



Teaching  
Regulation  
Agency

# **Mrs Paula Tucker: Professional conduct panel outcome**

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

**January 2024**

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

**Teacher:** Mrs Paula Tucker  
**TRA reference:** 19133  
**Date of determination:** 11 January 2024  
**Former employer:** Weavers Academy, Wellingborough

### **Introduction**

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 8 to 11 January 2024 by way of a virtual hearing, to consider the case of Mrs Paula Tucker.

The panel members were Mr Clive Ruddle (lay panellist – in the chair), Mrs Jane Brothwood (lay panellist) and Mrs Diana Barry (teacher panellist).

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

The presenting officer for the TRA was Mr Michael O'Donohoe of Browne Jacobson LLP solicitors.

Mrs Tucker was present and was represented by Ms Aleksandra Manning-Rees of 5 St Andrews Hill.

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 25 October 2023.

It was alleged that Mrs Tucker was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed at Weavers Academy she;

1. Falsified attendance data for the academic year 2018-19 by;
  - a) Retrospectively changing absences to 'present';
  - b) Using B and D codes inappropriately to indicate that children were at an offsite educational activity when they were not;
  - c) Miscalculating attendance figures submitted to the rapid improvement board.
2. Her behaviour as may be found proved at 1 above was dishonest and/or lacked integrity.

Mrs Tucker admitted the allegations and also accepted that the admitted conduct amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

## Preliminary applications

### Application for part of the hearing to be heard in private.

The panel considered an application from Mrs Tucker that part of the hearing – [REDACTED] - should be heard in private.

The panel heard submissions from the presenting officer on the application before reaching its decision. The presenting officer did not have an objection to the application.

The panel granted the application. The panel considered it was not contrary to the public interest for the part of the hearing, which was the subject of the application, to be heard in private.

The panel considered that the areas covered in the application legitimately related to aspects of Mrs Tucker's private life and there was no contrary public interest in those areas being discussed in public. The hearing was still being held in public and these were discrete and limited areas which would not undermine the public's ability to otherwise understand the case. The panel therefore granted the application.

The panel noted that since the date of the referral to the TRA in this case, new ‘Teacher misconduct: Disciplinary procedures for the teaching profession’ were published in May 2020 (the “May 2020 Procedures”). The panel understands that the earlier provisions contained within the ‘Teacher misconduct: disciplinary procedures for the teaching profession’ updated in April 2018 (the “April 2018 Procedures”) apply to this case, given that those provisions applied when the referral was made. Although the panel has the power to direct that the May 2020 Procedures should apply in the interests of justice or the public interest, the panel had received no representations that this should be the case. For the avoidance of doubt, therefore, the panel confirms that it has applied the April 2018 Procedures in this case.

## Summary of evidence

### Documents

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

- Section 1: Chronology and anonymised pupil list – pages 6 to 7
- Section 2: Notice of proceedings and response – pages 9 to 26
- Section 3: TRA witness statements – pages 28 to 77
- Section 4: TRA documents – pages 79 to 246
- Section 5: Teacher documents – pages 249 to 371.

The panel also had before them a “History of Changes Report” which had been provided by the School.

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 the following witnesses called by the TRA:

- Witness A
- Witness B

The panel heard from oral evidence from Mrs Tucker and also the following witnesses called by the teacher’s representative:

- Witness C

- Witness D
- Witness E

## Decision and reasons

The panel announced its decision and reasons as follows:

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

On 3 October 2019, a meeting between Mrs Tucker and Witness A took place regarding errors in absence data.

On 4 October 2019, Mrs Tucker was asked to review B and D absence codes to ensure they were correct.

On 8 October 2019, Mrs Tucker indicated students with incorrect codes.

On 9 October 2019, concerns were raised that incorrect codes were still being used. A report was run on changes made in the academic year.

On 11 October 2019, registers were reviewed to ensure that B and D absence codes were being used correctly.

On 18 October 2019, Mrs Tucker was suspended from work.

On 22 October 2019, Mrs Tucker provided a statement regarding the allegation.

On 19 November 2019, a disciplinary hearing was held.

On 20 November 2019, Mrs Tucker was dismissed.

