Teacher date of birth:	7 July 1977
TRA reference:	17290
Date of determination:	28 March 2019
Former employer:	Larches House School, Lancashire

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 28 March 2019 at Cheylesmore House, Quinton Road, Coventry, CV1 2WT to consider the case of Ms Tracy Doran.

The panel members were Mr Paul Hawkins (teacher panellist – in the chair), Ms Fiona Tankard (teacher panellist) and Mr John Matharu (lay panellist).

The legal advisor to the panel was Mr Delme Griffiths of Blake Morgan LLP, solicitors.

In advance of the meeting, the TRA agreed to a request from Ms Doran that the allegation be considered without a hearing after taking into consideration the public interest and the interests of justice. Ms Doran provided a signed statement of agreed facts and admitted unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer, Ms Doran or her representative.

The meeting took place in private, save for the announcement of the panel’s decision, which was announced in public and recorded.

B. Allegations

The panel considered the allegations referred to in the Notice of Meeting dated 8 March 2019 and set out in an earlier letter to Ms Doran dated 17 September 2018.

It was alleged that Ms Doran was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:

1. She provided false and/or misleading information in respect of her qualifications, including;
 - a. in her application for a teaching role at Larches House School in 2016, by:
 - i. stating that she had obtained a PHD in Special Educational Needs;
 - ii. stating that she had obtained an MA in Inclusive Education;
 - iii. stating that she had obtained one or more GCSE grades which were better than one or more of the grades she actually received;
 - iv. providing a falsified copy of a Doctor of Philosophy certificate;
 - b. in a reference she provided for Individual A by referring to herself as an Educational Psychologist.
2. Her conduct as may be found proven at 1 above lacked integrity and/or was dishonest.

Ms Doran admitted the facts of all of the allegations and that her conduct amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

C. Summary of evidence

Documents

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

Section 1: Chronology – pages 2 to 3;

Section 2: Notice of Referral, response and Notice of Meeting – pages 5 to 10b;

Section 3: Statement of Agreed Facts and Presenting Officer representations – pages 12 to 17;

Section 4: Teaching Regulation Agency documents – pages 19 to 102; and

Section 5: Teacher documents – page 104.

The panel members confirmed that they had read all of the documents in advance of the meeting.

In addition, the panel decided to admit a further document provided to the TRA on the morning of the meeting, namely an email from Individual B. The panel concluded it was appropriate to admit this email on the basis that:

- it only addressed mitigating factors;
- it did not undermine the admissions made by Ms Doran;
- there was no objection from the TRA to the email being considered by the panel;
- whilst not directly received from Ms Doran, the panel was satisfied that it was likely to have been sent on her behalf given it was sent directly in response to a request by the TRA for additional documents Ms Doran wanted to rely upon and Individual B was referred to within the bundle as being Ms Doran's representative;
- it was relevant to the matters to be considered by the panel; and
- the admission of the document was appropriate in the interests of a fair hearing.

The email was added to the hearing bundle at pages 105 to 106.

Statement of agreed facts

The panel considered a statement of agreed facts which was signed electronically by Ms Doran on 25 January 2019

D. Decision and reasons

The panel announced its decision and reasons as follows:

In advance of the meeting, the TRA agreed to a request from Ms Doran that the allegations be considered without a hearing.

The panel has the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

The panel also considered whether it was appropriate to adjourn to invite Ms Doran to provide further evidence in relation to her personal difficulties, including her stated health issues.

However, it did not consider that an adjournment was in the public interest or Ms Doran's interests, taking account of her admissions and her stated desire to move on.

In addition, following consideration of the late email received on behalf of Ms Doran, at the request of the panel the legal advisor made contact with Ms Doran, during the course of the panel's deliberations, to ensure she was content for the email to go before the panel and also to enquire if she would wish to introduce further evidence, if provided with the opportunity. The panel considered it was appropriate for such an enquiry to be made given the references within the email to personal difficulties and health issues.

In her discussion with the legal advisor, Ms Doran reiterated that she had no current desire to return to teaching and also alluded to the difficulties she had faced in getting assistance from her GP in terms of obtaining medical evidence. When asked if she wanted the opportunity to get further evidence, she indicated she was not sure.

In those circumstances, given that, Ms Doran had not requested an adjournment and having regard to her earlier request that the allegations be considered without a hearing, the panel decided it was appropriate to proceed.

The panel proceeded to carefully consider the case, having read all the documents, and reached a decision.

On 3 May 2016, Ms Doran successfully applied for the role of teacher and head of Key Stage 3 at Larches House School ("the School"). She commenced work at the School on 1 September 2016.

In or around November 2017, concerns were raised regarding Ms Doran allegedly referring to herself as an educational psychologist. This led to checks being undertaken into Ms Doran's qualifications.

On 8 January 2018, Ms Doran was advised by the School that a review had been undertaken of her file and a request was made for her to provide her original certificates.

