



Teaching  
Regulation  
Agency

# **Miss Jenna Beale: Professional conduct panel hearing outcome**

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

**March 2024**

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

<b>Teacher:</b>	Miss Jenna Beale
<b>Teacher ref number:</b>	1059551
<b>Teacher date of birth:</b>	14 June 1979
<b>TRA reference:</b>	0018459
<b>Date of determination:</b>	28 March 2024
<b>Former employer:</b>	The Castle School

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually via Microsoft Teams on 25 March to 28 March 2024, to consider the conjoined case of Miss Jenna Beale and [REDACTED]. This decision relates to Miss Beale.

The panel members were Mr Ian Hylan (teacher panellist – in the chair), Ms Janette McCormick (lay panellist) and Mrs Joanna Hurren (teacher panellist).

The legal adviser to the panel was Ms Patricia D’Souza of Blake Morgan LLP, solicitors.

The presenting officer for the TRA was Ms Sherelle Appleby of Browne Jacobson solicitors.

Miss Beale was not present and was not represented.

The hearing took place in public and was recorded.

## Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 12 January 2024 against Miss Beale.

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

1. During the 2018/2019 academic year in respect of the Food NEA she caused and/or permitted and/or failed to prevent the following:
  - a. Previously prepared food to be used/brought/made to enhance the pupils' assessments;
  - b. Altering/amending/adding/re-presenting Pupil A and/or Pupil B's work;
  - c. Amending one or more pupils' mark sheets to reflect alteration made to their work by her and/or her colleague(s);
  - d. Amending one or more pupils' time sheets to reflect the alterations made to their work by her and/or her colleague(s);
2. Instructed Colleague A to amend pupils' marks for the 2017/18 Food NEA;
3. Her conduct as may be found proven at Allegation 1 above lacked integrity and/or was dishonest in that she sought to assist pupils in obtaining marks higher than their own work merited.

These allegations are not admitted in full by Miss Beale. The presenting officer clarified that within the documents in the bundle, Miss Beale admits allegation 1(b) and allegation 3, in that her conduct at 1(b) alone lacked integrity and was dishonest. Allegations 1(a), 1(c) to 1(d), allegation 2 and allegation 3 with regard to all other aspects of allegation 1, save for 1(b), is not admitted. This case is therefore proceeding as a disputed case.

The email from [REDACTED]' union representative to the TRA's representatives of 12 March 2024 confirmed that [REDACTED] wished to admit the allegations against her as reflected in the signed Notice of Response Form dated 22 March 2024 in full. The panel also noted that [REDACTED] also admitted that her conduct amounted to unacceptable professional misconduct and/or conduct which may bring the profession into disrepute.

## Preliminary applications

### Proceeding in absence

The panel considered an application from the presenting officer to proceed in the absence of Miss Beale and [REDACTED]. The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it.

The panel was, first, satisfied that each Notice of Proceedings for Miss Beale and [REDACTED] had been sent in accordance with the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession 2018 ("the Procedures") and that the requirements for service had been satisfied.

The panel also had regard to email correspondence received by the representatives of the TRA from Miss Beale on 19 March 2024 in which she stated that she was unable to attend as she could not have time off from my current place of work and could not afford to do so. Also, as it is the school holidays, she also had to [REDACTED]. The Union representative for [REDACTED] indicated that she admitted the allegations and did not wish to participate in a formal hearing.

The presenting officer submitted that the TRA's Notice of Proceedings were sent to Miss Beale and [REDACTED] on 12 January 2024. Neither Miss Beale nor [REDACTED] have requested alternative dates for this hearing in order to attend.

The panel considered that both Miss Beale and [REDACTED] have had the opportunity to respond to the documents they have received and email correspondence had been received from Miss Beale, and from [REDACTED]' union representative on her behalf.

The panel went on to consider whether to proceed in Miss Beale's absence or to adjourn, in accordance with Rule 4.29 of the Teacher misconduct: Disciplinary procedures for the teaching profession 2018 ("the Procedures"). The panel had regard to the fact that its discretion to continue in the absence of a teacher should be exercised with caution and with close regard to the overall fairness of the proceedings. The panel gave careful consideration to the fact that Miss Beale and [REDACTED] were not in attendance and would not be represented at this hearing, should it proceed, and the extent of the disadvantage to both of them as a consequence.

On balance, the panel decided that the hearing should continue in the absence of Miss Beale and [REDACTED] for the following reasons in particular:

- The panel was satisfied that Miss Beale's and [REDACTED]' absence was voluntary. They were aware of this hearing taking place today given the correspondence that had been received either direct from them or on their behalf and so they had waived their right to attend. There was no indication either teacher were unfit to attend.

- There was also no indication that either Miss Beale or [REDACTED] might attend at a future date. As such, the panel concluded that no purpose would be served by an adjournment.
- There is a public interest in hearings taking place within a reasonable time including the interests of any alleged victims of Miss Beale’s and [REDACTED]’ conduct.
- There is an obligation on all professionals who are subject to a regulatory regime to engage with their regulator.
- The risk of reaching the wrong conclusion as a result of not being able to hear from Miss Beale and [REDACTED] was limited given that the panel would take steps to ensure that it anticipated any relevant lines of defence on their behalf. The panel noted that it had received mitigating evidence in its papers on behalf of both teachers, there was detailed evidence within the School’s investigation, and character evidence. The panel considered that the documents contained both Miss Beale and [REDACTED]’ “voices”.
- The panel considered both teachers had engaged in some way in these proceedings and so the panel would not draw any adverse inference by their not being present.
- The panel was also mindful that the allegations relate to five or more years ago and delaying this hearing could place additional strain on all parties, including the teachers and the witnesses, who are due to give oral evidence in this hearing.

Having decided it was appropriate to proceed, the panel would strive to ensure that the proceedings were as fair as possible and would take steps on Miss Beale’s and [REDACTED]’ behalf to probe the evidence submitted by the TRA. No opposition has been received from either teacher about this application and the presenting officer invited the panel to consider this application as unopposed. Overall, the panel determined to proceed in absence.

### **Application to hear the entire hearing in private**

The panel noted [REDACTED]’ request, via her union representative, in correspondence to the TRA dated 12 March 2024, for this hearing to be heard in private. The only reason provided for this request was that [REDACTED] has not been a part of the teaching profession for some time.

The panel was mindful of the power under paragraph 4.57 of the Procedures that enables the panel to hear all or part of the hearing in private session if it appears necessary in the interests of justice.