## 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. Falsified attendance data for the academic year 2018-19 by;**
  - a) Retrospectively changing absences to 'present';**
  - b) Using B and D codes inappropriately to indicate that children were at an offsite educational activity when they were not;**
  - c) Miscalculating attendance figures submitted to the rapid improvement board.**

The panel considered the oral evidence and witness statement of Witness A, who was the interim vice principal at Weaver's Academy ('the School') from September 2019 to November 2020.

Witness A explained that Mrs Tucker was Assistant Principal of attendance and behaviour, and that he was initially employed to work with Mrs Tucker, but on 21 August 2019 he was told by the principal that he did not need to have anything to do with attendance, as he was told that attendance was "*not an issue*" within the School.

Witness A stated that attendance data is calculated using data from years 7 to 11 and is worked out using a formula provided by the department for education. He stated that it is calculated on SIMS.

Witness A submitted that on 2 October 2019, he walked into Mrs Tucker's office and asked if everything was alright, to which she replied that she had been asked to look at the attendance figures as they did not appear right.

Witness A stated that Mrs Tucker emerged from the office 20 minutes later, and he knew that you could not calculate attendance in 20 minutes. He explained that the DfE's formula applies in seconds, or if you worked it out by hand it would take an entire day. Witness A submitted that it became apparent that Mrs Tucker had calculated the data using broad averages rather than through use of the formula. He stated that she appeared to have added up all of the students at the School, including the sixth form students, and then divided this by the number of years. Witness A stated that his first impression was that "*she did not have a clue*".

Witness A understood that Colleague A, had received a telephone call from the governors and then spoken to Mrs Tucker about attendance data. Witness A explained that at a Governors meeting later that evening, Person A, pointed out to him that according to the attendance data the students had attended more days than there are in an actual school year, which gave the school an attendance rate of 104%. As a result of this, Witness A submitted that Colleague A asked him to investigate the attendance records.

Witness A stated that after issues with attendance had come to light, he wanted to ensure the coding was right, so started looking at "B" and "D" codes. He stated that a "B" code is used where a student is marked present, although they are being educated elsewhere such as at home. He submitted that the main concern at the time was in respect of safeguarding as a false "B" code would obscure the fact that the pupil hadn't been seen by the school.

Witness A submitted that around this time, the Local Authority Officer queried the attendance marks which had been allocated to one particular student. They had been given a "B" mark for "*authorised absence*" when that student had not been in school.

Witness A carried out a “History of Changes report” and could see that the student had initially been recorded by Witness B as “O” for “*unauthorised absence*” and that later on this had been changed to a “B”.

Witness A explained that a student with an “O” for “*unauthorised absence*” would negatively affect a school’s attendance figures but that a “B” code would improve an individual's attendance to 100% for that particular day. A “C” code means a “*condoned absence*” and whilst a “C” code would not improve the attendance figures, Witness A submitted that the Local Authority would be less likely to make inquiries as it would be assumed that the school would know the reasons for the absence.

Following this, Witness A stated that he started looking into students that could have potentially had their attendance records changed. He explained that he checked one particular student and saw that between 17 September 2017 and 14 March 2019, Mrs Tucker had changed 38 of their attendance marks.

Witness A stated that on 9 October 2019 Colleague A rang him and asked him to run a history of changes report for the whole year. He explained that the report took a lot longer than usual, and it showed that Mrs Tucker had made 9,882 changes to the school attendance codes during the academic year 2018 to 2019. He stated that 4,169 of these were changes from ‘*unauthorised absence*’ to ‘*present*’, 1,825 were from ‘*illness*’ to ‘*present*’ and 1,006 of these were from ‘*holiday not authorised by the school or in excess of the period determined by the headteacher*’ to ‘*present*’.

Witness A explained that you would expect an attendance officer to make many changes over the course of a year, but this would usually be the day after the student’s absence. He stated that the history of changes report showed a pattern that most amendments were made by Mrs Tucker on the day when the school broke for a holiday and then on subsequent days of the holidays. Witness A stated that of the changes 912 were made during February half term, 335 during the Easter holidays, 545 during half-term and 7,645 during the summer holidays. Witness A explained that attendance records are effectively “reset” at the end of the school year such that these amendments were less likely to be picked up as a result of the timing of them.

