



Teaching  
Regulation  
Agency

# **Ms Fiona Humphrey: Professional conduct panel outcome**

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

**May 2023**

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

<b>Teacher:</b>	Ms Fiona Humphrey
<b>Teacher ref number:</b>	3931902
<b>Teacher date of birth:</b>	18 September 1987
<b>TRA reference:</b>	19817
<b>Date of determination:</b>	4 May 2023
<b>Former employer:</b>	Waverley Academy, Balby, Doncaster

### **Introduction**

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 2 to 4 May 2023 by way of a virtual hearing, to consider the case of Ms Fiona Humphrey.

The panel members were Ms Jasmin Choudhury (teacher panellist – in the chair), Mr Alan Wells (former teacher panellist) and Ms Penny Griffith (lay panellist).

The legal adviser to the panel was Ms Natalie Kent of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Charles McCombe of Three Raymond Buildings instructed by Ms Louise Murphy-King of Kingsley Napley solicitors.

Ms Humphrey was not present and was not represented.

The hearing took place by way of a virtual hearing in public and was recorded.

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 23 February 2023.

It was alleged that Ms Humphrey was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, whilst a teacher at Waverley Academy she:

- 1) On or around 8 November 2020, submitted an application form to St Francis Xavier Catholic Primary School in which she:
  - a) Listed Individual A as a referee and described her role as 'Assistant Head at Waverley Academy', when she knew or ought to have known that she was a class teacher at that time;
  - b) Listed Individual B as a referee and described her role as 'Head Teacher', when she knew or ought to have known that she was no longer a Head Teacher at that time; and
  - c) Signed a declaration confirming that all the information given by her on the application form and/or in any supplementary pages and/or the supporting evidence was correct to the best of her knowledge and belief, when she knew or ought to have known that this was not the case;
- 2) Relied on a reference from Individual B, dated 12 November 2020, in which Individual B stated that she was still Principal of Waverley Academy when she knew or ought to have known that Individual B was no longer Principal, and no longer worked at Waverley Academy in November 2020, and therefore had provided an incorrect and/or misleading reference in support of her application;
- 3) On or around 20 November 2020, submitted two lesson observations dated 26 February 2020 and 6 November 2020, to St Francis Xavier Catholic Primary School when she knew or she ought to have known that that the information within the lesson observations was false in that:
  - a) they had not taken place on the dates stated on the observation forms; and
  - b) they stated that Individual A and Individual C had been the observers, when Individual A and/or Individual C had not been the observers and/or had not completed the lesson observation forms;
- 4) By her behaviour as set out in allegations 1 and/or 2 and/or 3 above she:
  - a) Was dishonest; and

b) displayed a lack of integrity.

Within the statement of agreed facts dated 12 April 2023, Ms Humphrey admitted the facts of allegations 1(a)-(c) and 2. Ms Humphrey accepted that she was liable for the accuracy of the information within the application but submitted that she did not meaningfully intend to mislead. Ms Humphrey did not admit the facts of allegations 3 and 4. Ms Humphrey admitted that her conduct amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

## **Preliminary applications**

### Application to proceed in the absence of the teacher

Ms Humphrey was not present at the hearing nor was she represented. The presenting officer made an application to proceed in the absence of Ms Humphrey.

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*).

The panel was satisfied that the Notice of Proceedings had been sent to Ms Humphrey in accordance with the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020 (the 'Procedures'). Whilst Ms Humphrey had not been provided with 10 weeks' notice as required in the Procedures, the panel determined that she was aware of the hearing and had waived the notice period.

The panel concluded that Ms Humphrey's absence was voluntary, in that she had chosen not to attend, and that she was aware that the matter would proceed in her absence.

The panel noted that Ms Humphrey had not sought an adjournment to the hearing. The panel did not consider that an adjournment would procure her attendance at a hearing. The panel was mindful of the representations from Ms Humphrey regarding the impact that the ongoing TRA process was having on [REDACTED]. There was no medical evidence before the panel that Ms Humphrey was unfit to attend the hearing. The panel considered that it was in the public interest for the hearing to take place. It also considered the effect on the witnesses of any delay.

Having decided that it was appropriate to proceed, the panel was aware of the need to ensure that the proceedings were as fair as possible, bearing in mind that Ms Humphrey was neither present nor represented.

