



Teaching
Regulation
Agency

Mrs Joanne Stanley: Professional conduct panel outcome

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

November 2022

Contents

Introduction	3
Allegations	4
Summary of evidence	5
Documents	5
Witnesses	5
Decision and reasons	6
Findings of fact	7
Panel's recommendation to the Secretary of State	12
Decision and reasons on behalf of the Secretary of State	15

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

Teacher: Mrs Joanne Stanley

TRA reference: 18728

Date of determination: 9 November 2022

Former employer: Mead Primary School, and Broadford Primary School

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 1 November 2022 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mrs Joanne Stanley.

The panel members were Mr John Armstrong (lay panellist – in the chair), Ms Mona Sood (lay panellist) and Mr Paul Hawkins (teacher panellist).

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

The presenting officer for the TRA was Miss Holly Quirk of Browne Jacobson LLP.

Mrs Stanley was present and represented by Ms Hannah Court of counsel.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegation(s) set out in the notices of proceedings dated 31 August 2022.

It was alleged that Mrs Joanne Stanley was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that in that whilst employed as an Assistant Headteacher at Broadford Primary School (The Learning Federation) during academic year 2017/2018:

1. In respect of the Key Stage 2 assessments, she engaged in and / or participated in and / or contributed to the maladministration including by:
 - a. on 14 May 2018, in relation to English Spelling, Punctuation and Grammar tests she:
 - i. excessively assisted pupils;
 - ii. allowed other staff members to excessively assist pupils.
 - b. between 15 May 2018 and 17 May 2018, in relation to English Reading and / or Maths Paper 3 (Reasoning) tests she:
 - i. excessively assisted pupils;
 - ii. allowed other staff members to excessively assist pupils.
2. Her conduct as may be proven at allegation 1 above, lacked integrity and / or was dishonest in that she was seeking to unfairly improve assessment outcomes for one or more pupils.

Within a statement of agreed and disputed facts (dated 23 February 2022), Mrs Stanley admitted all of the facts of particular 1, and that her conduct in 1b was dishonest, albeit not on the wording of the allegation. She also accepted that, those facts that she did admit, amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

Preliminary Applications

At the commencement of the hearing, the panel received an application on behalf of Mrs Stanley that her updated witness statement be allowed into evidence. There was no objection. The panel was content that this further document was relevant and fair to be admitted.

[REDACTED]

Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 14 to 16

Section 2: Removed – pages 18 to 37

Section 3: Notice of proceedings, response and statement of agreed and disputed facts – Mrs Stanley – pages 39 to 57

Section 4: Removed – pages 59 to 74

Section 5: Removed – pages 76 to 93

Section 6: Teaching Regulation Agency witness statements – pages 95 to 486

Section 7: Teaching Regulation Agency documents – pages 488 to 737

Section 8: Removed - pages 739 to 888

Section 9: Mrs Stanley's documents: pages 890 to 919

In addition, the panel agreed to accept the following:

- Witness statement from Mrs Stanley.

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

- Witness A [REDACTED] ;

- Witness B [REDACTED];
- Joanne Stanley;
- Witness D [REDACTED];
- Witness E [REDACTED];

The first two witnesses were called on behalf of the TRA, and the remainder for Mrs Stanley.

Decision and reasons

The panel announced its decision and reasons as follows:

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

At the relevant time, Individual G was the [REDACTED] of Broadford and Mead Primary Schools, which became federated in in September 2016 under the banner of The Learning Federation.

Individual H was the [REDACTED] of Mead Primary School ('Mead'), and had been since January 2016, and since September 2014, Mrs Stanley was the assistant headteacher of Broadford. Individual J had been employed as a [REDACTED] at Mead since April 2015.

In 2017, the Standards Testing Agency ('STA') received a whistleblowing complaint regarding the KS2 tests at Broadford, which led to a visit by a representative in May 2018.

On 14 May 2018, an English Spelling, Punctuation and Grammar ('SPAG') Paper 1 test was taken by a number of Year 6 pupils. This test was administered by Mrs Stanley, with Individual G also present and, for approximately 10 minutes, Individual H and Individual J also.

On 17 May 2018, Individual G and Mrs Stanley were present, in an official capacity, for a Maths Paper 3 (Reasoning) SATs test.

Subsequent to these 2 assessments, the STA annulled the English Reading and Maths Paper 3 results, due to statistical anomalies.

In August 2018, the STA received a whistleblowing complaint from a member of staff who was present on 14 May 2018. This complaint included a video taken by the staff member during the assessment. These results were also, subsequently, annulled.

Mrs Stanley was subject to disciplinary proceedings and given a warning.