Witness A stated that a total of 163 students’ codes were changed, and 11 had their attendance improved by the changes sufficiently to bring their attendance above 90%, meaning they were no longer considered “*persistently absent*” in the school’s data.

Witness A explained that some of the student’s codes who had been changed had educational needs or were “*very vulnerable*”, and he perceived that the changes meant they were not getting the support they should have been as a result of the changes.

Witness A submitted that when he told Mrs Tucker that the History of Change Report showed this, she seemed “*very shocked*”. He further stated that, Mrs Tucker blamed



everything on Colleague B and what he had told her to do, but to Witness A's knowledge, Mrs Tucker had attended a seminar on attendance coding. In his oral evidence Witness A clarified that he didn't know what had been covered on the seminar, but he had been shown Mrs Tucker's training certificate.

Witness A concluded that the changes made to the data would have improved attendance by about 1.3% overall and, in his view, *"1.5% is a massive jump when it comes to attendance"* as *"to even improve by half a percent in a year you have done something extremely well"*. He further stated that the national attendance average is about 94.5% and as a result of the changes to attendance an attendance rate of 95.2% was reported in the year in question. Witness A stated that *"a large increase or decrease would probably have affected Mrs Tucker's pay and performance"* but conceded in his oral evidence that he did not actually know if this was the case.

Witness A did not believe that Colleague A was involved in the amendments and stated that he considered that, *"she was totally oblivious to what was going on with the figures"*.

The panel considered the oral evidence and witness statement of Witness B.

Witness B stated that she felt Mrs Tucker tried her best to get the school's attendance rates *"back on track"* as there was a known attendance issue at the school. She stated that Mrs Tucker would have meetings with everyone and tried to get students to come in, but *"attendance remained low"*.

Witness B explained that there was a lot of pressure on Mrs Tucker from the senior leadership team. Witness B further explained that there was *"an atmosphere"* in the School and that Colleague A, *"wanted actions and she wanted results"* and she wanted the job done, *"quickly, often more quickly than was possible"*. She further submitted that Colleague A had such a high number of senior leaders within the school that it was *"ridiculous"* and that, she perceived, *"there was a very high turnover"*.

Witness B stated that as far as she was aware, Mrs Tucker was fully aware of how to use the SIMS system and she believed that Mrs Tucker would have been trained up by the previous attendance manager.

The panel considered the oral evidence and witness statement of Mrs Tucker.

Mrs Tucker explained that she was asked to cover attendance and behaviour whilst her colleague, Colleague B, was on temporary leave. She submitted that she did not have any specific training in respect of this role, except for one training session on SIMS which covered how to write reports but did not cover coding. As a result, she explained, she was expected to ask for advice from colleagues as and when she needed.

Mrs Tucker submitted that this additional role greatly increased her workload and as a result she was under significant strain.

In respect of the attendance data, Mrs Tucker explained that she recorded attendance data daily by inputting the data into SIMS, which applied a formula to calculate attendance. She stated that occasionally staff would ask her to make changes to the data, but more often Colleague A would tell her to do so.

Mrs Tucker submitted that when she took over the role of attendance, Colleague A said to her, *“we need attendance to be better when Colleague B returns so that he can stop thinking he is top dog.”* Within her witness statement, Mrs Tucker submitted that Colleague A told her she was to, *“clean up the data, so that attendance would look better”*. She also submitted that she *“was told to change the data of students that had been off for some time and to go back as far as [she] could to bring the attendance level up”*.

In particular, Mrs Tucker explained that she was made aware of a ‘ghost group’, which contained students who were taught offsite or had work sent home. She stated that Colleague A told her to change the attendance codes for these students to a code B and D. Mrs Tucker stated that she was told to do this as these codes *“did not bring the attendance level down”*.

