



Teaching
Regulation
Agency

Mr Liam Browne: Professional conduct panel outcome

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

April 2023

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

Teacher:	Mr Liam Browne
Teacher ref number:	1051423
Teacher date of birth:	27 October 1988
TRA reference:	19106
Date of determination:	20 April 2023
Former employer:	Melior Community Academy, Scunthorpe

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 17 to 20 April 2023, to consider the case of Mr Browne.

The panel members were Ms Sue Davies (lay panellist – in the chair), Mr Ian Hylan (teacher panellist) and Mr Peter Ward (lay panellist).

The legal adviser to the panel was Mr Ben Schofield of Blake Morgan LLP.

The presenting officer for the TRA was Ms Heather Andersen of Browne Jacobson LLP.

Mr Browne was not present and was not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 26 January 2023.

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

1. During the 2018-2019 academic year as Faculty Leader for Expressive Arts at Melior Community Academy ('the Academy'), in respect of the OCR's Cambridge Nationals in Sports Science, he:

- a) Over-assisted pupils in the production of their coursework by providing templates;
- b) Substituted content on behalf of one candidate which reflected the coursework of another student;
- c) Shared or lent candidates' coursework with other candidates;
- d) Tampered with candidates' coursework after collection and before dispatch to the awarding body/examiner/moderator;
- e) Allowed pupils to modify coursework after submission and before dispatch to the awarding body/examiner/moderator.

2. In respect of his conduct at Allegation 1 above he was found by the exam board OCR to have committed malpractice and prohibited from administering OCR examinations and assessments for a period of five years.

3. During the 2020-2021 academic year as Faculty Leader at the Academy, in respect of the OCR's Cambridge Nationals in Sports Science, he breached your OCR prohibition as detailed at 2 above, including by:

- a) Assessing OCR Sport Science coursework;
- b) Submitting OCR Sport Science grades to the Data and Exams Manager;
- c) Preparing and/or submitting OCR Sport Science coursework.

4. He provided inflated grades for the OCR Sport Science coursework;

5. On or around 1 February 2021, he asked Individual A to say that they had helped mark work, when he knew that to be false.

6. His conduct as may be found proven at Allegations 1 and 3-5 above lacked integrity and/or was dishonest.

Preliminary applications

Application to proceed in the absence of the teacher

The panel considered an application from the presenting officer to proceed in the absence of Mr Browne.

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it, as derived from the guidance set down in the case of *R v Jones* [2003] 1 AC 1 (as considered and applied in subsequent cases, particularly *GMC v Adeogba*; *GMC v Visvardis* [2016] EWCA Civ 162).

The panel was satisfied that the Notice of Proceedings ("the Notice") had been sent in accordance with Rules 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession 2018 ("the Procedures") and that the requirements for service had been satisfied.

Whilst Mr Browne was not in attendance at the hearing, he had been in contact with the TRA directly and through his legal representatives during the investigation and preparations for this hearing. Some of those communications included an undated email, which stated:

"Since leaving [the Trust] I have worked on my business and prepared myself for the TRA hearing. [REDACTED] however I do understand these hearings need to happen and concluded.

Although I am making a successful career for myself now, it is still very hard to come to terms with the fact I will never teach again. Whatever happens in these hearings..."

In an email dated 12 April 2023, Mr Browne's legal representatives wrote to the TRA and stated:

"I am writing on behalf of NASUWT member Liam Browne who has a Panel Hearing scheduled for next week. Mr Browne is not attending the Hearing itself and as such I will not be present as his representative..."

Accordingly, the panel was satisfied that Mr Browne was fully aware of these proceedings and this hearing.

The panel went on to consider whether to proceed in Mr Browne's absence or to adjourn, in accordance with Rule 4.29 of the Procedures.

The panel had regard to the fact that its discretion to continue in the absence of a teacher should be exercised with great caution and with close regard to the overall fairness of the proceedings. The panel gave careful consideration to the fact that Mr Browne was not in attendance and would not be represented at this hearing, should it proceed, and the extent of the disadvantage to him as a consequence.

Given the express confirmation from Mr Browne that he was not going to attend, the panel concluded that the hearing should proceed. The panel was satisfied that Mr Browne's absence was voluntary and he had waived his right to attend. There was no indication that Mr Browne might attend at a future date such that no purpose would be served by an adjournment.

The panel also took account of the fact that there was a public interest in hearings taking place within a reasonable time and that there were witnesses present to give evidence to the panel who would be significantly inconvenienced were the hearing to be adjourned.