Findings of fact

The findings of fact are as follows:

The panel found the following particulars of the allegation(s) against you proved, for these reasons:

It was alleged that Mrs Joanne Stanley was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that in that whilst employed as an Assistant Headteacher at Broadford Primary School (The Learning Federation) during academic year 2017/2018:

1. In respect of the Key Stage 2 assessments, you engaged in and / or participated in and / or contributed to the maladministration including by:

a. on 14 May 2018, in relation to English Spelling, Punctuation and Grammar tests you:

i. excessively assisted pupils;

ii. allowed other staff members to excessively assist pupils.

b. between 15 May 2018 and 17 May 2018, in relation to Maths Paper 3 (Reasoning) tests you:

i. excessively assisted pupils;

ii. allowed other staff members to excessively assist pupils.

The panel noted the statement of agreed facts (dated 23 February 2022), within which Mrs Stanley admitted her conduct as set out in 1a and 1b, and that this amounted to engaging, participating and contributing to the maladministration of Key Stage 2 assessments.

The panel accepted the examples put forward in the statement to evidence this conduct, which included:

- Over-enunciating words during the English Spelling, Punctuation and Grammar test, such as 'es-en-shul' and 'in-con-seev-able' to reflect essential and inconceivable;
- Overly supporting pupils during Maths Paper 3; and

- Not objecting to pupils being overly assisted by other staff members during both tests.

The panel received live evidence from Witness A who conducted the investigation into the concerns. Witness A gave evidence in a manner consistent with his witness statement. He explained to the panel that, during his questioning of Mrs Stanley, she was upfront on those issues that she could recall and did not categorically deny the issues. When Mrs Stanley was presented with the recordings, Witness A told the panel that she readily accepted that her conduct was not appropriate and that there was some clear regret as to the events.

The panel also received evidence from Witness B. Witness B explained the reasoning for the test results being annulled by the STA and gave an indication as to the potential effects that this annulment may have on the pupils' future education careers. She described an annulment as being a 'negative mark on the school'.

Witness B accepted that, when a pupil moved to a secondary school, it would not be unusual for that school to evaluate the pupil based on its own terms, rather than based on the Key Stage 2 assessment results. To that extent, she accepted that there was not necessarily a long-term impact on the pupils.

The panel also heard live evidence from Mrs Stanley who, in line with the statement of agreed facts, accepted that her conduct amounted to the maladministration of Key Stage 2 assessments.

In the light of the accepted conduct, which was corroborated and clear from the audio recordings, the panel found this allegation proved.

2. Your conduct as may be proven at allegation 1 above, lacked integrity and / or was dishonest in that you were seeking to unfairly improve assessment outcomes for one or more pupils.

The panel heard oral evidence on this particular from Mrs Stanley. In respect of the test on 14 May 2018, Mrs Stanley explained to the panel that she appreciated that her actions were not appropriate, but that this was due to her lack of experience in administering Key Stage 2 tests and, in effect, she followed the lead of Individual G.

Mrs Stanley accepted that she administered the English test, and she was enthusiastic in doing so but that, with Individual G in the room, she felt pressure to follow his lead and adopt the same practice that he was modelling in respect of assisting pupils with answers.

To that end, in order to avoid any friction with Individual G and avoid any adverse consequence to herself and the pupils, Mrs Stanley mirrored how he was acting. When he left the room shortly before the conclusion of the test, Mrs Stanley reverted to how she

would normally conduct assessments and minimised any assistance to, what she considered to be a suitable level.

Mrs Stanley denied to the panel that her actions were dishonest in order to improve the assessment outcomes for the pupils.

With regard to the Maths assessment, which took place three days later, Mrs Stanley's position was fundamentally the same as for the English Assessment. She also accepted that whilst her actions were dishonest, they were only dishonest to the extent of trying to retain Individual G's confidence in her, rather than 'seeking to improve assessment outcomes'.

The panel considered the recordings, and the transcripts of the same, from 14 May 2018. In the panel's view, this evidence did demonstrate a change in Mrs Stanley's behaviour from when Individual G was in the room, to when he left. After Individual G left the room, Mrs Stanley voiced the need to pupils to apply appropriate test conditions.

In the panel's view, this change in behaviour from Mrs Stanley did indicate her view that she was mirroring her superior's behaviour, rather than to seek an improvement on the assessments. On that basis, and taking into account Mrs Stanley's good character, on balance, the panel did not consider there was sufficient inference to consider her conduct to be dishonest.

The panel did, however, consider her conduct during the Maths paper to be dishonest, albeit for a limited amount of time.

