



Teaching
Regulation
Agency

Mr John Gregory: Professional conduct panel meeting outcome

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

December 2023

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

Teacher: Mr John Gregory
TRA reference: 21430
Date of determination: 19 December 2023
Former employer: Hailey Hall School, Hertford

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened by virtual means on 19 December 2023 to consider the case of Mr John Gregory.

The panel members were Ms Jo Palmer-Tweed (teacher panellist – in the chair), Mr Paul Millett (lay panellist) and Ms Geraldine Baird (lay panellist).

The legal adviser to the panel was Ms Anna Marjoram of Eversheds Sutherland (International) LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr John Gregory that the allegations be considered without a hearing. Mr John Gregory provided a signed statement of agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer, Ms Sophie Allen of Kingsley Napley LLP Solicitors, Mr John Gregory or a representative on his behalf.

The meeting took place in private.

Allegations

The panel considered the allegations set out in the notice of meeting dated 13 December 2023.

It was alleged that Mr John Gregory was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst working as an ICT teacher at Hailey Hall School (“the School”):

1. On or around June 2022, in relation to Pupil A and/or Pupil B, he added work to the iMedia Coursework for these pupils purporting that this was their work;
2. Between around March 2022 and June 2022, in relation to the OCR Exam Requirements he:
 - a. did not inform pupils how to save their iMedia Coursework locally, which resulted in their coursework being lost when the School’s software system changed;
 - b. did not submit the iMedia Coursework in the required format.
3. His conduct at paragraph 1:
 - a. was dishonest;
 - b. demonstrated a lack of integrity.

Mr Gregory accepted the facts of all the allegations. Mr Gregory also admitted that his conduct amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

Section 1: Chronology and list of key people – pages 5 to 7

Section 2: Notice of referral, response and notice of meeting – pages 8 to 21a

Section 3: Statement of agreed facts – pages 22 to 27

Section 4: Teaching Regulation Agency documents – pages 28 to 640

Section 5: Teacher documents – pages 641 to 642

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

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Gregory on 12 November 2023.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr John Gregory for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

Mr John Gregory was employed at the School as a Teacher from April 2014. Mr Gregory was initially employed as an unqualified teacher. He took on responsibility for ICT provision in 2019, and he became a qualified Teacher in March 2022.

In June 2022, the School was notified by the OCR examination body (“OCR”) of suspected exam malpractice. The School then commenced an investigation through its IT systems.

On 27 June 2022, Mr Gregory was informed that the School would undertake a formal investigation. On this date, he made admissions relating to the substitution of work. On 29 June 2022, the files of 7 pupils were reviewed, and on 30 June 2022 Mr Gregory was given notice of the allegations against him.

On 5 July 2022, OCR informed the School of additional suspected malpractice relating to security. On 6 July 2022, Mr Gregory was given notice of further allegations against him.

On 7 July 2022, Mr Gregory tendered his resignation. His employment ceased on 31 August 2022.

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 June 2022, in relation to Pupil A and/or Pupil B, you added work to the iMedia Coursework for these pupils purporting that this was their work;**

Mr Gregory had openly admitted to the facts of this allegation to the Head Teacher, and this was supported by the Head Teacher's witness statement and his attendance note of this initial conversation. This allegation was also admitted by Mr Gregory in the statement of agreed facts and in the interview conducted by the School as part of its investigation. The School's investigation and OCR investigation confirmed that the work submitted that Pupils A and B was not their own, corroborated by the Pupils and Mr Gregory.

The panel therefore found this allegation proved.

- 2. Between around March 2022 and June 2022, in relation to the OCR Exam Requirements you:**

- a. did not inform pupils how to save their iMedia Coursework locally, which resulted in their coursework being lost when the School's software system changed;**

This allegation was admitted by Mr Gregory in the statement of agreed facts and in the interview conducted by the School. At least two pupils confirmed in investigatory meetings that they had not received adequate and/or correct instruction. This was also confirmed in the OCR's investigation report. Whilst the facts of these allegations were admitted, the Panel were cognisant of Mr Gregory's statements at all times that his conduct arose from a genuine mistake and/or a lack of training.

The panel therefore found this allegation proved.

- 3. Your conduct at paragraph 1:**

- a. was dishonest;**

The panel had regard to Mr Gregory's admission to the Head Teacher that he had knowingly submitted work for pupils that was not their own, and his admission to this allegation in the statement of agreed facts. The fact that Mr Gregory was aware he was struggling to meet submission deadlines yet did not seek support was demonstrative of Mr Gregory's understanding that his actions were dishonest. The panel were of the view that the ordinary person would consider that submitting work of one pupil in the place of another was dishonest. The panel therefore found this allegation proved.

- b. demonstrated a lack of integrity.**

The panel considered that a teacher would be expected to submit the work of students correctly and on time. This allegation was admitted by Mr Gregory in the statement of

agreed facts. The panel considered that as Mr Gregory knew he needed help but did not take it, this showed that he lacked integrity.

The panel therefore found this allegation proved.