Mrs Tucker explained that Colleague A would call her most evenings around 10pm and ask her to make the attendance look better and to focus on the “O” codes and convert them to “B” or “D”. In her oral evidence, Mrs Tucker explained that Colleague A would call her to ask if Mrs Tucker had completed the tasks, she had set her for the day and would often speak negatively about other staff members during these calls. Mrs Tucker perceived this as an *“off load”* for Colleague A. During the call Colleague A would ask Mrs Tucker to run the attendance figures whilst she was on the phone. Mrs Tucker explained that she would do so and would then tell Colleague A what the figure was, at which point Colleague A would tell her to *“do more”* or *“make it better”*. Mrs Tucker explained that Colleague A specifically told her to change the attendance codes of pupils.

Mrs Tucker explained that because her workload was so demanding she did not have time to make the changes that had been requested during each day and often even in each term. She explained that that is why she often made changes late at night or during the school holidays. Mrs Tucker submitted that Colleague A would also tell her at the end of the academic year to *‘clean up the data’*, which is why many changes were made during the school holidays.

Mrs Tucker stated that she did not instruct others to change the attendance codes inappropriately. She further stated that the codes she changed were at Colleague A instruction.

Mrs Tucker explained that she was so unhappy in her role that she made the decision to resign in September 2019 as she *“couldn’t see any other resolution”*. Mrs Tucker

explained that she tried to resign on three separate occasions, but that Colleague A refused to acknowledge or accept it.

Mrs Tucker explained that in October 2019 Witness A had raised issues with attendance data and as a result she was suspended. She stated that this came about following a Governor's meeting, which Witness A attended in her place and presented the data she had given him. Mrs Tucker submitted that, prior to the Governor's meeting at a meeting with Mrs Tucker, Colleague A and Colleague C, Colleague A had annotated the data so that it showed an improvement. Mrs Tucker explained that she challenged this, but Colleague A told her not to question it. She stated that Colleague A told her to go away and change the data table to reflect the new figures she had written. Mrs Tucker stated that when she asked Colleague C later if he understood, he said, "*when Colleague A tells me to jump, I ask how high*". Mrs Tucker explained that Colleague A always changed the data which was presented to the Governors after Mrs Tucker had provided it to her.

Mrs Tucker stated that she saw Witness A the next day, and that he stated there were discrepancies with the data, to which she replied that she knew there was. She stated that she said that Colleague A had written on the report and changed it and instructed her to change the original report.

Mrs Tucker submitted that on the 18 October 2019, Colleague A suspended her whilst the school investigated attendance. Mrs Tucker stated that, during the investigation, she said to Colleague A "*you knew about this*", to which she replied that she did not.

In addition to the above evidence of fact, the panel also heard oral contextual evidence from other former staff members at the school: Witness C, Witness D and Witness E who spoke to the wider context and the atmosphere in the school and in particular in respect of Mrs Tucker's relationship with Colleague A.

Each of these witnesses described the atmosphere at the school as, "*toxic*".

Witness D recalled that whilst she was working at the school there was an almost daily occurrence of staff crying and being upset. Witness D referred to a culture of a "*blame game*" within the school, citing that everyone was very quick to point fingers. One example she gave was her former line manager informing her that he was "*not in favour*" with Colleague A and then leaving within the academic year. Witness D submitted that previously this staff member had been a "*pupil favourite*" and had worked at the school for over ten years.

Witness C, who had formerly worked as a police officer in a domestic violence unit, described the relationship between Mrs Tucker and Colleague A as akin to a "*domestic violence relationship in terms of manipulation and coercion*". She further explained that what she perceived what she witnessed as "*emotional abuse*" and cited examples of not knowing whether today was a good enough job and Colleague A isolating Mrs Tucker

when she hadn't complied with a late night request. Witness C explained that she and Mrs Tucker shared an office. Mrs Tucker would tell her when she had not answered Colleague A calls the night before and Witness C would then see Colleague A reaction to this the next day, which would include "*giving her the cold shoulder*". Witness C further explained that, "*it was obvious when Paula wasn't in the good books*" and recalled how Mrs Tucker liked a warm office and there were times when Colleague A would come into the office during the winter and open all of the windows whilst Mrs Tucker was in a meeting so that she returned to a cold office.

Witness E explained how during morning briefings, Colleague A had openly criticised staff members, including Mrs Tucker, and one particular occasion criticised her clothing in front of the staff members present. Witness E confirmed that she perceived that Colleague A made comments about Mrs Tucker and her actions more often than she did for other staff.