Mrs Stanley confirmed to the panel that the manner in which the English paper had been conducted was inappropriate and she felt uncomfortable as a result from the degree of assistance given to the pupils, and the ratio of teaching professionals to pupils. At this point, by Mrs Stanley's own acceptance and evidenced by her change in behaviour once Individual G had left the classroom for the English paper, she would have known that such conduct was not appropriate during an assessment.

Whilst the panel accepted that Mrs Stanley may still have wanted to obtain Individual G's approval within the Maths test, she did so by excessively assisting pupils and allowing other staff to do so, in order to seek better outcomes. The panel took into account the time-period between the 2 assessments, during which there was no evidence that Mrs Stanley made any attempts to reflect and, instead, continued the behaviour during the Maths test knowing that it was not appropriate.

From an objective viewpoint, this was dishonest conduct on the part of Mrs Stanley and the panel therefore find particular 2 proved in respect of particular 1b.

In respect of 1a, whilst the panel did not consider Mrs Stanley's conduct to be dishonest, she accepted that what had happened during the test was not appropriate and she had

not mitigated this in any manner. The panel did, therefore, determine that her conduct lacked integrity in respect of 1a, and also 1b.

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

Before determining any matters at stage 2, the panel did carefully consider the arguments put forward by Mr Faux, a representative on a joined matter, which were adopted by Ms Court, specifically that s141B of the Education Act 2002 ('EA 2002') did not allow both unacceptable professional conduct and conduct that may bring the profession into disrepute to be alleged.

S141B EA 2002 states the following:

The Secretary of State may investigate a case where an allegation is referred to the Secretary of State that a person to whom this section applies—

*(a) may be guilty of unacceptable professional conduct **or** [emphasis added] conduct that may bring the teaching profession into disrepute, or*

(b) has been convicted (at any time) of a relevant offence

Mr Faux submitted that the statute effectively bound the panel by its use of the term 'or'. In his view, this meant that the TRA could only allege UPC or conduct that may bring the teaching profession into disrepute, but not both.

Miss Quirk invited the panel to consider the use of the word 'or' inclusively, and that both allegations could be made.

No other material to support either parties' case was provided.

In the panel's view, the argument from Mr Faux had some weight based on the drafting of s141B, which did allow for some ambiguity. However, the panel also determined that s141B did not explicitly prohibit both allegations being made against a teacher. Were that to have been the intention behind the drafting, then parliament would, and could, have simply made this with the addition of, for example, 'either'.

The panel was therefore content that both allegations were to be answered by the teacher.

Mr Faux also submitted that the correct Advice document to be considered by the panel at this point of proceedings was the version in place in May 2018 (dated October 2015). He explained that a teacher needs to have sufficient clarity as to how to behave, which is in part based on the Advice at the time.

This position was similarly adopted by Ms Court.

Miss Quirk objected to this argument and submitted that the February 2022 Advice was the version to be applied by the panel, based on the date of the hearing, but accepted the decision was a matter for the panel's discretion.

In the panel's view, the 2015 Advice document (that was in force at the relevant time) was the appropriate version for it to use. For clarity, the panel noted that the wording in this Advice reflected s141B and, for the same reasons given above, the panel was content that this did not prohibit it from considering both UPC and also conduct that may bring the profession into disrepute.

Each of the differently dated Advice documents contained some guidance as to what amounted to UPC and conduct that may bring the profession into disrepute ('disrepute'). Whilst the guidance for UPC was substantively consistent within all of the differently dated Advice, the guidance for disrepute did vary.

It appeared to the panel that it would be unfair to any teacher for the applicable Advice to be anything other than the one in place at the time of the alleged conduct. For it to be otherwise would mean that a decision on UPC or disrepute could differ solely down to when a hearing was convenient to be scheduled. Indeed, this particular case was due to be heard in November 2021 and, following Miss Quirk's position, would therefore have consideration to a different Advice that was in place at that time.

Having found all of the allegations proved against Mrs Stanley, 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 2015 Teacher Misconduct: The Prohibition of Teachers document, which is referred to as "the Advice".

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school.
- 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.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel considered whether Mrs Stanley's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and found that none of these offences to be relevant.

Nevertheless, the panel was satisfied that the conduct of Mrs Stanley amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. She was one of the senior teachers at Broadford who, on 2 occasions, had acted with a lack of integrity. Her actions had, to some degree and even if carried out for good reason, had led to pupils' assessment results to be annulled, and had consequential impacts on pupils, Broadford and the community. In the panel's view, such conduct can only be considered as serious.

As such, the panel determined that Mrs Stanley's conduct did amount 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;
- declaring and upholding proper standards of conduct; and
- the interest of retaining the teacher in the profession.