The presenting officer invited the panel to reject [REDACTED]’ application for the entire hearing to be in private. However, she submitted that details relating to [REDACTED]’

personal circumstances as to why she was not at work at the relevant time, and the health circumstances of Witness A, should not be referred to in public session.

The panel noted that the principle of open justice is of paramount importance and derogations from it can only be justified when strictly necessary. There has to be a good reason for the claim of privacy. Any other approach would result in unacceptable inroads into the general rule that hearings are to be held in public.

In general, parties and witnesses have to accept the embarrassment and damage to their reputation which can be inherent in being involved. The protection to which they are entitled is normally provided by a decision delivered in public which will refute unfounded allegations.

The panel determined that [REDACTED] had failed to demonstrate exactly why it was necessary to hold the entire hearing in private, other than her feeling uncomfortable at this. The panel noted that being concerned with the risk of adverse publicity will rarely, if ever suffice for an application for privacy. The fact that a hearing in public may be painful or humiliating is not normally a proper basis for departing from the open justice principle. [REDACTED]' application for the entire hearing to be in private was therefore rejected.

The panel also considered that [REDACTED]' reasons for not being at the school for a certain time was not private information. The panel considered that not referring to her maternity leave would present an unacceptable inroad into the open justice principle.

The panel determined that it would not be appropriate to hear submissions from any of the parties about health matters, particularly in relation to Witness A, in public session and therefore determined it would notify the parties of when the hearing may go into private session for this purpose only. When in private session any member of the public in attendance would need to leave if private matters were discussed.

### **Anonymisation of the School's name**

The presenting officer informed the panel that the relevant School has requested that its name is anonymised in the published decision made by the panel and during the hearing. The School's request for anonymisation related to the fact that Miss Beale's daughter currently attends the School and she would be vulnerable to being "targeted for questions and persecution from her peers" if the School's name was to be "picked up" by the local media. Also, as the original concern relating to the Food NEA assessment was raised via parents on social media, it was considered by the School that individual pupils and their families were identifiable and known as whistleblowers and those families would feel significant pressure following their disclosure and would be distressed if this led to persecution.

Paragraph 4.60 of the Procedures provides that a panel may, if it considers it to be in the interests of justice or not contrary to the public interest to do so, direct that the name and identity of a school will not be disclosed during the hearing or at all.

The School indicated in correspondence to the TRA that many of the pupils affected by the alleged alteration of their work received lower grades than anticipated and may have prevented their progression and this has led to the parents of all pupils being affected.

The presenting officer submitted that [REDACTED] had seen the School's request for anonymity.

In further email correspondence to the TRA from Miss Beale dated 19 March 2024, she stated that her daughter had not suffered any repercussions as a result of this matter and she was surprised at the School's request for anonymity. Miss Beale also considered that the relevant pupils affected by the alleged actions of herself and [REDACTED] are over 21 years old and did not require protection. The panel determined that Miss Beale objected to this application.

The panel determined that it was not in the interests of justice and would be contrary to the public interest to anonymise the name of the School during this hearing and in its published decision. The panel was not satisfied the School had sufficiently demonstrated or justified why their privacy needed to be protected. The panel considered there was no justification as to why the open justice principle should be contravened. The panel therefore rejected the application to anonymise the name of the School.

### **Application to admit additional documentation**

The presenting officer submitted that the TRA opposes a bundle of unagreed documents, provided by Miss Beale on 13 March 2024, being admitted before the panel. The presenting officer submitted that this bundle of documents does not relate to the allegations. The presenting officer submitted that Miss Beale was made aware of the TRA's opposition to the admission of these documents by email on 14 March 2024. The documents also contain sensitive information relating to the health of Witness A and the presenting officer made Miss Beale aware that these documents would not be included in the finalised hearing bundle. The presenting officer submitted that she told Miss Beale to outline in further correspondence her reasons for wishing to rely on these documents in order that this could be addressed at the start of this hearing. The presenting officer submitted that a response had not been received from Miss Beale.

The panel noted that in the unagreed bundle of documents there are [REDACTED].

The presenting officer was not able to confirm that the unagreed bundle, submitted by Miss Beale, had been provided to [REDACTED]. Therefore, [REDACTED] had not been able to comment on these documents.



The panel considered that the unagreed bundle of documents was not relevant to the allegations relating to Miss Beale. Miss Beale had not responded to the presenting officer to provide submissions as to why they were relevant. The panel decided not to admit them as they are not relevant. Taking all of this together, the panel determined to reject the admission of the unagreed bundle of documents.

### **Application to amend allegations against [REDACTED]**

The presenting officer made an application to amend the allegations against [REDACTED]. The presenting officer submitted that the Notice of Proceedings dated 12 January 2024 sent to [REDACTED] contained an inaccurate version of the allegations she is being asked to meet. The presenting officer submitted that the redacted Notice of Response form contains the number of allegations being pursued against [REDACTED]. The panel noted that [REDACTED] had completed and signed the Notice of Response form and therefore she was aware of the amended number of allegations against her.

The panel noted that there is only two allegations referred to in the Notice of Response form and as a result, an amendment was required to the stem of allegation 2 as it referred to conduct in both of allegations 1 and/or 2. The presenting officer clarified that the words "and/or 2" should be removed.

The panel considered it was appropriate, necessary and in the interests of justice, to accept the amendment application made by the presenting officer. These amendments did not prejudice [REDACTED] in any way, as it simply ensured that the panel only considered relevant allegations which were being pursued by the TRA. The panel did not consider the proposed amendments altered the substance of the allegations or resulted in new factual particulars being alleged. It simply ensured that allegations which the TRA no longer wished to pursue were not considered by the panel.

The panel determined the allegations against [REDACTED] should therefore read as follows:

1. During the 2018/2019 academic year in respect of the Food NEA you caused and/or permitted and/or failed to prevent the following:
  - a. Previously prepared food to be used/brought/made to enhance the pupils' assessments;
  - b. Altering/amending/adding re-presenting Pupil A and/or Pupil B's work;
  - c. Amending one or more pupils' mark sheets to reflect alterations made to their work by you and/or your colleague(s);
  - d. Amending one or more pupils' time sheets to reflect the alterations made to their work by you and/or your colleague(s);

2. You conduct as may be found proven at Allegation 1 above lacked integrity and/or was dishonest in that she sought to assist pupils in obtaining marks higher than their own work merited.