### Application to admit additional documents

The panel considered a preliminary application from the presenting officer (though made on behalf of the teacher) for the admission of additional documents.

The teacher's documents were:

- Correspondence between the teacher and the TRA;
- Statement of agreed facts;
- Teacher's letter of representations;
- Medical and Occupational Health notes; and
- Character references.

The documents subject to the application had not been served in accordance with the requirements of paragraph 5.37 of the 2020 Procedures. Therefore, the panel was required to decide whether the documents should be admitted under paragraph 5.34 of the 2020 Procedures.

The panel heard representations from the presenting officer in respect of the application. The presenting officer confirmed that there was no objection on behalf of the TRA of these documents being admitted. He further suggested that the documents would assist the panel in understanding the teacher's current position and her response to the allegations.

The panel considered the additional documents were relevant and agreed to admit them. Accordingly, the documents were added to the bundle.

## **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 3 to 5
- Section 2: Notice of hearing and response – pages 6 to 10
- Section 3: TRA witness statements – pages 11 to 34
- Section 4: TRA documents – pages 35 to 162

In addition, the panel agreed to accept the following:

- An additional bundle entitled "late papers" – page 1 to 37

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing. The panel adjourned briefly to consider the additional documents that had been admitted.

## **Witnesses**

The panel heard oral evidence from the following witnesses called by the TRA:

- Witness A
- Witness B
- Witness C
- Witness D

## **Decision and reasons**

The panel announced its decision and reasons as follows:

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

Ms Humphrey commenced employment at Waverley Academy ('the School') as a teaching assistant and then as a higher level teaching assistant in 2009. She became a Year 6 class teacher at the School in 2017.

During September 2020 to December 2020, Ms Humphrey had periods of absence from the School due to [REDACTED], and she resigned on 4 November 2020, effective 31 December 2020.

On 8 November 2020, Ms Humphrey applied to St Francis Xavier Catholic Primary School for the role of art teacher. On 12 November 2020, Witness B, [REDACTED] and [REDACTED], provided a reference for Ms Humphrey. On 20 November 2020, Ms Humphrey was interviewed for the position. She printed off lesson observations and took them with her to the interview. Individual E, [REDACTED], was subsequently contacted by a member of St Francis Xavier Catholic Primary School to clarify the referee details. They had noticed that the job titles and names did not match what was on the School's current website.

Ms Humphrey attended an investigatory interview and provided a written statement to the School on 17 December 2020. A disciplinary hearing was held at the School on 29 January 2021.

## 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:

- 1) On or around 8 November 2020, submitted an application form to St Francis Xavier Catholic Primary School in which you:**
  - a) Listed Individual A as a referee and described her role as ‘Assistant Head at Waverley Academy’, when you knew or ought to have known that she was a class teacher at that time;**
  - b) Listed Individual B as a referee and described her role as ‘Head Teacher’, when you knew or ought to have known that she was no longer a Head Teacher at that time; and**
  - c) Signed a declaration confirming that all the information given by you on the application form and/or in any supplementary pages and/or the supporting evidence was correct to the best of your knowledge and belief, when you knew or ought to have known that this was not the case;**

The panel noted the witness statement and oral evidence provided by Witness D, who explained that she has held the [REDACTED] at the School since January 2020.

Witness D aided Ms Humphrey with her class-based planning, teaching and learning using a team teach approach. As a [REDACTED], Witness D supported teaching and learning for all teachers and therefore had some [REDACTED] for Ms Humphrey, alongside Individual E.

Witness D explained that in November 2020, Individual E was contacted by Individual F at St Francis Xavier Catholic Primary School enquiring as to who the current principal at the School was, as they had received an application from Ms Humphrey for the role of art teacher.

Within the application, it appeared that Ms Humphrey had named certain individuals to be her referees, however their job titles did not match what was currently on the School's website. Individual E was informed that a reference had been requested from Witness B who had been named as the principal of the School and from Witness A who had been named as the vice principal of the School. Witness D confirmed that Witness B had [REDACTED] from her role in [REDACTED] and that in November 2020, Witness A was a class teacher and [REDACTED].