Witness E recalled in her evidence a conversation that she had overheard between Colleague B and Colleague A regarding "*attendance codes for a particular student... and choosing what code the attendance should be marked at, as to not have too much of an impact on the overall attendance.*" Witness E went on to explain that "*these conversations did seem commonplace, and it appeared it was normal and accepted practice amongst the most senior staff including Colleague A that codes would be amended and changed.*" Witness E clarified during her oral evidence that she was not involved in this conversation and was unaware of the context and the panel was mindful that there may have been legitimate changes which they could have been discussing.

In respect of the general context and atmosphere created within the school, the panel also heard evidence from Witness B that Colleague A, "*was a lovely lady but not always the most patient. If she wanted something doing, she wanted it doing and didn't mess around. You had to do as you were told.*"

Notwithstanding Mrs Tucker's admission in respect of this allegation, the panel considered the evidence before them, including the History of Changes report which showed that Mrs Tucker had made a large number of changes to the attendance data, many of which were from "*absent*" to "*present*".

The panel considered that the History of Changes report was unambiguous. The panel noted that the evidence of Witness A was largely supported by this report and indeed Mrs Tucker's own admissions.

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

**2. Your behaviour as may be found proved at 1 above was dishonest and/or lacked integrity.**

The panel firstly considered whether Mrs Tucker had failed to act with integrity. The panel considered the case of *Wingate & Anor v The Solicitors Regulation Authority*.

Whilst the panel was mindful that professionals are not expected to be “*paragons of virtue*”, the panel considered that Mrs Tucker had failed to act within the higher standards expected of a teacher by her conduct found proven at allegation 1.

Mrs Tucker retrospectively changed attendance marks, inappropriately used attendance codes, and then submitted misleading attendance figures to the rapid improvement board. Mrs Tucker was aware that this information was incorrect, and she accepted that she should not have changed or submitted these marks. Mrs Tucker stated in her evidence that she knew this was wrong and that she “*should have challenged this*”.

The panel was satisfied that Mrs Tuckers conduct, as found proven, lacked integrity. The panel considered that the sheer volume of changes to the data was a significant factor in their determination.

The panel then considered whether Mrs Tucker had acted dishonestly. In reaching its decision on this, 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 Mrs Tucker’s knowledge or belief as to the facts. Mrs Tucker’s evidence was that she knew the records were inaccurate and that she knew that it was wrong to change the codes. The panel concluded that Mrs Tucker’s conduct as found proven at allegation 1 was dishonest; Mrs Tucker admitted that she had retrospectively changed the attendance marks, changed codes and submitted misleading attendance figures to the rapid improvement board. The panel considered that Mrs Tucker had been dishonest according to the standards of ordinary decent people.

The panel found allegation 2 proven.

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

Having found the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute, noting that Mrs Tucker had admitted both unacceptable professional conduct and 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 Mrs Tucker in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mrs Tucker was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions.
- 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 Mrs Tucker amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession, in particular due to the potential safeguarding implications which could have arisen from the misconduct whereby patterns and trends in data may have been obscured by false entries which may have resulted in delays to intervention by external agencies. The panel also noted the legislative requirement for the school to maintain accurate attendance records and considered that Mrs Tucker had procured the breach of this legislation through her misconduct.

The panel also considered whether Mrs Tucker'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 "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 Mrs Tucker 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 Mrs Tucker's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of allegations 1(a), 1(b), 1(c) and 2 proved, the panel further found that Mrs Tucker'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 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; that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In light of the panel's findings against Mrs Tucker, which involved acting dishonestly and with a lack of integrity in falsifying attendance data by retrospectively changing absences to present, using B and D codes inappropriately and miscalculating attendance figures submitted to the rapid improvement board, there was a strong public interest consideration in declaring and upholding proper standards of conduct. The panel considered that the misconduct found proven was extremely serious and may have had an impact upon safeguarding and wellbeing of pupils, enabling persistent absence to go undetected.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mrs Tucker was not treated with the utmost seriousness when regulating the conduct of the profession.