## Summary of evidence

### Documents

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

Section 2: Notice of proceedings– pages 10 to 35

Section 2: Anonymised pupil list– pages 37

Section 3: TRA documents – pages 39 to 459

Section 4: TRA witness statements – pages 461 to 482

Section 5: Teacher documents (Beale) – pages 484 to 748

Section 6: Teacher documents (McGuinness) – pages 750 to 751

Section 7: AM signed notice of response form– pages 752 to 756

Section 6: AM statement of mitigation – page 757

Section 6: Character statement– pages 758 to 759

Section 6: Email correspondence from Miss Beale and the TRA – pages 760 to 764

Section 6: JH signed statement – page 765

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

### Witnesses

The panel heard oral evidence from the following called by the presenting officer:

- Witness A – [REDACTED]
- Witness B – [REDACTED].
- Witness C – [REDACTED]

## Decision and reasons

The panel's decision and reasons are as follows:

The panel carefully considered the case and reached a decision.

The panel proceeded to consider the case carefully, having read all of the documents, and reached a decision. It accepted the legal advice provided.

Miss Jenna Beale joined the Castle School ("the School") on 1 September 2016 when [REDACTED] was the head of the Food department. However, whilst [REDACTED] was on maternity leave in the academic year 2017/18, Miss Beale became the acting head of the Food department. [REDACTED] took over the head of department role again from the academic year 2018/19. On 7 February 2019, the School were advised of a concern regarding the Food Non-exam assessment ("NEA") and pupils' completed dishes being altered. Following this, the School contacted the Joint Council for Qualifications ("JCQ") and advised that potential malpractice had taken place in relation to the Food NEA assessment. Both Miss Beale and [REDACTED] were immediately suspended. A School disciplinary hearing took place on 13 March 2019 which found that Miss Beale had committed malpractice. She was dismissed for gross misconduct in March 2019. Miss Beale appealed the outcome of the School's disciplinary process and her dismissal was upheld.

## 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:

**You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:**

- 1. During the 2018/2019 academic year in respect of the Food NEA you caused and/or permitted and/or failed to prevent the following:**
  - a. Previously prepared food to be used/brought/made to enhance the pupils' assessments;**

### Background

In 2017/18 Miss Beale was the acting head of department covering [REDACTED]'s maternity absence. In the 2018/19 academic year, [REDACTED] had returned from maternity leave and returned to the role as head of department. Miss Beale then reverted to being a classroom teacher within the Food department.

In her opening statement the presenting officer confirmed that the Food Non-examined assessment (“NEA”) is a practical assessment whereby students prepare three dishes and images are taken of the dishes after completion, prior to being submitted for marking. Witness C told the panel, that there were two practical assessments that make up the NEA. Pupils may, for example, be asked to investigate the role of gluten in dishes and undertake experiments for one assessment, and for the other NEA assessment, pupils had to make dishes that accorded with a brief such as street food or fine dining. This case relates to the second assessment only.

Witness B informed the panel, during her oral evidence, that pupils would have to create a storyboard for their practical assignment, research recipes/dishes, write up that research and obtain ingredients themselves. In their written work, the pupils had to clearly set out in a time plan how the dishes were to be prepared and if anything “was out of step” with how they had anticipated they would be prepared, this would need to be reflected in their written work after the practical work had been completed. The practical assessment was when pupils would make the dishes in School. The evaluation and any additional elements would need to reflect any additions made to pupils’ work. If the “time plan” did not reflect the dishes presented then it would be clear something “had been changed”.

Further, Witness B’s oral evidence was that after the pupils had made their dishes in the NEA Food assignment, as they had been cooking for around 3 hours, they would leave the room and their dishes. Photographs were then taken of the food to facilitate the marking process and to form part of the pupils’ evaluation.

Miss Beale was not present during the hearing. However, the panel did take into account the written statement she had provided to the TRA together with appendices and her appeal against the School’s disciplinary outcome.

#### Witness A’s role

In her oral evidence, Witness A confirmed that [REDACTED]. Witness A had never worked in a school before and so was unsure whether amendments could be made to pupils’ work during assessment. Witness A did not receive any formal training for her role and so she did not fully understand what the job entailed or the limits of what she was allowed to do in assessments. Witness A informed the panel that no guidance was given to her by her line manager, [REDACTED], who was the head of the Food department at the School, at the time.

Witness A told the panel that in her first year at the School, [REDACTED] asked her to assist a pupil with an afternoon tea assignment and make their food “look nice” or “look like this” as they “need to get an A”. [REDACTED] informed Witness A that it was her role to help the pupil make the food look “nice”.

In her oral evidence, Witness A stated that she followed the instructions of either [REDACTED] or Miss Beale. Witness A told the panel that as she was a people pleaser, she explained that she did not consider she could challenge any of the instructions provided to her by either [REDACTED] or Miss Beale, even though “in her gut” she considered that assisting the pupils or making items to be used in the presentation of their work, was not appropriate. When questioned by the panel, Witness A stated that she was not aware of the School’s processes to report any concerns.

#### Witness B’s role

In her oral evidence, Witness B confirmed to the panel that [REDACTED], when [REDACTED] was on maternity leave, and she took over Miss Beale’s [REDACTED]. Miss Beale then became the interim head of department. Witness B conducted the Food NEA assessment for her class in the 2017/18 academic year and worked alongside Miss Beale and Witness A.

#### Previously prepared food items

In her statement, Witness A stated that [REDACTED] would always bring in things from home to add to pupils’ work for assessments, and when Miss Beale joined the School she did the same. In her oral evidence, she informed the panel that [REDACTED] had made and brought in ginger biscuits and Miss Beale had made tiny meringues and chocolate decorations some of which would demonstrate a high level of skill within the assessment criteria. Witness A could recall that she was asked to make naan breads on behalf of pupils. [REDACTED] had told her to make batches of meringues or naan breads in case they were needed.

During the hearing, the panel had regard to a shopping list for the 2018/19 NEA assessment which Witness A stated in her oral evidence was created by [REDACTED]. Witness A’s oral evidence was that this list contained some of Witness A’s handwriting in addition to the handwriting of others. At the end of this shopping list was a heading “making”, which listed food items that pupils were making and which Witness A was asked to have ready prepared in case a pupil’s own work was not of a sufficiently high standard. In her oral evidence, Witness A stated she and [REDACTED] would work “together” to make the food look like “how we wanted it to look”. In the School’s investigation, [REDACTED] confirmed that this shopping list was created by her.

Witness B’s oral evidence was that if a pupil was making a dish that required a culture, for example a sourdough culture, she was asked to prepare this in advance, and she had challenged Miss Beale about this. She stated that she would prepare the culture at home as that can take several days to develop.

The panel noted from the record of Witness A's interview with the School, in the bundle that Witness A told Witness C, the investigating officer, that making food to add to pupils' NEA work took place both in the 2017/18 and 2018/19 academic year.

