



Teaching
Regulation
Agency

Miss Gloria Nweze: Professional conduct panel outcome

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

January 2023

Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	4
Documents	5
Witnesses	5
Decision and reasons	5
Findings of fact	5
Panel's recommendation to the Secretary of State	10
Decision and reasons on behalf of the Secretary of State	13

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

Teacher:	Miss Gloria Nweze
TRA reference:	19519
Date of determination:	11 January 2023
Former employer:	Reed Education and Academics, both education recruitment agencies.

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened by virtual means to consider the case of Miss Nweze.

The panel members were Mrs Christine McLintock (teacher panellist – in the chair), Mr Adnan Qureshi (lay panellist) and Mrs Maxine Cole (lay panellist).

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

The presenting officer for the TRA was Miss Grace Flynn of Capsticks LLP solicitors.

Miss Nweze was present and was represented by Miss Onyeka Nweze.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 26 October 2022.

It was alleged that Miss Nweze was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that, whilst a teacher in England:

1. In around May 2019, she submitted, or caused or allowed to be submitted on her behalf, an employment reference to Reed Education Ltd, purporting to be from Witness A;
2. The reference at 1 above was not written or submitted by Witness A;
3. Her conduct at 1 above was dishonest.

Miss Nweze denied the allegations but did not challenge that the reference was not written or submitted by Witness A. She denied being guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

The panel considered an application from Miss Onyeka Nweze that the hearing should be held in private. The panel considered whether to exercise its discretion under paragraph 11 of the Teachers' Disciplinary (England) Regulations 2012 (the "Regulations") and paragraph 5.85 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession (the "Procedures") to exclude the public from all or part of the hearing. This follows a request by the teacher that the hearing should be in private.

The panel has determined not to exercise its discretion that the public should be excluded from 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 has balanced the reasons why the teacher has requested that the public be excluded against the competing reasons for which a public hearing is required. The teacher has not provided circumstances that would justify the hearing taking place in private. The panel was satisfied that it would be contrary to the public interest or the interests of justice for this hearing to take place in private.

Summary of evidence

Documents

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

Section 1: Chronology and list of key people – pages 4 to 6

Section 2: Notice of proceedings and response – placeholder

Section 3: Teaching Regulation Agency witness statements – 23 to 30

Section 4: Teaching Regulation Agency documents – pages 31 to 167

Section 5: Teacher documents – pages 168 to 171

The panel received the notice of proceedings and response. The notice of proceedings was added to the bundle at pages 172 to 183 and the response at pages 184 to 186.

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

Witnesses

The panel heard oral evidence from Witness A and Witness B called by the presenting officer.

Miss Nweze did not give 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.

On 31 May 2019, Miss Nweze joined Reed Education (“Reed”) as a supply teacher. Between 16 November 2019 and February 2020, Miss Nweze had a number of placements organised through Reed. In September 2020, Reed went through a process to update her registration. In September 2020, Reed made enquiries with another education recruitment agency, Academics, regarding a reference. Information elicited during those enquiries lead to Miss Nweze being referred to the TRA by Academics on 14 September 2020.

Findings of fact

The findings of fact are as follows:

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

Whilst a teacher in England:

1. In around May 2019, you submitted, or caused or allowed to be submitted on your behalf, an employment reference to Reed Education Ltd, purporting to be from Witness A;

A [REDACTED] from Reed Screening (“Witness B”) gave evidence that on 24 May 2019, as part of Miss Nweze’s application to join Reed, she was required to provide two references. Witness B stated that Miss Nweze provided details of two Witnesses, including one from Witness A for whom she provided a “Gmail” email address. Witness B explained that Reed does not accept email addresses for employment references from “Gmail” accounts and that this ought to have been identified by the member of staff who screened the reference. Instead, a reference request was sent to the “Gmail” email address and a completed reference was received on 31 May 2019. The panel saw a copy of the reference purporting to be from Witness A.

Miss Nweze did not give oral evidence but no adverse inferences were drawn. The notice of proceedings warned of this possibility only if the teacher failed to provide an account in response to the allegations, either by way of a written statement or attendance at the hearing. Miss Nweze provided a written account responding to the allegations. That account stated as follows: having been approached by Reed to include a reference, she searched online for the name of the regional manager of the South London Academics branch, and provided Reed with the email address that appeared in the search result. She stated that she had been under the impression that the email address she had provided belonged to Witness A and that she had no further involvement regarding the requested reference.

The panel noted that the bundle contained an email sent by Miss Nweze responding to an email received on 1 April 2019 from Witness A’s correct email address. The panel considered, therefore, that it was more probable than not that Miss Nweze had the correct email address for Witness A and that in providing the “Gmail” address instead, Miss Nweze had submitted, or caused or allowed to be submitted on her behalf, an employment reference to Reed Education Ltd, purporting to be from Witness A.

The panel did not consider it relevant that there was no documentary evidence of Miss Nweze having opted to re-register with Reed in September 2020. The allegations relate to Miss Nweze’s actions in May 2019. The panel also did not consider that it was relevant that had Reed undertaken due diligence regarding the “Gmail” address provided, the reference would not have been received. It was Miss Nweze’s actions in providing the “Gmail” address that allowed the reference purporting to be from Witness A to be received.