On 9 January 2018, Ms Doran did not attend work, citing health reasons. She emailed the School stating that she intended to resign.

The School nevertheless continued with an investigation and a disciplinary process was commenced. On 19 March 2018, a disciplinary meeting was held in Ms Doran's absence.

Ms Doran was subsequently referred to the TRA.

In considering the allegations, the panel did not rely upon any findings made or opinions expressed in papers which formed part of the documentation for the investigation undertaken by the School. It formed its own independent view of the allegations based on the evidence presented to it.

Findings of fact

Our findings of fact are as follows:

- 1. You provided false and/or misleading information in respect of your qualifications, including;**
 - a. in your application for a teaching role at Larches House School in 2016, by:**
 - i. stating that you had obtained a PHD in Special Educational Needs;**
 - ii. stating that you had obtained an MA in Inclusive Education;**
 - iii. stating that you had obtained one or more GCSE grades which were better than one or more of the grades you actually received;**
 - iv. providing a falsified copy of a Doctor of Philosophy certificate;**

Ms Doran admitted the facts of allegations 1(a)(i) to 1(a)(iv). The evidence considered by the panel was consistent with her admissions.

Ms Doran accepted that, in her application form made to the School in 2016 ("the Application"), she provided false information by:

1. stating that she had obtained a PHD in Special Educational Needs, when she did not hold this qualification;
2. stating that she had obtained an MA in Inclusive Education, when she did not hold this qualification;
3. stating that she had obtained grade A in all of her GCSE subjects, except music where she stated she obtained a grade B, when she did not hold these GCSE grades; and
4. providing a falsified copy of a Doctor of Philosophy certificate.

Ms Doran also admitted that she completed the following declaration form within the Application:

"I certify that to the best of my knowledge all the information I have given is correct. I understand that by deliberately giving false or incomplete answers I will be disqualified from consideration for this post or, if I am appointed, may be liable for summary dismissal with possible referral to the police."

Accordingly, in light of the admissions made and the evidence, the panel found the facts of allegation 1(a)(i) to 1(a)(iv) proved.

- b. in a reference you provided for Individual B by referring to yourself as an Educational Psychologist;**

Ms Doran admitted the facts of allegation 1(b). The evidence considered by the panel was consistent with her admission.

Ms Doran accepted that she provided false information in respect of her qualifications in a reference she provided for Mr Peter Owen by referring to herself as an educational psychologist. Ms Doran admitted that she did not hold this qualification.

A copy of the reference was included in the papers before the panel.

Accordingly, in light of the admission made and the evidence, the panel found the facts of allegation 2 proved.

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

Having found the facts of allegations 1(a) and 1(b) proven, the panel went on to consider whether Ms Doran had acted dishonestly and/or demonstrated a lack of integrity.

Ms Doran admitted allegation 2 in its entirety.

In relation to allegation 1(a), Ms Doran admitted that she deliberately misled the School by providing false information in order to improve her chances of securing employment. Ms Doran therefore admitted that her conduct at allegation 1(a) was dishonest and lacked integrity.

In relation to allegation 1(b), Ms Doran admitted that by referring to herself as an educational psychologist she was being dishonest in that she did not hold such a qualification. She also accepted that her conduct in relation to allegation 1(b) lacked integrity.

In relation to dishonesty, the panel considered the actual state of knowledge or belief of Ms Doran as to the facts before considering whether her conduct was dishonest by the standards of ordinary decent people.

In light of her clear admission and the evidence, the panel was satisfied that Ms Doran was dishonest by the standards of reasonable and honest people. Her actions were deliberate and were intended to mislead.

In relation to integrity, the panel accepted the legal advice provided in relation to the meaning of lack of integrity as considered by the Court of Appeal in *Wingate v SRA; SRA v Mallins* [2018] EWCA Civ 366. The panel recognised that professional integrity denotes adherence to the standards of the profession.

The panel considered that, by her actions, Ms Doran had failed to adhere to the ethical and professional standards of her profession.

Accordingly, the panel found allegation 2 proved.

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

Having found all of the allegations to have been proven, 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.

Ms Doran admitted that the facts found proven in relation to all of the allegations amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

Whilst the panel took this admission into account, it formed its own judgment.

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 Doran in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considered that by reference to Part Two, Ms Doran 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 ... ;
- 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 Doran amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. The public expect and have a right to expect that teachers will act with honesty and integrity at all times, including when applying for teaching positions. Her conduct impacted upon the School and other applicants for the position she successfully applied for.

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

The panel found that behaviours associated with the offences of fraud or serious dishonesty were relevant.

The Advice indicates that where behaviours associated with such offences exist, a panel is likely to conclude that an individual’s conduct would amount to unacceptable professional conduct.

Accordingly, the panel was satisfied that Ms Doran was guilty of unacceptable professional conduct, which she admitted.