Further in her statement, Witness A stated that before the NEA assessment in both the 2017/18 and in the 2018/19 academic years, pupils would bring in items that they had practised in their trials for their dishes. These would be frozen in case they were needed to better demonstrate the pupils' work. The panel noted from the record of the investigation meeting between Witness A and Witness C, that Miss Beale asked her to change the burger bun on behalf of a pupil, and replace it with one from the freezer. Witness A sought to question this decision but Miss Beale told Witness A that this pupil needed to get a high mark and this pupil was a High Attaining Pupil ("HAP"). Witness C's investigation report reflects that when Witness C inspected the fridges in each of Miss Beale's and [REDACTED]' teaching room, these contained items that pupils had previously made with the "intent to use them, if required in the practical assessment".

The minutes of Witness A's investigation interview with Witness C on 25 February 2019, reflect Witness A stating that chocolate decorations which were in the fridge had been made by Miss Beale for this purpose. It was not the case that these decorations were left over from a presentation evening as claimed by Miss Beale. This was corroborated by the content of [REDACTED]' interview with Witness C in which she stated that Miss Beale had some chocolate decorations in her room and that [REDACTED] had also made some decorations.

Further in the same investigation interview, Witness A told Witness C that Miss Beale was cross about an hour before the NEA was due to finish. Miss Beale told Witness A to make caramel sauce. When questioned about this by the panel, Witness A confirmed she was asked by Miss Beale to make the caramel sauce as a pupil's sauce was "going wrong" and needed to be replaced.

#### Enhance pupils' assignments

Witness A admitted to the panel that she had made changes to specific pupils' dishes as instructed by either [REDACTED] (before and after [REDACTED] was on maternity leave) or by Miss Beale. Witness A told the panel that after the pupils had completed their dishes, Miss Beale instructed her to make changes so that the food looked perfect and demonstrated a higher level of skill. Miss Beale then took pictures of the altered dishes.

In her oral evidence, Witness B stated that she recalled that Witness A was asked by Miss Beale to create some bread, which if placed as an additional item on a pupil's plate, would enable a student to obtain higher marks or a higher grade. That same piece of bread was added to other pupils' dishes too and "was passed along". Witness B also told

the panel that there were several elements of garnish that were changed on pupils' dishes.

The panel noted from the witness statement Miss Beale had submitted to the TRA, that she suggested that Witness A herself voluntarily decided to make changes to pupils' work. She also suggested that Witness A and Witness B seemed to "hate" her and made her a "scape goat for their own issues". This was flatly denied by Witness A. Witness A told the panel that when Miss Beale was head of department, whilst [REDACTED] was on maternity leave, the atmosphere created by Miss Beale was very charged and intense, as Miss Beale "wanted everything right". Witness A stated, on multiple occasions, that she did not self-determine that changes should be made to pupils' food, she did what she was told to do.

Witness B told the panel that she found Miss Beale to be a strong character who was very focussed on getting results and did not show any empathy. Both Witness A and Witness B considered that Miss Beale wished to exert her authority and achieve good results whilst she undertook the head of department role. Witness B told the panel that Miss Beale would often "tell her off" in front of the pupils which Witness B considered inappropriate and unprofessional. This would often lead to Witness B being in tears. Witness B confirmed that she and Witness A were friendly towards each other and supportive.

Witness C's oral evidence was that during the School's investigation, it was apparent that Miss Beale was a strong character and Witness A was not an "overly confident" person. In her statement, Witness C stated that she considered that Witness A did not know enough about the NEA examination or guidance and she undertook duties at the direction of Miss Beale and [REDACTED]. Witness C told the panel that no evidence, obtained during the School's investigation, suggested that Witness A had voluntarily decided to make changes to enhance pupils' work.

The panel found the oral evidence of all of the TRA's witnesses credible.

The panel determined that it was more likely than not, that during the 2018/2019 academic year, in respect of the Food NEA, Miss Beale permitted and failed to prevent Witness A preparing caramel sauce to be used to enhance pupils' assessments. The panel also considered that Miss Beale herself had failed to prevent this, as she herself made food, such as small meringues or chocolate decorations, which Witness A told the panel were used as an addition to enhance multiple pupils' assessments. The panel therefore found allegation 1(a) proven.

#### **b. Altering/amending/adding/ re-presenting Pupil A and/or Pupil B's work;**

The panel had regard to a Facebook message posted on or around 6 February 2019 which contained an original colour photograph of Pupil A's food as Pupil A had left it in the assessment room. The Facebook post was made by Pupil A's parent which stated that Pupil A had made food for her NEA assessment that day and then returned "2 hrs" later to find that her teacher had added extra components to her dish and moved items around. This prompted the School's investigation.

The panel compared the picture contained in the Facebook post with the photo on the School's network submitted as part of the final assessment, which was in the bundle. The panel noted that Pupil A's lasagne is still within the tin foil, and the nachos were not in a box and did not have cheese on the top in Pupil A's photo. The dough balls did not appear in the same place either. These items had all been altered as reflected in the commentary contained within the Facebook post. There was also an extra pot of mayonnaise from the fridge which Witness A told the panel she had added chopped spring onions to.

In her interview with the School, Witness A stated that Miss Beale asked Witness A to glaze and add chocolate piping to the pretzel created by Pupil B. The panel noted that the timeplan created by Pupil B, referenced at 11.45am that she would make some icing and then pipe chocolate on top. The record of Witness A's interview with Witness C also stated that Miss Beale also said that Pupil B's pasta looked awful and asked Witness A what she could do to make it look better. Upon Witness A suggesting deep frying the cannelloni pasta, Miss Beale requested Witness A do this. Witness A also said, during her interview, that Miss Beale also put Pupil B's tart in a box on the paper and made a sugar shard and added cream, and Miss Beale put a dip on the salad.

The panel also had regard to the contemporaneous pupil accounts provided to Witness C. Witness C explained to the panel, during her oral evidence, that she spoke to the pupils and made notes of what the pupils told her (which is reflected in the bundle). Witness C did not consider it was reasonable or in the pupils' interests to reinterview any of the pupils in further stages of the School's investigation. The panel noted the pupils' accounts was hearsay evidence and would therefore attract less weight.

Pupil C's account listed multiple changes to the food she had made, however the panel noted that Pupil C was not in Miss Beale's class. Therefore any changes made to Pupil C's dishes would likely have been made under the direction of Ms McGuinness and not Miss Beale.