Having decided that it was appropriate to proceed, the panel would strive to ensure that the proceedings were as fair as possible in the circumstances, bearing in mind that Mr Browne was neither present nor represented.

Summary of evidence

Documents

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

Section 1: Index, chronology and anonymised pupil list – pages 1 to 9

Section 2: Notice of Proceedings and response – pages 10 to 17

Section 3: Statement of agreed and disputed facts – pages 18 to 32

Section 4: Teaching Regulation Agency witness statements – pages 33 to 57

Section 5: Teaching Regulation Agency documents – pages 58 to 482

Section 6: Teacher documents – pages 483 to 577

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

Witnesses

The panel heard oral evidence from:

- Witness A [REDACTED]

- Witness B [REDACTED]
- Witness C [REDACTED]
- Witness D [REDACTED]
- Witness E [REDACTED]

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Browne was employed as the Faculty Leader for Expressive Arts and Associate Assistant Principal for BTEC and Vocational Provision at Melior Community Academy (the “Academy”), within DELTA Academies Trust (the “Trust”). Mr Browne had joined the Academy as Second in Faculty in PE in September 2016 having previously worked at another academy within the Trust since 2011.

Between September 2018 to May 2019, Mr Browne was the course leader for a cohort of 20 Year 11 students for OCR's Cambridge Nationals qualification in Sports Science. In addition to this cohort, there were also students in Year 10 completing the coursework.

As part of his duties as the course leader, Mr Browne was to supervise and mark a number of coursework assignments. These units were known as ‘R042: Applying principles of training’, ‘R045: Sports nutrition’ and ‘R046: Technology in sport’. Following his marking of the coursework, Mr Browne was required to submit the marks and 15 samples of the coursework to the exam board, OCR.

The relevant OCR Specification and Joint Council for Qualifications (“JCQ”) regulations set out that:

“OCR 4.3 Learners are free to revise and redraft work without teacher involvement before submitting the work for assessment. The advice provided prior to final submission should only enable the learner to take the initiative in making amendments rather than detailing what amendments should be made. This means that teachers must not provide templates, model answers or detail specifically what amendments should be made... Adding, amending or moving any work after it has been submitted for final assessment will constitute malpractice.

4.5 Teachers/assessors must be confident that the work they mark is the learners own... Centres must confirm to OCR that the evidence produced by learners is authentic. Teachers are required to declare that the work submitted for centre assessment is the learners own work.

JCQ 2.1 When marking the coursework, teachers must not give credit in regard to any additional assistance given to candidates beyond that which is described in the specification. Teachers must give details of any additional assistance on the appropriate record form(s). Examples would include:

- *providing writing frames specific to the coursework task (e.g. outlines, paragraph headings or section headings);*
- *Intervening personally to improve the presentation or content of the coursework.*

2.5 Once work is submitted for final assessment it must not be revised. Adding or removing any material to or from coursework after it has been presented by a candidate for final assessment will constitute malpractice...”

When the marks and samples were subject to moderation by OCR, the moderator identified a number of marking errors. OCR then requested the remaining 5 pieces of coursework to be provided to them. Following a review of all the coursework, the moderator suspected that exam maladministration had taken place.

Further investigations were undertaken and as a result, on 31 October 2019, OCR imposed a five year prohibition on Mr Browne being involved with the assessment and administration of OCR courses and in February 2020, OCR made a referral the TRA. The terms of the prohibition were:

“[T]he [OCR Malpractice] Committee bars Mr Liam Browne from all involvement in the delivery or administration of OCR examinations and assessments for a period of five years; until 31 October 2024. Please note this does not prevent Mr Browne from teaching OCR qualifications up until the point of assessment.”

As a result of the action by OCR, Mr Browne resigned his position as Assistant Associate Principal, but remained in post as a Faculty Leader.

In the academic year 2019/20, there were no formal exams or assessments undertaken due to the Coronavirus pandemic.

The following year in 2020/21, concerns were raised within the Academy, regarding Mr Browne’s continued involvement with the Sport Science OCR assessments. The Academy began an investigation, during which Mr Browne resigned his employment. Information surrounding these further concerns were also referred to the TRA.

Findings of fact

The findings of fact are as follows:

1. During the 2018-2019 academic year as Faculty Leader for Expressive Arts at Melior Community Academy (‘the Academy’), in respect of the OCR’s Cambridge Nationals in Sports Science, you:

a) Over-assisted pupils in the production of their coursework by providing templates;

In the statement of agreed facts, Mr Browne accepted that he had provided templates in all three of the units. He further accepted this was contrary to the exam rules and that it gave these pupils an unfair advantage.