In considering whether Ms Doran's conduct may bring the profession into disrepute, 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 took account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

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

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

Having found the facts of allegations 1 and 2 proven, the panel further found that Ms Doran'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 considered the particular public interest considerations set out in the Advice and found a number of them to be relevant in this case, namely: the protection of pupils; the protection of other members of the public; the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct.

In light of the panel's findings against Ms Doran, which involved dishonesty, there is a strong public interest consideration in respect of the protection of pupils and other members of the public. As the panel has already noted, the public expect and have a right to expect that teachers will act with honesty and integrity at all times.

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

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

In the absence of any evidence or testimonials in relation to Ms Doran's teaching practice, the panel did not consider there was a strong public interest in Ms Doran's remaining in the teaching profession.

Notwithstanding 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 Doran.

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 Doran. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven.

In the list of such behaviours, those that are relevant in this case are:

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

Even though there were behaviours that would point to the appropriateness of a prohibition order, the panel considered whether or not there were sufficient mitigating factors to militate against the appropriateness and proportionality of a prohibition order, particularly taking into account the nature and severity of the behaviour in this case.

The panel considered the following mitigating factors were present in this case:

- Ms Doran had a previous good history;
- There were no complaints in relation to her teaching practice;
- Ms Doran had engaged in these proceedings and made early admissions;
- Ms Doran has shown regret and remorse;
- Ms Doran indicated that she had experienced severe personal difficulties both in her personal and professional life, aspects of which appeared to still be ongoing.

Weighed against these matters, the panel considered there were aggravating factors, namely:

- Ms Doran's actions were deliberate and planned;

- The dishonesty persisted over a period of time and was maintained in response to enquiries being made of her;
- Her conduct had the potential to cause harm in the context of her purporting to be an educational psychologist.

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, recommending no prohibition order would not be a proportionate and appropriate response. Recommending that the publication of adverse findings would be sufficient in this case would unacceptably compromise the public interest considerations present, despite the severity of consequences for the teacher of prohibition.

The panel was of the view that prohibition would be both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Ms Doran. The nature of the dishonest conduct and the fact that the dishonesty persisted over a period of time 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 to recommend that a review period of the order should be considered. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances in any given case that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against the recommendation of a review period. These behaviours include fraud or serious dishonesty. The panel found that Ms Doran was responsible for misleading the School by deliberately misstating her qualifications. She had sent a reference in which she misrepresented her status as an education psychologist.

Whilst the panel took this into account, on balance it felt its findings indicated a situation in which a review period would be appropriate.

The panel therefore concluded that it would be proportionate in all the circumstances for the prohibition order to be recommended with provision for a review period of 5 years

In arriving at this conclusion, the panel took account of the fact that there was some evidence of personal difficulties which may have had a causative impact on her actions. Whilst there was no medical evidence before the panel, it was prepared to accept the

indications of severe personal difficulties. Ms Doran had also shown clear regret and remorse and some limited insight into the consequences of her actions.

Having carefully considered all of the circumstances, the panel concluded that a review period of 5 years was proportionate and would enable Ms Doran to rehabilitate and demonstrate that she had gained full insight into the nature and effect of her conduct.

Decision and reasons on behalf of the Secretary of State

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

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

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

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

The findings of misconduct are particularly serious as they include a finding of dishonesty and lack of 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 Doran, and the impact that will have on her, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has not made any observations on this matter. I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "Ms Doran had also shown clear regret and remorse and some limited insight into the consequences of her actions."

In my judgement, the limited 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 that it, “ 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 took account of the uniquely influential role that teachers can hold in pupils’ lives and that pupils must be able to view teachers as role models in the way they behave.”

I am particularly mindful of the finding of dishonesty and lack of integrity 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 Doran herself. The panel comment, “ Ms Doran had a previous good history, there were no complaints in relation to her teaching practice and that Ms Doran had engaged in these proceedings and made early admissions.”

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

I have placed considerable weight on the finding of the panel that Ms Doran’s, “actions were deliberate and planned, that the dishonesty persisted over a period of time and was maintained in response to enquiries being made of her and that her conduct had the potential to cause harm in the context of her purporting to be an educational psychologist.”

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

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

I have gone on to consider the matter of a review period. In this case, the panel has recommended a 5 year review period.

I have considered all of the panel's comments, especially that, "there was some evidence of personal difficulties which may have had a causative impact on her actions." The panel has also said that a 5 year review period would, "enable Ms Doran to rehabilitate and demonstrate that she had gained full insight into the nature and effect of her conduct."

I have considered whether a 5 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, there are factors that mean that a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the dishonesty found, the lack of integrity found, and the lack of full insight.

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

This means that Ms Tracy Doran 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 11 April 2024, 5 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Ms Tracy Doran remains prohibited from teaching indefinitely.

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

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



Decision maker: Alan Meyrick

Date: 3 April 2019

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