Furthermore, the panel considered the reference purported to have been completed by Witness A. Since the reference contained the date from which Miss Nweze had held positions as a supply teacher, the panel could not see how a third party unconnected with

Miss Nweze could have known such information or that the date coincided with her first interaction with Academics.

The panel found this allegation proven.

2. The reference at 1 above was not written or submitted by Witness A;

Witness B stated that between 16 November 2019 and February 2020, Miss Nweze had a number of placements organised by Reed. He stated that he did not know why Miss Nweze did not work with Reed after 20 February 2020, but updated references were requested in September 2020. On this occasion, the individual who screened the reference request identified that the "Gmail" address for a Witness was not acceptable, and contacted Academics to obtain a work email address for Witness A. Witness B stated that, on 4 September 2020, an email was sent to Witness A's work email address. A response was received on 9 September 2020 stating that Miss Nweze had only worked for Academics for one day and that an alternative reference should be obtained. Witness B stated that Reed Screening responded to query the previous reference received from Witness A. Having provided a copy of the previous reference provided by Witness A, Witness A responded to state that he had reviewed the reference received by Reed on 31 May 2020 and that he had not completed it, nor did the "Gmail" address from which the reference came belong to him. Witness B stated that this was queried with Miss Nweze who subsequently withdrew her application on 11 September 2020. No documentary evidence was received of that withdrawal.

Witness A stated that from 2010 to 2021, he was employed by Academics as a Primary Team Manager. He could not recall whether he had recruited Miss Nweze to Academics, nor whether he had ever met her face to face. However, he recalled speaking with her by telephone or email roughly once a week to once a fortnight. He stated that the feedback Miss Nweze had received was positive, no issues were raised during Academics compliance process, nor any concerns raised regarding her practice as a teacher. He stated that he had a positive working relationship with her.

Nevertheless, Witness A confirmed that the reference dated 31 May 2019 forwarded to him from Reed bearing his name had not been completed by him and that the signature on the reference did not belong to him. He also confirmed that he had never used the "Gmail" address from which the reference had been sent to Reed. He also stated that he would not usually complete a reference for a teacher himself, and would only do so for teachers with whom he had a long working relationship and who had particularly impressed him. He did not recall any occasion whilst working with Academics that he completed a reference for a teacher himself and would always send a reference request to their administration team to complete. Therefore, any true reference provided by Academics would not have been given by Witness A.

Miss Nweze denied any further involvement regarding the requested reference and stated that she could only assume that the owner of the email address that she had provided to Reed had impersonated Witness A.

The panel was satisfied by Witness A's account that he had not written or submitted the reference.

The panel found this allegation proven.

3. Your conduct at 1 above was dishonest.

The panel considered what motivation Miss Nweze could have had given that Witness A spoke positively of her. However, the panel noted that Miss Nweze had undertaken only one placement with Academics lasting one day on 7 February 2019, and that she was a relatively new teacher. Therefore, the panel considered that Miss Nweze would have had an interest in causing a false reference to be provided to strengthen her teaching experience and increase her chances of securing employment.

Having considered the reference itself, and noting that it contained dates that correlated with Miss Nweze's first interaction with Academics, the panel considered that this supported Miss Nweze's involvement in provision of the false reference.

The panel noted that the bundle contained an email sent by Miss Nweze responding to an email dated 1 April 2019 from Witness A's correct email address. The panel considered therefore that it was more probable than not that Miss Nweze had the correct email address for Witness A and could have provided it. Given that Miss Nweze had taken the step of providing the "Gmail" address, rather than an accurate address that she had for Witness A, it was more likely than not that Miss Nweze had done this with the intention of obtaining an advantage in a recruitment process.

The panel considered that the ordinary honest person would consider Miss Nweze's actions to be dishonest.

The panel found this allegation proven.

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

Having found the allegations proved, the panel went on to consider whether the facts of those 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 Miss Nweze in relation to the facts found proved, involved breaches of the Teachers' Standards. The preamble requires that teachers act with honesty, and the panel has found Miss Nweze to be dishonest. The panel considered that, by reference to Part 2, Miss Nweze was in breach of the following standards:

Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- not undermining... the rule of law... mutual respect...

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

Keeping Children Safe in Education requires Safer Recruitment given the potential risks of those who have not been properly verified gaining access to positions in which they are entrusted to look after children.

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

The panel also considered whether Miss Nweze's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. The panel found that the offence of fraud or serious dishonesty was relevant. The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel noted that the allegations took place outside the education setting. However, her conduct impacted upon the trust that could be placed upon her credentials and suitability for a teaching role.

Accordingly, the panel was satisfied that Miss Nweze was guilty of unacceptable professional conduct.

The panel took into account the way the teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

In considering the issue of disrepute, the panel also considered whether Miss Nweze's conduct displayed behaviours associated with any of the offences in the list that begins

on page 12 of the Advice. As referred to above, the panel found that the offence of fraud or serious dishonesty was relevant. The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to conduct that may bring the profession into disrepute.

The 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.

