



Teaching  
Regulation  
Agency

# **Ms Kim Wild: Professional conduct panel outcome**

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

**February 2019**

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

<b>Teacher:</b>	Ms Kim Wild
<b>Teacher ref number:</b>	7645287
<b>Teacher date of birth:</b>	29 May 1957
<b>TRA reference:</b>	16678
<b>Date of determination:</b>	26 February 2019
<b>Former employer:</b>	Bere Alston Primary School, Yelverton ('the School')

### **A. Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 9 November 2018, 18 January 2019 and 26 February 2019 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT to consider the case of Ms. Kim Wild.

The panel members were Mr Colin Parker (teacher panellist – in the chair), Ms Angela Brown (lay panellist) and Mr John Pemberton (former teacher panellist).

The legal adviser to the panel was Mr James Danks of Blake Morgan LLP.

The presenting officer for the TRA was Ms Naomh Gibson of Browne Jacobson LLP.

Ms Wild was present and was represented by Mr Jonathan Storey of Counsel.

The hearing took place in public and was recorded.

## **B. Allegations**

The panel considered the allegations set out in the Notice of Proceedings dated 30 August 2018.

It was alleged that Ms Kim Wild was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as the Head Teacher at Bere Alston Primary School from 1 September 1979 to 31 August 2017:

*1. She failed to comply with statutory guidance in relation to the administration of KS2 SATs papers during the academic year 2016/17, including by:*

*a. allowing one or more pupils to amend their test papers after the test had finished;*

*b. reviewing one or more pupils' papers after their tests had been completed;*

*c. amending one or more pupils' test papers after the completion of those papers.*

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

Within a Statement of Agreed Facts signed by both parties on 15<sup>th</sup> October 2018, Ms Wild admitted the allegations, although not some of the particulars as how the TRA put its case.

Nevertheless, for those admitted facts, Ms Wild accepted that her actions amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

## **C. Preliminary applications**

There were no preliminary applications.

## **D. 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 to 18

Section 3: Teaching Regulation Agency witness statements – pages 20 to 28

Section 4: Teaching Regulation Agency documents – pages 30 to 228

Section 5: Teacher documents – pages 230 to 342

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

## **Witnesses**

The panel heard oral evidence from Ms. Wild.

## **E. Decision and reasons**

The panel announced its decision and reasons as follows:

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

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing.

Ms Wild had been employed at the School since September 1983 as a teacher and from September 1992 to August 2017, as the School's Head teacher.

On 9<sup>th</sup> May 2017, Ms Wild was the teacher in charge of Key Stage 2 ('KS2') SATs papers relating to English Grammar Punctuation and Spelling . During the tests, it is alleged that Ms Wild invited some pupils to clarify the alterations on their exam papers when they were being collected by her, that she reviewed the papers as she was doing so and subsequently clarified some of the amendments made by the pupils and corrected answers. It was also alleged that on 10<sup>th</sup> May 2017, Ms Wild over-aided some pupils during their KS2 Mathematics papers and had amended incorrect answers on these papers after the conclusion of the tests.

Following an anonymous tip off, the Standards and Testing Agency ('STA') conducted an investigation, which led to its decision to annul the results for all pupils for all subjects within the School's cohort. Ms Wild resigned from her position on 2 August 2017.

## **Findings of fact**

Our findings of fact are as follows:

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

Whilst employed as the Head Teacher at Bere Alston Primary School from 1 September 1979 to 31 August 2017:

**1. You failed to comply with statutory guidance in relation to the administration of KS2 SATs papers during the academic year 2016/17, including by:**

**a. allowing one or more pupils to amend their test papers after the test had finished**

The panel noted the signed Statement of Agreed Facts, in which Ms Wild unequivocally admits this allegation to the extent that she invited students to clarify their alterations on their English Grammar Punctuation and Spelling test papers on 9 May 2017. This clarification amounted to Ms Wild asking pupils *'is that crossed out properly?'*

Ms Wild also accepted that her conduct was contrary to the statutory guidance in place at the time, specifically the 2017 Assessment and Reporting Arrangements ('ARA') and the Key Stage 2: Test Administration Guidance, 2017 National Curriculum Tests ('Test Administration Guidance').