In the evidence before the panel were examples of some the templates, which were marked as authored by Mr Browne in the electronic file metadata. The panel also noted the explicit restriction on providing templates set out in section 4.3 of the OCR specification document.

The panel was therefore satisfied that Mr Browne’s admission to this allegation was unequivocal and consistent with the surrounding evidence and found this allegation proved.

b) Substituted content on behalf of one candidate which reflected the coursework of another student;

In the first statement of agreed facts, Mr Browne accepted that he submitted coursework which included sections of work which were identical for Pupil’s A and B. Mr Browne further accepted these sections must have been copied and pasted between the two pupil’s coursework and that he had submitted the coursework as representing the original work of both pupils. Mr Browne however denied that he was directly involved with either editing or copying those elements of the coursework.

The panel noted that in the first statement of agreed facts, the allegation was drafted as ‘submitting content’. The allegation before the panel for this hearing was that he ‘substituted content’. In the second statement of agreed facts, the drafting of the allegation is also that he ‘substituted content’, although the second statement does not further deal with the facts in allegation 1. The panel was satisfied in the first statement of agreed facts that Mr Browne clearly set out that he did not accept substituting the content of the course and this was also the position as set out in other parts of the evidence. The panel therefore considered this allegation as a disputed sub-allegation.

Copies of the two relevant pieces of coursework were before the panel. The coursework consisted of PowerPoint slides covering principles of training, types of training, components of training and training methods. In the slides titled types of training, the following text was identical in both slides, albeit in slightly different formatting:

“Types of training

- *Aerobic exercise- exercise with oxygen- steady and not too fast. This is used primarily for sports which last a long period of time as the body has time to break down and use oxygen for energy. Events such as marathons and triathlons but also in games like football or rugby where the event is taking place over more than an hour.*
- *Anaerobic exercise- exercising without oxygen- short and fast bursts. In these events the body does not have time to use oxygen and break it down. These are powerful and sort events like sprinting, throwing or lifting.”*

The panel considered the evidence of the potential opportunities the pupils may have had to either use the exact same phrasing or pass the same content between themselves. The panel considered the evidence that the coursework would have been completed during supervised classroom sessions, that there was no electronic evidence of work being passed between the pupils and there were restrictions on the school equipment to prohibit the use of removal storage devices. From this evidence the panel concluded it would be highly unlikely that Pupil A and B had shared this same slide between themselves.

The panel further considered Mr Browne’s explanation that it must have occurred as an error when he was transferring the files from the ‘student area’ to the ‘teacher area’. These were discrete slides in separate places on both of the PowerPoint files and were formatted in a different font. Mr Browne’s explanation would have meant the entire file would have been replaced. The panel considered this a wholly implausible explanation.

In light of this evidence and his otherwise accepted conduct of tampering with pupils’ coursework, the panel considered it was more likely than not that Mr Browne had substituted the content in question between Pupil A and B’s coursework.

Therefore, the panel found this allegation proved.

c) Shared or lent candidates' coursework with other candidates;

In the statement of agreed facts, Mr Browne accepted that had shared ‘model’ coursework written by previous pupils to other pupils following the same course. The coursework was accessible to the pupils electronically in a format in which it could be downloaded by the pupils. Mr Browne accepted this gave an unfair advantage to those pupils and over-aided them in the completion of their coursework.

The panel noted the restriction in the OCR specification at section 4.3 in providing model answers. This topic was expanded on by Witness A and confirmed that showing pupils examples of good work in class was not prohibited, but giving them unrestricted access to such material was (including by allowing it to be downloaded and saved for later viewing).

The panel was therefore satisfied that Mr Browne's admission to this allegation was unequivocal and consistent with the surrounding evidence and found this allegation proved.

d) Tampered with candidates' coursework after collection and before dispatch to the awarding body/examiner/moderator;

In the statement of agreed facts, Mr Browne accepted following the submission of the coursework by the pupils, he then edited the work of several pupils prior to submission to OCR.

Mr Browne stated that he had made formatting changes to the documents but denied making any other substantial amendments to them. Mr Browne accepted that his admitted actions improved the pupils' work and would give them an unfair advantage.

Witness A confirmed in his evidence that there would be no marks attributable to general formatting of documents on this course, save for the extreme examples where the formatting of the document was so poor as to make reading impossible.