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

The panel considered that the public interest in retaining Mrs Tucker in the profession was unusually high in this case, such that the panel drew similarities with the case of *Wallace v Secretary of State for Education*. This was as a result of the valuable contribution that she had made to the teaching profession through founding and creating a new independent school (with two sites and a further one in process), [REDACTED], which acted as an alternative provision to pupils for whom mainstream education was not an appropriate avenue and/or who had been or were at risk of exclusion. The panel was very mindful that through this work Mrs Tucker had benefited vulnerable pupils within her local area for whom there were apparently limited other opportunities. Mrs Tucker had undertaken much of this since leaving the school and throughout a difficult and prolonged TRA investigation and process. The panel heard evidence that Mrs Tucker's commitment to education and desire to put pupils first had not been deterred by these processes.

The panel was of the view that Mrs Tucker would be able to continue to provide a valuable contribution to the profession, and particularly through the provision of education to a group of students for whom there were limited other educational opportunities, therefore tackling persistent absence within this group.

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mrs Tucker. 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 Mrs Tucker. 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;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- 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;
- collusion or concealment including:



- failure to challenge inappropriate actions, defending inappropriate actions or concealing inappropriate actions;
- knowingly manipulating a school’s attendance or admission registers, or data to benefit and/or enhance a school’s attendance and/or exam results.

Even though 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 no evidence that Mrs Tucker’s actions were not deliberate and indeed Mrs Tucker admitted that she had deliberately amended attendance records to artificially inflate the school’s attendance data.

As set out within this decision, Mrs Tucker detailed the pressure which she felt she was under from Colleague A, [REDACTED], to amend the attendance records and the stress which she felt as a result of this. The panel had heard evidence from former staff members at the school who described a “toxic” atmosphere at the school and likened the relationship between Colleague A and Mrs Tucker as akin to “domestic violence” and “emotional abuse”.

The panel had heard evidence from Witness E in respect of how Colleague A would treat staff members affectionately one minute by giving them hugs or clasping their hands and then “in the next breath” would berate them for something which they had done or not done in a particular way or give them the “cold shoulder”. The panel also heard evidence from the witnesses that Mrs Tucker appeared to experience this behaviour from Colleague A more often than other members of staff. In particular, the panel had before it the following example of this behaviour from Mrs Tucker’s witness statement:

*“On another occasion, I was asked to create a report to analyse the behaviour across year groups and come up with strategies to improve behaviour. I spent all weekend working on this and sent it to Colleague A as she had requested. When I got to work on Monday, she praised the report to Colleague B. She said to [REDACTED] ‘you have never done a report like this [REDACTED] and that I should present it to the senior leadership team and pastoral managers at the upcoming meeting. I went on to present my report and strategies to the staff. Then during the meeting Colleague, A put her hand up and said that she didn’t like my ideas and that the strategies were never going to work. She cut me short and told me to move on. I felt so embarrassed in front of everyone and was so shocked at her response in light of the earlier praise. This however, typified her behaviour and looking back now I can see how it led to me feeling intimidated by her.”*

Mrs Tucker had explained to the panel during the course of her evidence that she was “frightened” of Colleague A. Mrs Tucker went on to explain, “I felt trapped. I didn’t want to lose my job. I felt manipulated.... I knew I was being manipulated but I couldn’t say no.”

The panel also had before it a significant volume of evidence in the form of screenshots of text messages from Colleague A to Mrs Tucker requesting phone calls late at night, often after 10pm. [REDACTED].

The panel was mindful that there was no evidence presented by the TRA from Colleague A and the panel had been informed that she had declined to provide a witness statement when approached by the TRA. As a result, the panel did not have before them any evidence which contradicted what Mrs Tucker had told them. The evidence, both documentary through text message screenshots, and from other witnesses, on the face of it, appeared to support Mrs Tucker's contentions.