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

Having found the facts of the allegations proved, the panel further found that Miss Nweze's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Miss Nweze and whether a prohibition order is necessary and proportionate. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely, the safeguarding and wellbeing of pupils; 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.

There was a public interest consideration in respect of the safeguarding and wellbeing of pupils, given that providing a false reference has an impact upon a school's ability to ensure the suitability of a teacher to work with children.

Similarly, the panel considered that public confidence in the profession could be weakened if conduct such as that found against Miss Nweze were not treated seriously when regulating the conduct of the profession.

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

The panel has seen evidence of a significant volume of thank you cards and messages sent to Miss Nweze from pupils, parents and colleagues. These include messages referring to pupils having thrived in Miss Nweze's care, the progress pupils had made as a result of Miss Nweze's teaching and thanking Miss Nweze for having gone above and beyond for pupils that she has taught. In the circumstances of this case, and in light of the evidence of the many voluntary expressions of gratitude by parents and pupils, the panel considered that this was a case when the interest of retaining Miss Nweze in the profession outweighed the adverse public interest considerations present.

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

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

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

actions or behaviours that... undermine... the rule of law...and mutual respect.

dishonesty ...

In the circumstances of this case, there was no evidence of Miss Nweze's actions being repeated, nor of having coerced others to act in a way contrary to their own interests. The panel believed that this was a one off error of judgment.

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

There was evidence that Miss Nweze's actions were deliberate.

There was no evidence to suggest that Miss Nweze was acting under extreme duress, e.g. a physical threat or significant intimidation.

Miss Nweze did have a previously good history. There were no previous regulatory findings against her, nor was there any evidence of Miss Nweze having been subject to disciplinary proceedings or warnings. Miss Nweze is a relatively new teacher, but the voluntary expressions of gratitude provided to her evidence her ability to contribute

significantly to the education sector. The panel believed that the incident appeared to be out of character and noted that one of the messages sent to Miss Nweze thanked her for being an honest teacher.

Witness A, in his evidence, spoke positively of the feedback he had received from a school and of his working relationship and interactions with Miss Nweze.

Miss Nweze's representative in these proceedings, that being Miss Nweze's sister, gave oral evidence testifying to Miss Nweze's passion for teaching and her commitment to the profession. Three written testimonial statements were provided. One, from a former colleague, referred to Miss Nweze's relationship with her students and colleagues, the quality of her teaching practice and her work ethic. Another, from a teaching assistant who had worked with Miss Nweze, referred to Miss Nweze's behaviour management and her ability to engage children. A third testimonial statement was provided by another relative of Miss Nweze confirmed Miss Nweze's determination to impact on children's' lives and her dedication to her teaching career. The panel noted these references were all positive, but placed more weight on the unprompted and unsolicited expressions of gratitude afforded to Miss Nweze from former pupils, parents and colleagues.

Miss Nweze cooperated with the proceedings fully. She provided a written account in advance of the hearing, and attended the hearing throughout. Whilst Miss Nweze denied her involvement in providing the false reference, at all times she showed respect for the process. The panel was assured that going through this process, and having findings against her served as a sufficient deterrent against acting in a similar way in the future.

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, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, 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. The panel was sufficiently satisfied that the findings made against Miss Nweze would prompt appropriate suitability checks to be made when Miss Nweze applies for future positions.

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 Miss Gloria Nweze is in breach of the following standards:

Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- not undermining... the rule of law... mutual respect...

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 Miss Nweze fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include a finding of dishonesty involving the provision of a false reference.

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 Miss Nweze, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed "There was a public interest consideration in respect of the safeguarding and wellbeing of pupils, given that providing a false reference has an impact upon a school's ability to ensure the suitability of a teacher to work with children." 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 in relation to the risk of repetition of the conduct found proven, which the panel sets out as follows, "Miss Nweze cooperated with the proceedings fully. She provided a written account in advance of the hearing, and attended the hearing throughout. Whilst Miss Nweze denied her involvement in providing the false reference, at all times she showed respect for the process. The panel was assured that going through this process, and having findings against her served as a sufficient deterrent against acting in a similar way in the future." 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 weakened if conduct such as that found against Miss Nweze were not treated seriously when regulating the conduct of 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 Miss Nweze herself, the panel comment "Miss Nweze did have a previously good history. There were no previous regulatory findings against her, nor was there any evidence of Miss Nweze having been subject to disciplinary proceedings or warnings. Miss Nweze is a relatively new teacher, but the voluntary expressions of gratitude provided to her evidence her ability to contribute significantly to the education sector. The panel believed that the incident appeared to be out of character and noted that one of the messages sent to Miss Nweze thanked her for being an honest teacher."

A prohibition order would prevent Miss Nweze from teaching and 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 panel's observation that, "In the circumstances of this case, and in light of the evidence of the many voluntary expressions of gratitude by parents and pupils, the panel considered that this was a case when the interest of retaining Miss Nweze in the profession outweighed the adverse public interest considerations present."

I have also placed considerable weight on the panel's determination that the nature and severity of the behaviour were at the less serious end of the possible spectrum.

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.



Decision maker: John Knowles

Date: 13 January 2023

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