The panel found the following particulars of the allegations against you not proved, for these reasons:

2. Between around March 2022 and June 2022, in relation to the OCR Exam Requirements you:

b. did not submit the iMedia Coursework in the required format.

The panel were not presented with sufficiently coherent evidence to reach a conclusion in relation to this allegation. The panel was not clear from that evidence what the required format was or which pieces of iMedia Coursework were not submitted in the required format. It was also not clear how the submission was to have been made. The panel noted that Mr Gregory had admitted to this allegation in the signed statement of agreed facts; however, this admission did not provide the panel with any more detail regarding the facts of this allegation.

Accordingly, the panel found this allegation not proved.

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 Gregory in relation to the facts found proved involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Gregory 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...

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 Mr Gregory fell significantly short of the standard of behaviour expected of a teacher.

The panel also considered whether Mr Gregory'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 none of these offences were 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. Notwithstanding that none of the offences were relevant, the panel found that the dishonesty that had been proved represented a serious departure from the teachers standards.

Accordingly, the panel was satisfied that Mr Gregory 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.

The panel also considered whether Mr Gregory'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 none of these offences were 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 panel noted that the advice is not intended to be exhaustive and there may be other behaviours that panels consider to be "conduct that may bring the profession into disrepute". The panel considered that the dishonesty displayed by Mr Gregory in submitting coursework for pupils that was not their own would not be a way in which teachers are expected to act and would likely undermine public confidence in the profession.

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

Having found the facts of particulars 1, 2. a. and 3 proved, the panel further found that Mr Gregory's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute in relation to allegations 1 and 3 only.

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

In the light of the panel's findings that Mr Gregory had dishonestly submitted incorrect coursework for two pupils, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Gregory was not treated with the utmost seriousness when regulating the conduct of the profession. Similarly, 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 Mr Gregory was outside that which could reasonably be tolerated.

The panel also decided that there was a strong public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon his abilities as an educator. He had received high praise from the School regarding his abilities as a teacher, and on the basis of this evidence the panel considered that Mr Gregory would be able to make a valuable contribution to the profession.

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. In the list of such factors, 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, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider whether there were mitigating circumstances.

In light of the panel's findings, the panel concluded that Mr Gregory's actions were deliberate. However, the panel were mindful that Mr Gregory found himself in a stressful situation in which he felt a heightened sense of panic, as he acknowledged in his statements. The panel did not consider that they had seen sufficient evidence to demonstrate that Mr Gregory had been provided with the level of mentoring that would be expected for a newly qualified teacher, particularly in a subject that was new to him; and specifically to submit coursework for the first time.

Mr Gregory did have a previous good history, and statements from his colleagues taken for these proceedings and as part of the School's investigations supported that he was considered an experienced, longstanding and trustworthy member of staff and an outstanding teacher, and that this behaviour was out of character.

The panel also acknowledged that Mr Gregory confessed to his conduct at the earliest opportunity and had cooperated with the numerous investigations into this incident since this date, including these proceedings. The panel considered that Mr Gregory's statements demonstrated both a level of insight into his wrongdoing and some remorse.

Proportionality

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.

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 some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In this case, the panel has also found one of the allegations not proven (Allegation 2b). I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that the findings of unacceptable professional conduct and/or 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 Mr Gregory 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...

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 Gregory fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they involve dishonesty and a lack of integrity.

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 Gregory 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 does not record having seen any evidence that Mr Gregory has engaged in behaviour that would raise safeguarding and/or child protection issues.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel also acknowledged that Mr Gregory confessed to

his conduct at the earliest opportunity and had cooperated with the numerous investigations into this incident since this date, including these proceedings. The panel considered that Mr Gregory's statements demonstrated both a level of insight into his wrongdoing and some remorse." In my judgement, this evidence of insight and remorse means that there is a low risk of the repetition of this behaviour. 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 record that it, "...considered that the dishonesty displayed by Mr Gregory in submitting coursework for pupils that was not their own would not be a way in which teachers are expected to act and would likely undermine public confidence in 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 and conduct likely to bring the profession into disrepute, 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.

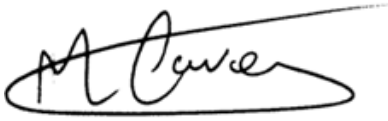
I have also considered the impact of a prohibition order on Mr Gregory himself. The panel note that "Mr Gregory did have a previous good history, and statements from his colleagues taken for these proceedings and as part of the School's investigations supported that he was considered an experienced, longstanding and trustworthy member of staff and an outstanding teacher, and that this behaviour was out of character."

A prohibition order would prevent Mr Gregory 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 panel's comments concerning the degree of insight and remorse demonstrated by Mr Gregory, as well as its comments regarding the mitigating factors present in this case. I am also mindful of the panel's conclusion that the misconduct found was "...at the less serious end of the possible spectrum..."

For these reasons, I agree with the panel's recommendation 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 'M. Cavey', enclosed within a large, loopy oval stroke.

Decision maker: Marc Cavey

Date: 21 December 2023

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