In the light of the panel's findings against Mrs Stanley, which involved her participation in the maladministration of 2 SATs assessments. This conduct contributed to the annulment of the assessments, and the panel considered that public confidence in the profession could be seriously weakened if such conduct was not treated with the utmost seriousness when regulating the conduct of the profession.

For similar reasons, 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 Mrs Stanley was outside that which could reasonably be tolerated.

However, the panel decided that there was a strong public interest consideration in retaining Mrs Stanley in the profession, since no doubt had been cast upon her abilities as an educator and she was able to make a valuable contribution to the profession.

Further, the panel was impressed that, despite the disciplinary warning given to Mrs Stanley, she had remained at Broadford and continued to work to a high standard. The panel considered numerous references from colleagues who were able to make informed comments on Mrs Stanley's qualities as a teacher. These comments included:

- *"Joanne also has an excellent rapport with people of all ages. She is an amazing teacher and the children immediately love her lessons and delivery."*
- *"She brings immense energy, dedication and enthusiasm and approaches her work with the very best for the children firmly and clearly at the centre of all she does."*
- *"Jo was incredibly inspiring and I was blown away by her passion and enthusiasm";*
- *"I have observed Mrs Stanley to be extremely hard working and strong school leader with the very highest aspirations for pupils..."*
- *"...Mrs Stanley is a capable, proactive and supportive coach to less experienced staff."*
- *"Jo consistently demonstrated a passion and drive through her leadership of the Teaching School"*
- *"Joanne...has always demonstrated herself as a fully committed teacher who is focused on ensuring the children have the best possible opportunities...Joanne Stanley is an honest and reliable member of staff who is fully committed to her teaching career."*

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 Mrs Stanley.

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 Mrs Stanley.

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.

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. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

In the light of the panel's findings against Mrs Stanley, there was no evidence that her actions were not deliberate, or that she was acting under duress. The panel accepted Mrs Stanley took responsibility for her own actions but recognised that she replicated the modelled behaviour of her superior rather than it necessarily being her own intrinsic personality.

The panel did note that Mrs Stanley had a previously good record and 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, the recommendation of no prohibition order would be both a proportionate and an appropriate response.

Although a finding of dishonesty and lack of integrity must always be considered as serious, in the light of the relatively limited time-period that Mrs Stanley's actions took place, the panel determined the nature and severity of the behaviour were at the less serious end of the possible spectrum.

The panel was impressed by the extensive plaudits given to Mrs Stanley, and her qualities as a teacher, by colleagues who had experience of her for a number of years. It was clear from these references, and how Mrs Stanley articulated herself to the panel, that she was dedicated to the profession, and assisting pupils and the wider school community, by her teaching.

Having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case.

The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession.

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 sanction.

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 recommended that the findings of unacceptable professional conduct and conduct likely to bring the profession into disrepute, should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Mrs Joanne Stanley 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, and maintain high standards in their own attendance and punctuality.
- 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 Mrs Stanley fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include participation in the maladministration of 2 SATs assessments.

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 Mrs Stanley, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children/safeguard pupils. Mrs Stanley was involved in the maladministration of 2 SATs assessments, and this conduct contributed to the annulment of the assessments. 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, "The panel accepted Mrs Stanley took responsibility for her own actions but recognised that she replicated the modelled behaviour of her superior rather than it necessarily being her own intrinsic personality."

The panel also observed, "Although a finding of dishonesty and lack of integrity must always be considered as serious, in the light of the relatively limited time-period that Mrs Stanley's actions took place, the panel determined the nature and severity of the behaviour were at the less serious end of the possible spectrum." I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "the panel considered that public confidence in the profession could be seriously weakened if such conduct was not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of Mrs Stanley lacking 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 Mrs Stanley herself, I have placed considerable weight on the panel's comments, "The panel was impressed by the extensive plaudits given to Mrs Stanley, and her qualities as a teacher, by colleagues who had experience of her for a number of years. It was clear from these references, and how Mrs Stanley articulated herself to the panel, that she was dedicated to the profession, and assisting pupils and the wider school community, by her teaching." A prohibition order would prevent Mrs Stanley from teaching and would clearly deprive the public of her contribution to the profession for the period that it is in force.

I have concluded that a prohibition order is not proportionate or in the public interest. I consider that the publication of the findings made would be sufficient to send an

appropriate message to the teacher as to the standards of behaviour that were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.

A handwritten signature in black ink that reads "John Knowles". The signature is written in a cursive style with a large initial 'J'.

Decision maker: John Knowles

Date: 24 November 2022

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