The panel was therefore satisfied that Mr Browne's admission to this allegation was unequivocal and consistent with the surrounding evidence and found this allegation proved.

e) Allowed pupils to modify coursework after submission and before dispatch to the awarding body/examiner/moderator.

Following the moderation of the first 15 samples, feedback from OCR was provided to the teacher and they requested that the remaining five pieces of coursework be submitted for further moderation. The moderator was concerned that the second sample appeared to be substantially different to the first 15 pieces of work they moderated and appeared to have benefited from the feedback provided from the first sample.

In the agreed statement of facts, Mr Browne accepted that he provided information to the pupils about the content of the moderator's feedback and that he had not secured the pupils' work so that it could not be further edited by the pupils. He further accepted this coursework had been amended in line with the feedback provided, although he denied instructing the pupils to do so.

The panel considered that Mr Browne's admission was clear in regards to allowing the pupils to modify their work after submission. Mr Browne was an experienced teacher and the panel could find no other reasonable explanation to provide the moderator's feedback to the pupils, other than with an intent for the pupils to amend their coursework.

The panel therefore found this allegation proved.

2. In respect of your conduct at Allegation 1 above you were found by the exam board OCR to have committed malpractice and prohibited from administering OCR examinations and assessments for a period of five years.

Following the OCR investigation in 2019, Mr Browne was subject to a prohibition by OCR against all involvement in the administration of OCR assessments for a period of five years from 31 October 2019, until 31 October 2024. The prohibition did not restrict Mr Browne's ability to continue to teach OCR subjects. During 2020/21 academic year, Mr Browne continued to teach the OCR Sport Science subject.

In the statement of agreed facts, Mr Browne accepted this allegation. His admission was unequivocal and consistent with the other evidence before the panel. The panel therefore found this allegation proved.

3. During the 2020-2021 academic year as Faculty Leader at the Academy, in respect of the OCR's Cambridge Nationals in Sports Science, you breached your OCR prohibition as detailed at 2 above, including by:

a) Assessing OCR Sport Science coursework;

In the statement of agreed facts, Mr Browne accepted that he acted in contravention of this prohibition and assessed the coursework for the Sport Science subject in 2020/21 year. However, he stated that this was permitted by the senior leadership team as they thought that it was permitted by OCR.

The panel was therefore satisfied that Mr Browne's admission to this allegation was unequivocal and consistent with the surrounding evidence and found this allegation proved. Further consideration to Mr Browne's explanation as to why he breached the terms of prohibition is provided later in the decision.

b) Submitting OCR Sport Science grades to the Data and Exams Manager;

In the statement of agreed facts, Mr Browne accepted this factual element. At the time he indicated that Witness E, who had been trained to stand in for the administration of the OCR awards, would sign the 'centre declaration form'. Mr Browne also stated that the [REDACTED] was aware of the OCR's prohibition and was content for him to submit the marks.

In the Trust's investigation, Individual F was identified as the [REDACTED]. In the notes of her interview, Individual F stated that Mr Browne provided her with the course marks in an email. Witness D confirmed in his evidence that he did not consider that this would amount to Mr Browne being involved in the administration of the assessment, as it would be the simple act of him passing the marks to the manager, which he would have done for all the subjects under his lead as the Head of Faculty.

The panel considered that interpretation of the meaning of the word 'submitting' went further than the simple act of passing the marks over and also included the act of preparing and assessing the coursework, which was prohibited by OCR.

Accordingly, the panel considered this to be a breach of the prohibition and found this allegation proved.

c) Preparing and/or submitting OCR Sport Science coursework.

In the statement of agreed facts, Mr Browne accepted preparing and submitting the coursework. It was agreed evidence that Mr Browne continued to supervise the class during the coursework sessions and was the marker of that work.

In this respect, the panel was therefore satisfied that Mr Browne's admission to this allegation was unequivocal and consistent with the surrounding evidence and found this allegation proved.

Mr Browne also stated that he was not aware that it was in breach of the prohibition and that the senior leadership team permitted him to prepare the coursework. The panel noted that Mr Browne had articulated a clear understanding of the prohibition during the first disciplinary process at the Academy and was an experienced and senior teacher. The panel therefore did not accept this was an unknowing breach of the prohibition.

4. You provided inflated grades for the OCR Sport Science coursework;

In the statement of agreed facts, Mr Browne accepted that the grades he submitted for the pupils in 2020/21 were substantially different to those moderated by senior colleagues subsequent to the OCR raising concerns. However, Mr Browne stated that this was not an intentional act and was due to errors in marking.