The application form, and subsequent reference provided to St Francis Xavier Catholic Primary School by Witness B, was shared with Individual E.

The panel noted the witness statement and oral evidence provided by Witness A. Witness A joined the School in [REDACTED] and was [REDACTED]. Witness A's role changed to [REDACTED] in the [REDACTED].

Witness A was the [REDACTED] beginning in September 2019. From September 2019 to July 2020, she assisted the then [REDACTED], Witness C and provided [REDACTED] and [REDACTED]. In September 2020, Witness A returned to the [REDACTED]. Therefore, on 8 November 2020, Witness A was a [REDACTED] at the School. During the time Witness A acted as [REDACTED], she did not have any direct line management responsibility for Ms Humphrey. However, she explained that she had previously had such responsibility when she acted as Ms Humphrey's [REDACTED] during 2018 to 2019.

Witness A confirmed that Ms Humphrey had asked if she would act as a referee. Witness A agreed to this and provided a reference when requested by St Francis Xavier Catholic Primary School.

Witness A received a letter in November 2020 from Individual E informing her that Ms Humphrey had made an application to an educational establishment outside of the Trust. Witness A was informed that within this application that Ms Humphrey had listed Witness A as a reference for her and she had named Witness A as the assistant headteacher of the School. Witness A confirmed that, whilst she had provided a reference, she was clear that she did not know that Ms Humphrey had stated her job title was assistant headteacher.

The panel considered the written representations of Ms Humphrey. The panel noted that there had been no opportunity to test her evidence through questioning. Ms Humphrey explained that whilst Individual E was the [REDACTED] at the time of the application, Ms Humphrey considered that she had spent very little time with her. Additionally, Ms Humphrey stated that she had not found her to be supportive and stated that "*she had barely seen me teach*". Ms Humphrey submitted that she therefore named Witness B, [REDACTED], and Witness A, the former assistant head, as referees on her application.

Ms Humphrey accepted that she had "*misdescribed*" Witness A as the assistant head on the application form. She submitted that she was not deliberately seeking to mislead anyone and that Witness A "*had recently been [REDACTED]*".

In respect of Witness B, Ms Humphrey submitted that St Francis Xavier Catholic Primary School is in the same pyramid as the School and that it was common knowledge in local schools that Witness B had recently [REDACTED]. Ms Humphrey submitted that it did not occur to her that she needed to set this out in her application form. Ms Humphrey further

stated that she did not include Witness B in the section “*Details of Present Employment*” and considered that it would have been clear that Witness B was no longer the [REDACTED] as she had put Individual E’s details in this section.

The panel considered that the facts of this allegation were clear; Ms Humphrey had provided the incorrect role descriptions of Witness A and Witness B. Further the panel considered that it was inconceivable that Ms Humphrey would not have known that these roles were incorrect as it had been over a year since the individuals referred to had held the roles which she listed. Indeed, Ms Humphrey’s own evidence was that it was “*well known in the area*” that Witness B had [REDACTED] and was no longer in the position of [REDACTED].

Accordingly, the panel found allegation 1(a), 1(b) and 1(c) proven.

**2) Relied on a reference from Individual B, dated 12 November 2020, in which Individual B stated that she was still Principal of Waverley Academy when you knew or ought to have known that Individual B was no longer Principal, and no longer worked at Waverley Academy in November 2020, and therefore had provided an incorrect and/or misleading reference in support of your application;**

The panel noted the witness statement and oral evidence of Witness B, who confirmed that she was the [REDACTED]. Witness B is also Ms Humphrey’s [REDACTED].

Witness B confirmed that on 12 November 2020, she completed a reference for [REDACTED], Ms Humphrey, and provided this to the St Francis Xavier Catholic Primary School. Witness B submitted that it was not her intention to be misleading and purport that she was the current principal at the School. The School is in the Balby catchment area, which is the same as a number of other schools including the one to which Ms Humphrey applied. Witness B stated that she would regularly meet with the headteachers of these schools whilst she was a [REDACTED] at the School and it would have been common knowledge that she had [REDACTED]. Witness B stated that it seemed logical to her, when she provided the reference, that the headteacher would have been aware that she was not the current principal at the School but that she was during the majority of the time that Ms Humphrey had worked there.