Pupil B stated to Witness C that when she went to collect her food "cream" had been added and that her teacher, Miss Beale, had changed it on Pupil B's food. Pupil A had told Witness C that she had seen what Miss Beale had "done to" her food and it made her "angry because she did not come over to see if she could improve her grade before



the end of the exam”. Pupil A was “hurt” that Miss Beale did not give her an opportunity to get a better mark in terms of what she should improve before the assessment.

The panel noted that Miss Beale admitted this allegation. Taking all of the evidence into account, including her admission, the panel found it was proven that for the 2018/19 academic year Miss Beale had caused or permitted alterations to Pupil A and Pupil B’s work. It was clear from the photographic evidence in the bundle that changes had been made to Pupil A’s food and the timesheet for Pupil B reflected the further changes, that Pupil B was asked to reflect the additions made by Witness A (deep frying the cannelloni, preparing chocolate piping and icing for the pretzel, adding cream and a sugar shard) which were undertaken under Miss Beale’s direction. Allegation 1(b) was therefore found proven on the balance of probabilities.

**c. Amending one or more pupils’ mark sheets to reflect alteration made to their work by you and/or your colleague(s);**

Witness A’s oral evidence was that she was not involved with the pupils’ written work or mark sheets and so was unable to assist the panel with this particular allegation. In her interview with Witness C, Witness A stated that she went to a different room so as not to disturb [REDACTED] and Miss Beale when marking.

During the hearing the panel questioned Witness B about whether any training had been provided to her on how to conduct the NEA Food assessment. Witness B indicated that she did not receive training relating to conducting the practical food assignment, however, both she and Miss Beale attended an AQA examination board meetings in Exeter to learn more about how to mark and moderate pupils’ practical assignments.

The panel had regard to the *Assessment 2: The Food Preparation Assessment* document within the bundle which set out the Key information relating to the assessment. This included examples of dishes, the specific skills involved and the skill level criteria and marks for presentation. The panel considered that both [REDACTED] and Miss Beale would and should have been aware of this document and that the focus of marks included both presentation and demonstration of skills.

Although Witness B was not at the School during the 2018/19 year, she told the panel about how marking was completed. Witness B stated that the NEA exam board have a clearly structured mark sheet which the Food teacher starts to complete based on observations whilst the pupils are cooking during their practical assignment. Witness B would record on the mark sheet whether the pupil had met certain criteria, including had they worked independently, or shown certain techniques such as knife skills. When questioned by the panel, Witness B was directed to the assessments grids used in the 2018/19 academic year and explained to the panel, how skills were assessed and banded accordingly to the complexity of the skills demonstrated.

The panel reviewed an example *GCSE Food Preparation and Nutrition 34* document in the bundle. This indicated that pupils were required to demonstrate appropriate use of 3 hours allowed for preparation, cooking and serving dishes to showcase their technical skills and candidates were expected to include photographic evidence of the final presented dishes.

Witness B further stated in her oral evidence that after annotating the scoring sheet and ticking off skills or things that the pupils had done, Witness B would then take photos of dishes completed by her pupils. After this, then the pupils were able to taste the food that had been prepared to be able to complete a sensory analysis document. Whilst the pupils were clearing up the food area, Witness B's oral evidence was that she would rank each candidate's completed dishes based on assessment criteria.

Further in her oral evidence, Witness B explained to the panel the moderation process that took place during the 2017/18 academic year. The moderation would take place approximately four weeks after the practical assignment was completed. The photographs taken of each dish were used during the moderation process. Miss Beale would grade each of the dishes and place them in an order.

All of the pupils' work for the NEA was completed prior to moderation. Once the assessment was completed and the work marked then each teacher would swap their marking sheets with a colleague to see if they assigned the same grade. Witness B confirmed to the panel this this swopping of mark sheets did take place in relation to Witness B's pupils. However, Witness B was not permitted by Miss Beale to aid in the moderation for Miss Beale's pupils.

Witness B further stated that Miss Beale put the pupils' work in order of merit. This was a very "biased" process and there was little dialogue between Miss Beale and Witness B on this. The photograph of the product was used to help with putting the completed dishes in a rank order. It was Witness B's oral evidence, that if Witness B indicated that a pupil's work demonstrated a higher skill for example, Miss Beale would indicate it was her decision alone as to what the mark should be.

The panel noted from [REDACTED]' interview with Witness C, that [REDACTED] stated that she knew that Miss Beale had made some spun sugar which would have been used to help Pupil B's marks.

The panel had regard to the mark sheet completed in relation to Pupil B. This reflected the addition of chocolate piping and icing to the pretzel, the deep fried cannelloni and the addition of cream to her dessert. This was not work that Pupil B intended to complete.

The panel further reflected on the investigation meeting between Witness A and Witness C. In that Miss Beale asked Witness A to change the burger bun on behalf of a pupil, and

replaced it with one in the freezer as Miss Beale was anxious a certain pupil needed to get a high mark as they were a HAP.

The panel also noted that the investigation report produced by Witness C reflected that Miss Beale considered that the emphasis within the Assessment guidance for the NEA 2 was “more on skills”. The panel considered that Miss Beale was aware that pupils had to be assessed on their own work both in terms of the skills presented and there were some marks for presentation. Making alterations and changes to pupils’ food, to create a false impression that they had demonstrated a higher skills level, which would necessitate pupils’ marks sheets being altered and automatically lead to the pupil gaining a higher mark.

The panel found it was more likely than not that Miss Beale had created a sugar shard to go on top of Pupil B’s work and that Witness A had been asked by Miss Beale to add icing and chocolate piping to Pupil B’s pretzel.

Taking all of the evidence into account, the panel was satisfied that Miss Beale had caused and permitted one or more pupils’ mark sheets to reflect alterations made to their work by her and/or a colleague in the Food department. The panel was therefore satisfied that allegation 1(c) is proven.

**d. Amending one or more pupils’ time sheets to reflect the alterations made to their work by you and/or your colleague(s);**

Witness A indicated to the panel that she was not involved in pupils’ completion of the time sheets.

The panel had further regard to the time sheet completed by Pupil B in the academic year 2018/19 and the notes of her interview with Witness C. Pupil B told Witness C that Miss Beale asked her to “change her time plan”, as Miss Beale said she “changed items on her food”, and that she “needed to change her time plan”. Pupil B did not know why. Pupil B’s timeplan contains the following time entries which Pupil B added in order to justify the changes to her work undertaken by others:

- 11:23 – Pupil B would make caramel sugar work for the top;
- 11:45 – Pupil B would “make some icing...melt some chocolate, pipe onto the icing”;
- 11:50 – Pupil B would whisk double cream.