The panel had the marks for each of the 28 pupils in question. The papers were re-marked by two teachers within the Academy. For all but one, the re-mark score was lower than Mr Browne's scoring. The remaining pupil was scored zero by both Mr Browne and the other two teachers.

The panel noted that different markers can come to a different conclusion when arriving at an assessment score. The panel however considered that the marks awarded by Mr Browne were far outside any reasonable range where professional opinions may legitimately differ. The panel considered for the scores to be re-assessed down on every score could only lead to the conclusion that Mr Browne had inflated the marks when he assessed the coursework.

Therefore the panel found this allegation proved.

5. On or around 1 February 2021, you asked Individual A to say that they had helped mark work, when you knew that to be false.

In the statement of agreed facts, Mr Browne stated that he had asked Witness E to assist with marking the work, albeit in the context of his moderation work, not just the initial marking.

In his evidence, Witness E explained that he was asked by Mr Browne on a telephone call to say that he was involved with the 'mark sheets'. Witness E's interpretation of the call was different to Mr Browne's and on the evidence presented, the panel was unable to reach a conclusive determination on what had been said during the call.

Accordingly whilst Mr Browne purported to admit this allegation in the agreed statement of facts, the panel found this to be of an equivocal nature and furthermore it could not be satisfied on the evidence before it that Mr Browne had asked Witness E to say that he had marked the work, as opposed to being involved in the administrative or moderation elements of the coursework.

Therefore, the panel found this allegation not proved.

6. Your conduct as may be found proven at Allegations 1 and 3-5 above lacked integrity and/or was dishonest.

In his statement of agreed facts, Mr Browne denied that his conduct in relation to the admitted allegations would amount to dishonesty or conduct lacking in integrity.

The panel considered that the evidence demonstrated that Mr Browne had a clear understanding in his mind as to the requirements of the OCR specification and the later prohibition. He was an experienced teacher and would have known about the restrictions on providing information such as model answers, templates and modifying post-submission work and inflating grades. The panel considered his explanations that they amounted to simple errors or misunderstandings, or that they were condoned by the senior leadership team as not credible. The panel considered when looking at Mr Browne's actions in the round, each of the allegations demonstrated a clear course of conduct which was undertaken to gain an unfair advantage to his pupils.

The panel further considered that the ordinary intelligent citizen could only consider this as dishonest conduct.

As a result of the finding of dishonesty, the panel therefore also found that it amounted to acting with a lack of integrity.

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

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

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

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

- 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.

In his statement of agreed facts, Mr Browne accepted his admitted conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel also considered whether Mr Browne’s conduct displayed behaviours associated with any of the offences listed in 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.

In particular, the panel considered that Mr Browne’s repeated acts of dishonesty, some of which were in defiance of OCR’s prohibition, significantly increased the level of seriousness of the dishonesty.

The panel was satisfied that the conduct of Mr Browne amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

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

The use of exams and formal assessments is central the education system in this country and Mr Browne’s actions sought to undermine that fundamental system. The public’s trust in the assessment process would be significantly undermined if teachers were not expected to administer these assessments fairly and honestly.

Accordingly, the panel considered that Mr Browne’s conduct would also 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.

In the light of the panel's findings against Mr Browne which involved repeated and serious dishonesty in relation to the administration of formal assessments, there was a strong public interest consideration in declaring the proper standards of conduct in the profession as the conduct found against Mr Browne was outside that which could reasonably be tolerated. Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Browne were not treated with the utmost seriousness when regulating the conduct of the profession.

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

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 Mr Browne. 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;
- abuse of position or trust;
- dishonesty or a lack of integrity... especially where these behaviours have been repeated or had serious consequences;
- deliberate action in serious contravention of requirements for the conduct of an examination or assessment leading to an externally awarded qualification or national assessment... particularly where the action had, or realistically had the

potential to have, a significant impact on the outcome of the examination assessment;

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.

The panel considered Mr Browne's actions were deliberate and there was no evidence that he was acting under duress.

Whilst Mr Browne was not present at the hearing, the panel recognised that he had engaged with the regulatory process to a substantial degree and had made a number of admissions and demonstrated a clear indication of remorse and regret about these circumstances.

The panel noted that Mr Browne appeared to have been promoted quickly in his time at the Academy and that he had taken on a substantial amount of responsibility during this time period.