During her oral evidence, Witness B submitted that she was not aware that Ms Humphrey had put her down as the main referee and assumed she was just a “*back up*” referee, such that she did not consider that it would look as if she was the current principal of the School. Witness B explained that Ms Humphrey did not know that she had referred to herself as “Principal” within the reference.

The panel considered the written representations of Ms Humphrey. Ms Humphrey submitted that she “*played no part in writing the reference*” and Witness B did not consult

her as to its contents. Ms Humphrey submitted in her written representations that she, *“absolutely did not ask Mrs Humphrey to include misleading or inaccurate information in the letter”*.

Notwithstanding the evidence of Ms Humphrey as to her state of knowledge, the panel did not consider this relevant, as regardless Ms Humphrey had indeed relied upon the information within the reference and was responsible for ensuring the accuracy of this. In any event, the panel noted that at no point did Ms Humphrey raise with St Francis Xavier Catholic Primary School that there was a potential inaccuracy in the reference.

The panel therefore found allegation 2 proven.

**3) On or around 20 November 2020, submitted two lesson observations dated 26 February 2020 and 6 November 2020, to St Francis Xavier Catholic Primary School when she knew or she ought to have known that that the information within the lesson observations was false in that:**

- a) they had not taken place on the dates stated on the observation forms; and**
- b) they stated that Individual A and Individual C had been the observers, when Individual A and/or Individual C had not been the observers and/or had not completed the lesson observation forms;**

The panel considered the witness statement and oral evidence of Witness D. Witness D explained that within the application form, which she had been provided by St Francis Xavier Catholic Primary School, two lesson observations were provided by Ms Humphrey.

The first lesson observation was dated 26 February 2020 and was recorded as being carried out by Witness C, described as “executive principal” and Witness A, described as “vice principal”.

A further lesson observation was provided dated 6 November 2020, which again was recorded as being carried out by Witness C and Witness A. Witness D submitted that these lesson observations were in a format not used by the School.

Witness D was provided with this information by Individual E, who was the [REDACTED] at the time, and appointed as investigating officer in order to investigate the concerns. Witness D met with Ms Humphrey on 17 December 2020. During this meeting, Ms Humphrey confirmed that the lesson observations had been provided to her by Witness B. Ms Humphrey stated that Witness B had provided them to her via email, however she could not provide a firm answer as to why Witness B still had lesson observations when she left the School in 2019.

After the meeting, Ms Humphrey provided a statement which set out her version of events. She admitted that she applied for a job at St Francis Xavier Catholic Primary School and that she had provided lesson observations which were not accurate. She also explained that she had listed Witness B, [REDACTED], as the principal of the School and Witness A as the vice principal of the School. Ms Humphrey accepted that this was inaccurate.

Ms Humphrey stated that the lesson observations were purely provided due to the fact that she did not have any recent lesson observations and submitted that instead she should have just explained this. Ms Humphrey stated that what she had done was “*silly*”, however she had been upset and in a [REDACTED] and “*not thinking clearly*”.

On 18 December 2020, Witness D met with Witness C. Witness C reviewed the lesson observations as provided by Ms Humphrey to St Francis Xavier Catholic Primary School. Witness C confirmed that he did not carry out the lesson observations dated 26 February 2020 and 6 November 2020.

Witness C stated that the format of the lesson observations is known as the Challenge Partner Format; a format of recording a lesson that was used in the School in the previous academic year, 2018/2019. Witness C explained that he had never used that format for writing a lesson observation. In addition, Witness C stated that the language used within the lesson observation was not a way in which he would record a lesson observation.

The panel also considered the witness statement and oral testimony of Witness C. Within his witness statement, Witness C submitted, in respect of the 26 February 2020, that he was on a “read, write and development day” and “*did not have any lesson observations written down in [his] diary for that date.*” He also confirmed that he was in meetings at other schools, as part of his new role as [REDACTED], during the 6 November 2020 and therefore was not at the School to conduct any lesson observations on that date either. Witness C also explained that he had not undertaken lesson observations with Witness A.