The panel noted the ingredient list prepared by Pupil B, contained in the bundle, which demonstrated that she was not originally intending to add cream or icing or chocolate piping to her pretzel as she did not have the ingredients for this. Witness A had told the panel that she was instructed to make icing and chocolate piping for Pupil B’s pretzel by Miss Beale. This led the panel to conclude that Miss Beale had made changes to Pupil B’s food, which then caused Pupil B to change her time sheet.

The panel also noted that there was further evidence contained in Witness C's investigation report, that other pupils' time sheets needed to be changed to reflect amendments to their work. However the panel were not presented with any other specific timesheets to consider.

The panel had regard to the *GCSE Food and Nutrition 38* marking guide for preparation and production of dishes. This reflects that marks are awarded for skills and presentation. It appeared to the panel that the better the presentation and the more skills that were demonstrated, the higher a pupil's mark would be.

The panel was satisfied on the balance of probabilities that allegation 1(d) was proven. Miss Beale caused at least Pupil B to have to amend her time sheets, in the academic year 2018/19, to reflect the changes to Pupil B's food that was made by Miss Beale or Witness A under Miss Beale's direction.

### **3. Your conduct as may be found proven at Allegation 1 above lacked integrity and/or was dishonest in that you sought to assist pupils in obtaining marks higher than their own work merited.**

Allegation 1 relates to the 2018/19 academic year. The panel noted that Miss Beale admitted allegation 3 overall in relation to the proven conduct established under allegation 1(b). It was necessary for the panel to consider dishonesty and lack of integrity in relation to all of the conduct found proven against Miss Beale in relation to allegation 1(a) to 1(d).

#### Dishonesty

The panel applied the legal test for dishonesty, as laid down by the Supreme Court in *Ivey v Genting Casinos* [2017]. The panel first considered Miss Beale's actual state of knowledge or belief as to the facts at the time of the conduct and then considered whether the conduct would be regarded as dishonest by the objective standards of ordinary decent people.

The panel recognised that there was no requirement that Miss Beale must have appreciated at the time that her conduct was dishonest by those standards.

The panel had regard to the job description within the bundle. Miss Beale was required to comply with the School's policies and procedures and the School's ethical code. Witness A's oral evidence was that Miss Beale had attended moderation meetings run by the AQA examination board and was aware therefore of how marks should be awarded for both demonstration of skills and presentation of dishes prepared.

The panel noted Miss Beale does not accept that she previously prepared food or caused prepared food (by placing items in the fridge or freezer) to be used to enhance pupils' assessments or that she amended one or more pupils' mark sheets or caused pupil to

need to amend their time sheets, as a result of the changes to their food that she either personally made or was undertaken at her instruction. In her written representations, Miss Beale indicates that Witness A voluntarily decided herself to make changes to pupils' food. Having heard oral evidence from Witness A and Witness C, the panel determined it was highly unlikely that Witness A would have sought to make changes to pupils' food unless directed by Miss Beale or [REDACTED]. Witness C reflected in her witness statement that Witness A was not a "confident" person that could easily challenge Miss Beale or [REDACTED]. The panel also noted from the School's investigation report that multiple items, including chocolate decorations and meringues made by Miss Beale were found in the fridge/freezer.

Miss Beale, also argued in her written statement, that Witness A and Witness B "hated" her and wished to make her the "scapegoat" for their actions. The panel found the oral evidence of both Witness A and Witness B to be credible and truthful. Both witnesses expressed being fearful of Miss Beale as a forceful and dominant character. This was corroborated by Witness C's oral evidence, as Witness C found Miss Beale "strident".

Miss Beale admits that she altered and/or re-presented Pupil A and/or Pupil B's work. The photographic evidence of Pupil A's work considered by the panel demonstrated that Pupil A's lasagne had been taken out of its foil covering and the nachos had been moved to a box and cheese added, with a dip being added, and the dough balls being moved to a separate pot. Pupil B's pretzel was coated in icing and chocolate piping, cream had been added to her dessert, and a sugar shard had been added to the top. Miss Beale admits that this conduct was both dishonest and demonstrated a lack of integrity.

The panel considered all the evidence presented demonstrated that Miss Beale was well aware that she should not have instructed others to create food items to be used as part of a pupil's practical assessment or done so herself. The panel considered it was more likely than not, during the 2018/19 academic year, based on the oral evidence of Witness A, that Miss Beale was well aware that making additions to pupils' work would lead to pupils gaining higher marks than their work merited. This then would have necessitated changes to the mark sheets by her and for pupils to have to amend their time sheets, otherwise it would have been obvious to the examination body that changes had been made which was not pupils' own work.

The panel considered that as an experienced teacher, and assessor in other subjects, Miss Beale should have known her actions were wrong. The panel found Miss Beale's explanation that she was not aware that making such changes to pupils' assessed work was not permitted was implausible. The panel determined that she was aware her conduct was dishonest overall.

By the objective standards of ordinary decent people, Miss Beale's actions as found proven at allegations 1(a) to 1(d) were dishonest as she deliberately sought to enhance the marks of pupils.

## Integrity

As regards lack of integrity, the panel took account of the decision of the Court of Appeal in *Wingate v SRA*; *SRA v Malins* [2018] EWCA Civ 366. It recognised that integrity denotes adherence to the standards of the profession. The panel therefore considered whether, by her actions, Miss Beale failed to adhere to those standards.

The panel considered honesty and integrity are fundamental tenets of the teaching profession and Miss Beale fell below these standards.

The panel noted that the GCSE Food and Nutrition Specification (“the Specification”) indicates that it is important non-examination assessments are rigorously monitored by centres to ensure that candidates’ work is their own. It states: “*Centres should monitor candidates’ work by:*

- *keeping a careful record of candidates’ progress during the timetabled sessions*
- *carefully considering whether the written evidence submitted is characteristic of the candidate’s ability/attainment*
- *keeping work secure in the centre once the evidence (i.e. the report and the supportive evidence) is handed in.*
- *ensuring work is not returned to the candidate to make changes.*

By her actions, Miss Beale breached the above requirements of the Specification. She sought to change the appearance of pupils’ dishes to demonstrate a higher level of skills that would attract more marks. This amounted to manipulation and alteration of grades that pupils would be awarded for their NEA Food assessment.