The TRA also invited the panel to conclude that Ms Wild had allowed pupils to amend their Mathematics test papers, sat on 10 May 2017, and / or that she had amended the papers herself after the test's conclusion. The panel's attention was drawn to a number of completed questions from Mathematics papers (such as at pages 54 to 75), which apparently showed the correct answer being reached but without the relevant calculations leading to that answer. This was apparent for one particular question for three pupils.

In addition, the panel was invited to consider different handwriting, differing thickness of pencil marks and blue ink being used (when other writing on the paper was in pencil) to suggest that answers had been amended by someone other than the relevant pupil.

The panel also noted a document within the bundle (at page 40) from an unnamed author that stated *"there were a significant amount of 'amendments to correct' in the mathematics test. A number of pupils had answers that had been amended (to correct) yet the calculation to support the answer is wrong – the pupil could not have arrived at the correct answer with the calculation they had provided. This supports an allegation that amendments being made by staff after the test administration"*. Whilst this document included Ms Wild's name in the 'Background' section there was no clarification as to which 'staff' were being referred to later on in the document.

It was also noted that in correspondence dated 18 July 2017 to the School from the STA's Senior Maladministration Manager, whilst the STA had *"identified evidence of maladministration on a number of English [papers]..."*, there was only one reference to 'concerns' on the mathematics test scripts.

Ms Wild gave evidence in relation to the Mathematics papers. Whilst she admitted 'over aiding' pupils during the test, she specifically denied amending, or allowing to be amended, the test papers. Ms Wild explained that she would sometimes offer her own pencil to a child, which may explain different widths of pencil marks, but no more than that.

No expert evidence was before the panel as to who had made the amendments to the Mathematics papers.

In the absence of any direct evidence as to who had altered the Mathematics papers and when this had happened, the panel accepted that one possible inference that may be drawn was that Ms Wild had done so. However, there were also a number of other plausible explanations, such as pupils correcting their own answers, cheating or calculating answers on a different sheet of paper, which could also explain the amendments. On that basis, the panel does not find this allegation proved in respect of the Mathematics test.

However, on the basis of the Statement of Agreed Facts and Ms Wild's own evidence, both written and oral, the panel does find this allegation proved in regards to her conduct on 9 May 2017.

***b. reviewing one or more pupils' papers after their tests had been completed***

The panel noted the signed Statement of Agreed Facts, in which Ms Wild unequivocally admits this allegation to the extent that she reviewed pupils' answers as she was collecting the papers for the English Grammar Punctuation and Spelling test paper on 9 May 2017.

Ms Wild also accepted that her conduct was contrary to the statutory guidance in place at the time, specifically the ARA and the Test Administration Guidance'.

The panel also heard live evidence on this allegation from Ms Wild, who confirmed her conduct in the respect of the allegation. On this evidence and the Statement of Agreed Facts, the panel finds this allegation proved.

For the reasons given for allegation 1a, the panel did not find this allegation proved in respect of the Mathematics paper.

***c. amending one or more pupils' test papers after the completion of those papers.***

The panel noted the signed Statement of Agreed Facts, in which Ms Wild unequivocally admits this allegation to the extent that she had "*clarified some crossings out, scribbled over some amendments, overwrote on some unclear amendments where the original alterations had been made by the pupil, and corrected some answers herself*".

Ms Wild also accepted that her conduct was contrary to the statutory guidance in place at the time, specifically the 2017 Assessment and Reporting Arrangements ('ARA') and the Key Stage 2: Test Administration Guidance, 2017 National Curriculum Tests ('Test Administration Guidance').

Ms Wild gave evidence on this matter and stated that, almost absent mindedly when on the telephone to an unknown person, she carried out corrections and amendments. She could not explain why she had done this nor why she had then not reported this to anyone. She did state that, at the relevant time, she was under some considerable pressure, both professionally from the prospect of an OFSTED inspection and also personal circumstances [Redacted].

On the basis of the evidence given by Ms Wild and the Statement of Agreed Facts, the panel finds this allegation proved. For the reasons given for allegation 1a, the panel does not find this allegation proved in respect of the Mathematics paper.

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

This allegation was unequivocally admitted by Ms Wild.