The panel considered whether this context amounted to "extreme duress", noting that the Advice gives examples of conduct which may amount to extreme duress as, "*physical threat or significant intimidation to perform unlawful activities*". The panel considered that the pressure exerted by Colleague A could amount to "extreme duress" in that Colleague A's conduct amounted to significant intimidation and placed pressure on Mrs Tucker to change the attendance data. The panel gave particular regard to the evidence which Mrs Tucker had given that she "*didn't want to lose [her] job*". The panel considered that Mrs Tucker's personal circumstances were likely to have exacerbated this concern. The panel noted that the mitigating factors set out in the Advice are not exhaustive and therefore carefully considered these matters when reaching its decision.

Mrs Tucker did have a previously good history and the panel accepted that the incident was out of character. The panel heard evidence in respect of Mrs Tucker's hard work, dedication and enthusiasm for teaching. Further the panel was mindful that, with the exception of the conduct found proven in this hearing, and as outlined above, Mrs Tucker has contributed significantly to the education sector through her work in creating a new independent school (with two sites) for those unable to access mainstream education.

[REDACTED].

Mrs Tucker explained that balancing the worries of home with the high-pressured demands of teaching and increased responsibilities was difficult to maintain to an effective level. She stated that she voiced these concerns to Colleague A but was told she was doing a good job and not to worry. Mrs Tucker explained during her oral evidence that she was "*in a spiral*" and that this contributed to her inability to stand up to Colleague A.

The panel considered that Mrs Tucker's extremely difficult home life was exacerbated by the "*toxic*" working environment and the alleged behaviour of Colleague A. This resulted in a "*perfect storm*" of circumstances placing a great deal of stress and pressure upon Mrs Tucker.

Mrs Tucker submitted that she has “*never shied away from*” her actions and understands the seriousness of her actions and the potential long-term effect on pupils’ welfare and safeguarding. Mrs Tucker has stated that she is determined to ensure that she does not repeat the same errors.

Mrs Tucker submitted that through her current position as the head of [REDACTED], she believes that she can show how serious she has taken the reflection and rectification of her previous actions. Mrs Tucker explained that every decision at [REDACTED] is taken by the team of Directors and “*workload is carefully distributed to ensure that staff aren’t at risk of stress or under so much pressure that their mental health becomes impacted.*” Mrs Tucker confirmed that she has no involvement in attendance (and no ability to change attendance data) reporting within [REDACTED] but that those that do have responsibility for this were regularly accountable to the remaining directors and the Governors. These assertions were confirmed by two other directors of [REDACTED], from whom the panel also heard evidence.

Mrs Tucker stated that through her work with [REDACTED], she had undertaken a professional boundaries course which gave her a clear understanding of what is appropriate in terms of work relationships and knowing boundaries. She stated that poignant questions are: ‘what are appropriate expectations on staff’ and ‘when do those boundaries become blurred’. Mrs Tucker explained that these types of questions allowed her to really consider how far she’d come since leaving the school and recognise that the set up “*could have been so much more professional and clear, as boundaries were constantly moving*”.

Mrs Tucker submitted that professional boundaries were blurred at the school and became strained due to the lack of professionalism, for example the criticism which Mrs Tucker received in respect of her clothing in front of other staff members.

Mrs Tucker stated that as a result of completing an honesty and integrity course, she has learnt that she can speak out and question concerns. She stated that she understands that she did not communicate honestly and openly when she found herself in a situation that she was not comfortable with.

Mrs Tucker explained that since her dismissal she feels a much stronger individual, and that the period [REDACTED] was the only time in her professional career that she needed to slow down. She stated that she was never offered any support or counselling to cope with the incident and that it has taken a long time for her to process it, but she is starting to plan for the future and hopes that it will be able to include the profession that she loves. Mrs Tucker submitted that her improved strength of character would enable her to speak out and stand up to pressure placed upon her to act in way which was not in keeping with the Teacher’s Standards.

Mrs Tucker explained that she has demonstrated that she wants to give back to the profession by setting up [REDACTED]. She stated that she understands the seriousness of her actions and apologised that her actions fell below the expectations of the teaching profession.

Mrs Tucker stated that she will remain mortified by her conduct and is “*very sorry*” for the impact her actions have had on the TRA and could have had on pupils and the profession. She stated that she will never repeat her actions in the future.

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order would be both a proportionate and an appropriate response.