It appeared to the panel, based on the evidence of all of the TRA’s witnesses, that there was a competitive atmosphere between Miss Beale and [REDACTED] who both wished to ensure that their pupils attained good grades in their NEA assessment. Witness A’s and Witness B’s oral evidence was that Miss Beale, in particular, wanted to ensure that grades of pupils were as high as they had been when [REDACTED] was head of department. This influenced Miss Beale to take action to provide students with an unfair advantage. Pupil A and Pupil B were upset by the fact that changes had been made to their food and they had not been given a chance themselves to improve their work. In the panel’s view, Miss Beale’s conduct as found proven under allegations 1(a) to 1(d) demonstrated a significant lack of integrity.

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

### **2. Instructed Colleague A to amend pupils’ marks for the 2017/18 Food NEA;**

The panel inferred that Colleague A, referenced in allegation 2, is Witness B as she was Miss Beale's teaching colleague in 2017/18. Witness A's oral evidence was that she was not involved in marking pupils' work.

The panel paid careful regard to the notes from Witness B's more in-depth interview with Witness C on 28 February 2019. During this interview, Witness C asked Witness B to comment on Miss Beale's suggestion that Miss Beale would not have asked anyone to make any changes to pupils' work – due to very strict guidelines and the exams officer had "gone through this" with Miss Beale "the previous year". Witness B responded that Miss Beale disregarded all the guidelines as she had "manipulated" the evidence.

Both in the interview with Witness C and in [REDACTED] oral evidence, Witness B said that one student in particular, had to re-do the practical which was not permitted by the NEA assessment. However, both her and Witness A were required to assist this pupil. He had made a large lemon meringue pie but Miss Beale wanted individual pies made, so Witness B had to make additional pastry for him. She further stated that HAP students and PP (students who attracted a pupil premium) pupils had their scores "manipulated" and that Miss Beale would mark their work to fit with their predicted grades, rather than the grade that was merited. It was stated in the interview with Witness C, *"everyone's work was changed. All students' presentation was changed but the PP/HAPs skills were improved as well"*.

Witness B further stated during her interview with Witness C *"Work was changed last year and marks increased as a result. My marks were changed. Things were added to increase skills and time plans were manipulated. Jenna asked students to change things"*.

In her appeal against the School's disciplinary investigation, Miss Beale states that it is very possible that she could have instructed Witness B to amend pupils' marks but that was because there was no mark scheme in 2017/18 and they worked together and moderated with other teachers across the region. The panel considered it was highly unlikely that an exam board had not provided a mark scheme for the NEA.

The panel considered that there was evidence, based on its previous findings under allegation 1, that Miss Beale instructed both Witness A and Witness B to make changes to pupils completed dishes which would then lead on to them being given higher marks than their work may have merited. However, it was not satisfied on the balance of probabilities that the TRA had established that Miss Beale had instructed Witness B to amend pupils' marks directly in relation to the 2017/18 cohort of Food NEA pupils. The panel therefore found allegation 2 not proved.

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

Having found allegations 1(a) to 1(d) and allegation 3 (in the context of 1(a) to 1(d)) proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

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

The panel was satisfied that the conduct of Miss Beale in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Miss Beale was in breach of the following personal and professional conduct elements of the Teachers’ Standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by...
- 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 Miss Beale fell significantly short of the standards expected of the profession. When assessing pupils, members of the public, parents and pupils, would expect and trust that all teachers will act in accordance with the specification and guidance issued by examination boards for specific assessments. Therefore, it follows that no pupil in a particular school should be provided with an unfair advantage over another. Miss Beale’s actions undermined the integrity of the NEA Food assessment and the School, by her personal actions and instructing other staff members to alter pupils’ work in order that they be awarded a higher grade than their work merited. As a result, her actions undermined public confidence in that particular School and the integrity of the qualification. The panel noted that as a result of Miss Beale’s actions, the pupils in that School were significantly affected and received adjusted marks which may not have adequately reflected their achievement. In a wider context, her actions, undermined public confidence in the achievements of other pupils who had taken public examinations. This undermined the teaching profession as a whole.

The panel also considered whether Miss Beale’s conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice. The panel found that the following is relevant: serious dishonesty. Accordingly, the panel was satisfied that Miss Beale 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 they behave.

For the above same reasons, the panel therefore found that Miss Beale's actions also constituted conduct that may bring the profession into disrepute.

Having found the facts of 1(a) to 1(d) and allegation 3 proved, the panel further found that Miss Beale'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. 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 some of them to be relevant in this case, namely: the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

The panel's findings against Miss Beale reflected her involvement in altering or amending pupils' practical assessments which would result in pupils obtaining a higher mark than their own work merited. In addition, the pupils in the School were significantly affected and received adjusted marks which may not have adequately reflected their achievement amended marks. The panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Miss Beale were not treated with the utmost seriousness when regulating the conduct of the profession. This is assessed by reference to the standard of the ordinary intelligent and well-informed citizen who both appreciates the seriousness of the proposed 'sanction' and recognises the high standards expected of all teachers. Failing to abide by assessment criteria issued by an examination board is highly unprofessional and leads to the entire assessment system being undermined.

The panel was also of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was present as the conduct found against Miss Beale was considerably outside that which could reasonably be tolerated. Her conduct undermined the integrity of the entire public examination system.

The panel considered that a prohibition order would strike the right balance between the rights of Miss Beale and the public interest being seriously undermined.

Notwithstanding 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 Miss Beale.

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 Miss Beale. 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 are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- 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;
- deliberate action in serious contravention of requirements for the conduct of an examination or assessment leading to an externally awarded qualification or national assessment (or deliberate collusion in or deliberate concealment of such action) particularly where the action had, or realistically had the potential to have, a significant impact on the outcome of the examination assessment;

The panel found that Miss Beale had instructed Witness A who was not a confident person to alter pupils' dishes. This included storing pre-prepared items in the fridge, made by either Miss Beale herself or items that she instructed Witness A to make. This means that not only were her actions in contravention of the requirements for the NEA assessment but she also instructed Witness A to do likewise.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

The panel considered that Miss Beale's actions were deliberate. There was no evidence to suggest that Miss Beale was acting under duress. Even though she considered she was under a lot of pressure to achieve similar results to those achieved by [REDACTED]

pupils, this did not amount to duress. In fact, the panel found Miss Beale's actions to be calculated and pre-meditated. She gave instructions to Witness A to pre-prepare bread or freeze other items that could be used by pupils, and buy in ingredients to be used by pupils if their work was not at a sufficiently high standard. She herself also made and brought in chocolate decorations and tiny meringues. The panel noted that Miss Beale had not voluntarily brought her inappropriate conduct to the attention of the School, and it would have gone undetected if the parent of Pupil A and Pupil A herself had not raised concern.