Mr Browne had highlighted in his submissions to the TRA that he considered his actions were essentially with the approval of his senior leadership team. Whilst the panel accepted there was some evidence to suggest there was not an explicit and supervised plan in place in regard to the alternative administration of the OCR assessments, this did not abrogate his own professional responsibility to ensure he complied with the terms of the OCR prohibition. There was no evidence before the panel, save for one email asking to be removed from teaching OCR in June 2020, as to what further steps Mr Browne took to address any issues with the alternative arrangements. Accordingly, whilst the panel accepted this may amount to a mitigating factor, it attributed relatively little weight to it.

The panel also noted the two character references provided by Mr Browne, including one from a [REDACTED] at the Academy who highlighted:

“He has formed excellent positive relationships with staff and students, based on mutual respect. He is respected by his peers as he has proved his credibility through the successful completion of courses within his faculty and because of his genuine passion to ensure the pupils are given every opportunity to achieve their potential.”

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition

order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Browne of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Browne. The repeated and high level of dishonest conduct on the part of Mr Browne involving such an important area of school life was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period or one of a short duration. One of these behaviours include 'fraud or serious dishonesty'.

There was no evidence before the panel that Mr Browne had identified or addressed any root cause for his repeated dishonest behaviour in the administration of formal assessments. Accordingly, the panel considered there was still a significant risk that this conduct might be repeated. The panel considered a period of four years would allow Mr Browne to fully reflect and consider how he could remediate his dishonest conduct and protect the wider public interest considerations.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period to take place after four 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 some of 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 found some of the allegations not proven, including 3c, I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Liam Browne should be the subject of a prohibition order, with a review period of four years.

In particular, the panel has found that Mr Browne is in breach of the following standards:

- 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 Mr Browne fell significantly short of the standards expected of the profession.

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 Mr Browne, and the impact that will have on the teacher, is proportionate and in the public interest.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "Whilst Mr Browne was not present at the hearing, the panel recognised that he had engaged with the regulatory process to a substantial degree and had made a number of admissions and demonstrated a clear indication of remorse and regret about these circumstances."

The panel has also commented that "Mr Browne had highlighted in his submissions to the TRA that he considered his actions were essentially with the approval of his senior leadership team. Whilst the panel accepted there was some evidence to suggest there was not an explicit and supervised plan in place in regard to the alternative administration of the OCR assessments, this did not abrogate his own professional responsibility to ensure he complied with the terms of the OCR prohibition."

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "In the light of the panel's findings

against Mr Browne which involved repeated and serious dishonesty in relation to the administration of formal assessments, there was a strong public interest consideration in declaring the proper standards of conduct in the profession as the conduct found against Mr Browne was outside that which could reasonably be tolerated. Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Browne were not treated with the utmost seriousness when regulating the conduct of the profession". I am particularly mindful of the finding of dishonesty or conduct that lacking in 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 Mr Browne himself and the panel comment "The panel also noted the two character references provided by Mr Browne, including one from a [REDACTED] at the Academy who highlighted:

"He has formed excellent positive relationships with staff and students, based on mutual respect. He is respected by his peers as he has proved his credibility through the successful completion of courses within his faculty and because of his genuine passion to ensure the pupils are given every opportunity to achieve their potential."

A prohibition order would prevent Mr Browne from teaching. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the following comments, "the panel considered that Mr Browne's repeated acts of dishonesty, some of which were in defiance of OCR's prohibition, significantly increased the level of seriousness of the dishonesty."

I have also placed considerable weight on the finding of the panel that "The use of exams and formal assessments is central the education system in this country and Mr Browne's actions sought to undermine that fundamental system. The public's trust in the

assessment process would be significantly undermined if teachers were not expected to administer these assessments fairly and honestly.”

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

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

I have gone on to consider the matter of a review period. In this case, the panel has recommended a 4 year review period.

I have considered the panel’s comments “There was no evidence before the panel that Mr Browne had identified or addressed any root cause for his repeated dishonest behaviour in the administration of formal assessments. Accordingly, the panel considered there was still a significant risk that this conduct might be repeated. The panel considered a period of four years would allow Mr Browne to fully reflect and consider how he could remediate his dishonest conduct and protect the wider public interest considerations.”

I have considered whether a 4 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a lesser review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the lack of evidence that Mr Browne has addressed the cause of his dishonesty and the risk of repetition of the conduct found proven in this case.

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

This means that Mr Liam Browne is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children’s home in England. He may apply for the prohibition order to be set aside, but not until 2 May 2027, 4 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Browne remains prohibited from teaching indefinitely.

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

Mr Browne has a right of appeal to the King's Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'SABuxcey', with a horizontal line underneath.

Decision maker: Sarah Buxcey

Date: 25 April 2023

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