In the panel's view, knowingly assisting a pupil during a public exam (over and above what is allowed by the statutory guidance) and therefore disadvantaging other pupils who are not assisted, is inherently dishonest and the panel finds this allegation proved, both for dishonesty and a lack of integrity, for 1a, 1b and 1c.

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

Having found a number of the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Whilst the panel has noted Ms Wild's acceptance that her conduct amounts to both unacceptable professional conduct and conduct that may bring the profession into disrepute, the panel has used its own judgement in coming to a decision on these findings.



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

The panel is satisfied that the conduct of Ms Wild in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Ms Wild 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;
- 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 is satisfied that the conduct of Ms Wild amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel has also considered whether Ms Wild's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice and the panel has found that none of these to be relevant.

The panel has taken into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel has taken account of the uniquely influential role that teachers can hold in pupils’ lives and that pupils must be able to view teachers as role models in the way they behave.

Whilst the panel has found that Ms Wild's misconduct to only have taken place on one day, it has also found her conduct to be dishonest, which can only be deemed to be inherently serious in nature. The panel therefore find that Ms Wild's actions constitute 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 is necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel has to consider whether it is an appropriate and proportionate measure, and whether it is in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have a punitive effect.

The panel has considered the particular public interest considerations set out in the Advice and, having done so, has found a number of them to be relevant in this case, namely:

- the maintenance of public confidence in the profession;
- declaring and upholding proper standards of conduct;
- the interest of retaining the teacher in the profession.

In light of the panel's findings against Ms Wild, which involved her allowing amendments to be made to exam papers by the pupils themselves and making amendments herself, both of which allowed those pupils to gain an advantage, there is a strong public interest consideration in ensuring that the public's confidence in the profession is maintained.

For similar reasons, the panel considered that a strong public interest consideration in declaring proper standards of conduct in the profession was also present, as the conduct found against Ms Wild was outside that which could reasonably be tolerated.

However, the panel considered that there was a strong public interest consideration in retaining the teacher in their profession, since no doubt has been cast upon Ms Wild's abilities as an educator and she had in the past, and was still able to make a valuable contribution to the profession.

The panel had the benefit of a number of written references that attested to Ms Wild's contribution to the profession. Some of those that the panel thought to be most pertinent included:

- Individual A (page 316), previous deputy head teacher at the School: *"Nothing more could be expected of a wonderful teacher, who deserves all the praise and support available for so many years of dedicated service to education".*
- Individual B (page 326), professional colleague: *"As a Head teacher, Kim Wild was the foundation on which the school was built over the last thirty years."*
- Individual C, colleague and parent of pupil (page 329): *"Kim was an exceptional Headmistress in numerous ways...she has worked tirelessly, with her staff, to improve the school."*
- Individual D 2000 to 2017 (page 332): *"I know Ms Wild to be confident, passionate, determined and [sic] dedicated head teacher...I believe it would be difficult to find a better example of person-centred practice – both professional and personal – than that demonstrated throughout a lifetime in teaching by Ms Wild".*
- Individual E 1997 to 2018 (page 339): *"...Kim has led the school in two outstanding Ofsted inspections, achieved Beacon status, trained many SCITT teachers and was seconded to Newton Ferrers primary school, to help them with*

*their troubles....Kim created a wonderful space where children could excel and where every child mattered...Many generations would testify to her care and concern which extended beyond that which you would expect from a school."*

The panel was content that Ms Wild had made a significant and lengthy contribution to both the School and teaching profession as a whole.

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 Wild.

In carrying out the balancing exercise the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Ms Wild. 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;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up.

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

In light of the panel's findings, there was no evidence that Ms Wild's actions were not deliberate nor that she was acting under duress. However, the panel did also take into account that, prior to this case, Ms Wild had a lengthy good record and the panel accepts that the incident was out of character.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel is sufficient.

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

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Ms Wild. Whilst the panel accepted that Ms Wild's proven conduct took place on a single day, at a time when she was under significant stress and pressure [Redacted], it is also conduct that happened on several occasions during that day and impacted on pupils. Whilst there was no pre-planning involved, Ms Wild's conduct was dishonest, which is necessarily an extremely serious failing and has to be treated seriously.

Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for them to decide to recommend that a review period of the order should be considered. The panel was mindful that the Advice advises that a prohibition order applies for life, but there may be circumstances in any given case that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. The panel has not found any of those behaviours to be present in this case.

In addition to the character references provided, the panel also had the benefit of hearing live evidence from Ms Wild. During this evidence, Ms Wild expressed her deep remorse to the pupils in her class, the school, their families and the wider community. She fully accepted that her conduct had been inappropriate and she felt deep shame that her career at the School had finished in such a fashion.

At the time of the conduct, Ms Wild explained had been suffering from significant stress for a number of years due to the amount of work there was and, more recently, personal circumstances [Redacted]. She had been feeling 'isolated' but had 'put her heart and soul into the School' without there being any funds available for a deputy head teacher to be employed in order to support her in her role as head teacher. Ms Wild now appreciated how this stress had impacted on her working life and would recognise the signs of it starting again.

The panel noted a report from Ofsted dated June 2009 (page 285), which stated that the governors could assist Ms Wild in respect of her workload, which provided some corroboration to Ms Wild's explanation for the stress she had been under.

The panel noted that Ms Wild had made admissions to all of the factual allegations and that this amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute. These admissions, in addition to the above points, were indicative to the panel that Ms Wild had demonstrated clear insight into her behaviour and how she had failed.

Whilst the panel had determined that Ms Wild's conduct on 9 May 2017 was dishonest, in her evidence before it, the panel considered Ms Wild had given an honest account of her circumstances, which assisted the panel to have a better appreciation of her situation at the time. The panel considered that Ms Wild had taken full responsibility for her actions and was confident that such events were unlikely to reoccur.

Taking all of the circumstances into account, the panel felt the findings indicated a situation in which a review period would be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review period after two years.

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

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

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

In this case, the panel has found the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.. In this case, the panel has been clear that for the allegations 1a, 1b and 1c ( and to the extent that Allegation 2 is a consequence of those allegations), and allegation 2 are not proven in respect of the mathematics paper. I have therefore also taken that into account.

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

In particular, the panel has found that Ms Wild 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;
- 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 also finds “that the conduct of Ms Wild fell significantly short of the standards expected of the profession.”

The findings of misconduct are particularly serious as they include a finding of dishonesty on the part of a headteacher, albeit that that dishonesty occurred on one day only.

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

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed that Ms Wild's behaviour, "involved her allowing amendments to be made to exam papers by the pupils themselves and making amendments herself, both of which allowed those pupils to gain an advantage." 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, "Ms Wild had demonstrated clear insight into her behaviour and how she had failed."

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, "how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave."

I am particularly mindful of the finding of dishonesty in this case and the impact that such a finding has on the reputation of the profession. Although the dishonesty only occurred on the one day, the panel say, "Whilst the panel accepted that Ms Wild's proven conduct took place on a single day, at a time when she was under significant stress and pressure [Redacted], it is also conduct that happened on several occasions during that day and impacted on pupils. Whilst there was no pre-planning involved, Ms Wild's conduct was dishonest, which is necessarily an extremely serious failing and has to be treated seriously."

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 Wild herself. The panel say it, “was content that Ms Wild had made a significant and lengthy contribution to both the School and teaching profession as a whole.”

A prohibition order would prevent Ms Wild 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 had to weigh very carefully the contribution that Ms Wild has made to the profession and the insight and remorse shown, with the fact that, albeit on one day only, nonetheless Ms Wild was dishonest a number of times and her dishonesty had an impact on children. The panel set out clearly their finding that, “Whilst there was no pre-planning involved, Ms Wild's conduct was dishonest, which is necessarily an extremely serious failing and has to be treated seriously.”

I have therefore given less weight in my consideration of sanction therefore, to the contribution that Ms Wild 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.

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

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

I have considered the panel’s comments and the advice published by the Secretary of State. I consider that a 2 year review period, which is the minimum set out in the statute is proportionate and in the public interest.

**This means that Ms Kim Wild 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 March 2021, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Ms Kim Wild remains prohibited from teaching indefinitely.

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

Ms Kim Wild 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 'Alan Meyrick', followed by a vertical line.

**Decision maker: Alan Meyrick**

**Date: 1 March 2019**

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