Witness A confirmed that she had been provided with copies of the lesson observations, which listed her role as vice principal. Witness A stated that this was inaccurate and this would not have been her job title in November 2020. Witness A stated that the lesson observation did not take place and she did not observe Ms Humphrey on either 26 February 2020 or 6 November 2020. Witness A submitted during her oral testimony that during February 2020 she was [REDACTED] and so her role was very different and she would not have been conducting any observations during that period. Further, Witness A submitted that she was on a period of leave during November 2020 and so can be sure that she did not carry out an observation during this period.

The panel considered the witness statement and oral testimony of Witness B. The panel found her evidence, particularly in respect of this allegation, to be concerning, especially given her many years experience as a [REDACTED].

Witness B confirmed that she had the lesson observations in her possession as she still had them on a file on her personal computer. Before sending them to Ms Humphrey, Witness B submitted that she altered the observations to make them appear more recent. She admitted that she had changed the date and the name on the lesson observations to Witness C, who had become the [REDACTED] at the School following her [REDACTED]. Witness B stated that Ms Humphrey was not aware that she had amended them when she sent them to her via email.

The panel considered that it was clear that the lesson observations had been altered. The panel determined that there were a number of factors which indicated that Ms Humphrey knew or ought to have known that this was the case.

In particular the panel considered the submissions which Ms Humphrey had provided as part of the School's disciplinary investigation. Within the School's disciplinary hearing, Ms Humphrey stated that she had printed the lesson observations to take to the interview. The panel considered that, on the balance of probabilities, as Ms Humphrey had printed off the lesson observations, it was more likely than not that she would have reviewed the lesson observations at this point, so as to be able to discuss them at the interview.

Ms Humphrey submitted within her written submissions that she had asked her [REDACTED], Witness B, for lesson observations as she "*did not have any recent ones to provide*". However the lesson observation which she was provided with purported to be from 6 November 2020, being only a few weeks prior to her interview at St Francis Xavier Catholic Primary School. The panel considered that it must have been clear to Ms Humphrey that she had not been observed on that date.

On the balance of probabilities, the panel found allegation 3(a) and 3(b) proven.

**4) By your behaviour as set out in allegations 1 and/or 2 and/or 3 above you:**

- a) were dishonest; and**
- b) displayed a lack of integrity.**

Having found the facts of allegations 1 to 3 proven, the panel went on to consider whether the conduct set out within these allegations was dishonest and displayed a lack of integrity.

The panel considered the character references which Ms Humphrey had provided, which the panel deemed may be relevant to this allegation both in terms of Ms Humphrey's credibility and propensity to commit the conduct alleged. However, the panel did not give

significant weight to these statements as it was not clear whether the individuals providing them had been made aware of the context or allegations and several were undated and unsigned and not on formal letter heading.

In reaching its decision on dishonesty, the panel considered the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockford*.

The panel firstly sought to ascertain the actual state of Ms Humphrey's knowledge or belief as to the facts. On the balance of probabilities and for the reasons set out above, the panel was not satisfied that in Ms Humphrey's mind she believed she had provided accurate details of both the referees and lesson observations provided.

The panel took into account Ms Humphrey's submissions in respect of her [REDACTED] at the time of the incidents. However, the panel considered that her conduct appeared to be calculated as she knowingly put herself at an advantage within the recruitment process at St Francis Xavier Catholic Primary School.

Given the panel's finding as to Ms Humphrey's state of mind, the panel considered that her conduct had been dishonest according to the standards of ordinary decent people.

The panel then went on to consider whether Ms Humphrey had failed to act with integrity. The panel took into account the case of *Wingate & Anor v The Solicitors Regulation Authority*. The panel determined that Ms Humphrey had failed to act within the higher standards expected of a teacher by providing false and/or misleading information.

The information regarding referees and lesson observations was relevant to the school in which Ms Humphrey was applying to, and would be relevant at any school, because teachers are in a position of trust. Ms Humphrey had breached that trust through the conduct found proven.

The panel found that Ms Humphrey had not acted with integrity.

The panel found allegation 4 proven.

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

Having found all 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 Ms Humphrey, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Ms Humphrey 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 was satisfied that the conduct of Ms Humphrey amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Ms Humphrey's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 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 more likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

Accordingly, the panel was satisfied that Ms Humphrey was guilty of unacceptable professional conduct.

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 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, potentially damaging the public perception.