The panel considered that the nature and severity of the behaviour were very serious and could not be said to be at the less serious end of the possible spectrum. However, in this case there were extremely strong mitigating factors present. These included the significant contribution which Mrs Tucker had made to the education sector since the misconduct and the duress which the panel had found Mrs Tucker to be under at the time of the misconduct. The panel did not consider that there was evidence to demonstrate how prohibiting Mrs Tucker for a period of at least two years would serve any useful purpose. Indeed, the panel considered that a prohibition order would be detrimental to the public interest.

The panel considered that there was a unique coincidence of three sets of circumstances occurring at the same time, being Mrs Tucker’s home life, the “*toxic*” working environment of the school and the pressure from Colleague A. The panel determined that the misconduct found proven was a direct consequence of this. As a result of these factors the panel was satisfied that the risk of repetition of the conduct found proven was low.

The panel therefore 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 Mrs Paula Tucker 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 Mrs Tucker is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel finds that the conduct of Mrs Tucker fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include a finding of acting dishonestly and with a lack of integrity in falsifying attendance data.

I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are

themselves sufficient. I have considered therefore whether or not prohibiting Mrs Tucker, 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/or safeguard pupils. The panel has observed, "The panel considered that the misconduct found proven was extremely serious and may have had an impact upon safeguarding and wellbeing of pupils, enabling persistent absence to go undetected." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "Mrs Tucker submitted that she has "*never shied away from*" her actions and understands the seriousness of her actions and the potential long-term effect on pupils' welfare and safeguarding. Mrs Tucker has stated that she is determined to ensure that she does not repeat the same errors." I have given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mrs Tucker was not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of dishonesty in this case and the impact that such a finding has on the reputation of the profession.

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

I have considered whether the publication of a finding of unacceptable professional conduct and conduct that may 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 Mrs Tucker herself the panel comment "Mrs Tucker did have a previously good history and the panel accepted that the incident was out of character. The panel heard evidence in respect of Mrs Tucker's hard work, dedication and enthusiasm for teaching. Further the panel was mindful that, with the exception of the conduct found proven in this hearing, and as outlined above, Mrs Tucker has contributed significantly to the education sector through her work in creating a new independent school (with two sites) for those unable to access mainstream education."

A prohibition order would prevent Mrs Tucker 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 concerning extreme duress. The panel has said, "The panel considered whether this context amounted to "extreme duress", noting that the Advice gives examples of conduct which may amount to extreme duress as, "*physical threat or significant intimidation to perform unlawful activities*". The panel considered that the pressure exerted by Colleague A could amount to "extreme duress" in that Colleague A's conduct amounted to significant intimidation and placed pressure on Mrs Tucker to change the attendance data. The panel gave particular regard to the evidence which Mrs Tucker had given that she "*didn't want to lose [her] job*". The panel considered that Mrs Tucker's personal circumstances were likely to have exacerbated this concern. The panel noted that the mitigating factors set out in the Advice are not exhaustive and therefore carefully considered these matters when reaching its decision."

I have also noted the following "The panel was mindful that there was no evidence presented by the TRA from Colleague A and the panel had been informed that she had declined to provide a witness statement when approached by the TRA. As a result, the panel did not have before them any evidence which contradicted what Mrs Tucker had told them. The evidence, both documentary through text message screenshots, and from other witnesses, on the face of it, appeared to support Mrs Tucker's contentions."

I have also placed considerable weight on the finding of the panel that "The panel considered that the nature and severity of the behaviour were very serious and could not be said to be at the less serious end of the possible spectrum. However, in this case there were extremely strong mitigating factors present. These included the significant contribution which Mrs Tucker had made to the education sector since the misconduct and the duress which the panel had found Mrs Tucker to be under at the time of the misconduct. The panel did not consider that there was evidence to demonstrate how prohibiting Mrs Tucker for a period of at least two years would serve any useful purpose. Indeed, the panel considered that a prohibition order would be detrimental to the public interest."

I have given significant weight in my consideration of sanction therefore, to the contribution that Mrs Tucker has made to the profession, along with the extreme duress findings made by the panel and the level of insight and remorse shown.

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', with a horizontal line underneath the first few letters.

**Decision maker: Sarah Buxcey**

**Date: 16 January 2024**

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