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

Having found the facts of allegations 1(a), 1(b), 1(c), 2, 3(a), 3(b), 4(a) and 4(b) proved, the panel further found that Ms Humphrey's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

## Panel's recommendation to the Secretary of State

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

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so.

The panel was aware that prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have a punitive effect.

The panel 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 and the protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In the light of the panel's findings against Ms Humphrey, which involved dishonest conduct in providing false and/or misleading information, there was a strong public interest consideration in the maintenance of confidence in the profession. The panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Humphrey was not treated with the utmost seriousness when regulating the conduct of the profession.

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 Ms Humphrey was outside that which could reasonably be tolerated.

The panel determined that there was also a public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon her abilities as an educator and or she is able to make a valuable contribution to the profession. The panel considered that the conduct found proven was an isolated incident and, although dishonest, was not at the most serious end of the scale. In addition, Ms Humphrey had clearly been heavily influenced in her conduct by her [REDACTED] who was a [REDACTED] with many years' experience.

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



the need to strike the right balance between the rights of the teacher and the public interest.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Ms Humphrey. 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; and
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests.

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.

There was evidence that Ms Humphrey's actions were deliberate, although Ms Humphrey submitted that she was under considerable [REDACTED] at the time such that she was "*not thinking straight*".

There was no evidence to suggest that Ms Humphrey was acting under extreme duress.

The panel was provided with some evidence to attest to Ms Humphrey's history or ability as a teacher. The character references submitted stated that Ms Humphrey was an "*excellent teacher*" and "*an extremely valuable member*" of the team at the school which she was subsequently working at. However, the panel was mindful that the character references provided by Ms Humphrey did not clearly demonstrate that those giving them were aware of the allegations against her and many of the statements were unsigned and not on headed paper. The panel did however hear oral evidence from Witness A, Witness D and Witness C that Ms Humphrey was a "*good teacher*".

By way of mitigation, the panel took into account Ms Humphrey's submissions in respect of her [REDACTED] at the time of the incidents. However the panel considered that through her conduct, Ms Humphrey was dishonest as she was deliberately trying to gain an advantage over others applying for the role and that was inexcusable.

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 mindful that the conduct found proven was serious and included a finding of dishonesty and a lack of integrity. The panel, however, was satisfied that this had been an isolated incident relating to one application made at a time when Ms Humphrey was under extreme pressure both at the School and in her personal life.

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 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.

## **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 made a recommendation to the Secretary of State that Ms Fiona Humphrey should not be the subject of a prohibition order. 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 Ms Humphreys 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 Ms Humphrey 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 Ms Humphrey, 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. The panel has observed, “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.”

I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “There was evidence that Ms Humphrey’s actions were deliberate, although Ms Humphrey submitted that she was under considerable [REDACTED] at the time such that she was “*not thinking straight*”. 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, “In the light of the panel’s findings against Ms Humphrey, which involved dishonest conduct in providing false and/or misleading information, there was a strong public interest consideration in the maintenance of confidence in the profession. The panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Humphrey was not treated with the utmost seriousness when regulating the conduct of the profession.”

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Ms Humphrey herself and the panel comment “The panel was provided with some evidence to attest to Ms Humphrey’s history or ability as a teacher. The character references submitted stated that Ms Humphrey was an “*excellent teacher*” and “*an extremely valuable member*” of the team at the school which she was subsequently working at. However, the panel was mindful that the character references provided by Ms Humphrey did not clearly demonstrate that those giving them were aware of the allegations against her and many of the statements were unsigned and not on headed paper. The panel did however hear oral evidence from Witness A, Witness D and Witness C that Ms Humphrey was a “*good teacher*”.

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

In this case, I have placed considerable weight on the panel’s comments “The panel was mindful that the conduct found proven was serious and included a finding of dishonesty and a lack of integrity. The panel, however, was satisfied that this had been an isolated incident relating to one application made at a time when Ms Humphrey was under extreme pressure both at the School and in her personal life.”

I have also placed considerable weight on the finding of the panel 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 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.”

I have given weight in my consideration of sanction therefore, to the contribution that Ms Humphrey has made to the profession.

For these reasons, 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, appearing to read 'SABuxcey'.

**Decision maker: Sarah Buxcey**

**Date: 10 May 2023**

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