The panel was of the view that Miss Beale had not demonstrated high standards in both the personal and professional conduct elements of the Teachers' Standards.

There was no evidence before the panel that Miss Beale was previously subject to disciplinary proceedings/warnings or that she was not of previous good history.

The panel had regard to a character statement provided on behalf of Miss Beale, from a junior colleague that Miss Beale had formally managed as head of department. This statement indicated that she had a good relationship with her pupils. She expected pupils to work independently for controlled assessment tasks. She produced "excellent" teaching materials, was "highly professional" and had high expectations of staff and pupils. The character statement further indicated Miss Beale never displayed "anything negative", was a "great teacher" and a "lovely human being".

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Miss Beale of prohibition.

The panel was therefore of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Miss Beale. Her actions in undermining the integrity of the public examinations system was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that where a case involved certain types of behaviour it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. One of these behaviours relates to serious dishonesty. The panel regarded the dishonesty found against Miss Beale as serious given the impact her actions had on the relevant pupils. The panel found that Miss Beale was responsible for deliberately and purposely undermining the integrity of the NEA Food assessment. There were multiple instances of Miss Beale providing inappropriate assistance to pupils to alter their completed work to ensure they attained higher marks.

The character evidence submitted on her behalf also indicated that she was well liked by pupils and staff. The panel noted the multiple images of thank you cards, in the bundle, received from pupils, demonstrated that overall Miss Beale was well thought of by pupils. However, Witness A and Witness B in particular, stated in their oral evidence, that Miss Beale was “strong minded” and a “strong character”. She “belittled” and undermined both Witness A and Witness B, and “chastised” Witness B in front of pupils.

In her witness statement, Miss Beale indicated that she was “foolish” for allowing both [REDACTED]’ and Witness A’s actions in terms of amending pupils’ dishes. She considered she had allowed “friendship or loyalty” to “overshadow professionalism”. She admits that there was “no excuse for” her actions and she should have “highlighted it” when she had “the chance”. She believed that she felt pressure to conform and to follow her department’s lead and she had misjudged the “severity” of it. The panel acknowledged that Miss Beale’s expression of regret was for not reporting the actions of others under the whistleblowing procedures. Miss Beale considered that the School “let her down” and she was the “scape goat”. However, it did not seem to the panel that Miss Beale had accepted that her decision to contravene the NEA assessment guidance was inappropriate and in breach of the Teachers’ Standards. It also did not seem that Miss Beale acknowledged the detrimental impact her conduct had had on the assessment results of the relevant pupils.

The panel therefore determined that she had not demonstrated sufficient insight to justify a short review period. The panel noted that the actions of Pupil A and her parent, in bringing this matter to the School’s attention displayed a greater level of honesty and integrity than exhibited by Miss Beale’s conduct during the timeframe of the allegations. The panel was mindful that Miss Beale had admitted, in the course of these proceedings, the dishonest nature of her conduct as set out at allegation 1(b) in terms of altering Pupil A and Pupil B’s dishes which demonstrated a lack of integrity.

The panel considered that the public interest has greater relevance and weighs in favour of a longer period before a review is considered appropriate. To some extent Miss Beale has had a significant period of time within which to attain further insight into the

inappropriate nature of her actions. However, the repeated nature of Miss Beale's conduct, and insufficient demonstration of insight and remorse, in terms of her own actions, led the panel to consider that a review period of 8 years would be appropriate in this case. The panel considered this would provide Miss Beale with a sufficient period of time to reflect and take responsibility for her actions which have had a significant and detrimental impact on pupils and other staff.

The panel therefore decided that its findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a 8-year review period.

## **Decision and reasons on behalf of the Secretary of State**

I have given very careful consideration to this case and to the recommendation of the panel in respect of both sanction and review period.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In this case, the panel has also found some of the allegations not proven. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Miss Jenna Beale should be the subject of a prohibition order, with a review period of eight years.

In particular, the panel has found that Miss Beale 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...
- 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 Miss Beale fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include behaviour that was dishonest and lacking in integrity.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In assessing that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Miss Beale, 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 any evidence that Miss Beale's behaviour constituted a threat to the safety and wellbeing of pupils. However, the panel does comment that it "...noted that as a result of Miss Beale's actions, the pupils in that School were significantly affected and received adjusted marks which may not have adequately reflected their achievement." 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 it sets out as follows:

"In her witness statement, Miss Beale indicated that she was *"foolish"* for allowing both [REDACTED]' and Witness A's actions in terms of amending pupils' dishes. She considered she had allowed *"friendship or loyalty"* to *"overshadow professionalism"*. She admits that there was *"no excuse for"* her actions and she should have *"highlighted it"* when she had *"the chance"*. She believed that she felt pressure to conform and to follow her department's lead and she had misjudged the *"severity"* of it. The panel acknowledged that Miss Beale's expression of regret was for not reporting the actions of others under the whistleblowing procedures. Miss Beale considered that the School *"let her down"* and she was the *"scape goat"*. However, it did not seem to the panel that Miss Beale had accepted that her decision to contravene the NEA assessment guidance was inappropriate and in breach of the Teachers' Standards. It also did not seem that Miss Beale acknowledged the detrimental impact her conduct had had on the assessment results of the relevant pupils.

The panel go on to record that it, "...therefore determined that she had not demonstrated sufficient insight to justify a short review period." In my judgement, the lack of evidence of full insight and/or remorse means that there is some risk of the repetition of this. 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 a wider context, her actions, undermined public confidence in the achievements of other pupils who had taken public examinations. This undermined the teaching profession as a whole." I am particularly mindful of the finding of dishonesty in this case and the impact that such a finding has on the reputation of the profession.

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

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

I have also considered the impact of a prohibition order on Miss Beale herself. While no evidence is recorded that she has made a significant contribution to the profession the panel do record that "There was no evidence before the panel that Miss Beale was previously subject to disciplinary proceedings/warnings or that she was not of previous good history." The panel also note that it considered a character statement attesting to Miss Beale's professionalism and ability as a teacher as well as evidence of positive relations with her pupils.

A prohibition order would prevent Miss Beale 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 serious nature of the misconduct found which included serious dishonesty and the panel's comments concerning the lack of evidence that Miss Beale has attained full insight and remorse.

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

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

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

I have considered the panel's comments:

"The panel considered that the public interest has greater relevance and weighs in favour of a longer period before a review is considered appropriate. To some extent Miss Beale has had a significant period of time within which to attain further insight into the inappropriate nature of her actions. However, the repeated nature of Miss Beale's conduct, and insufficient demonstration of insight and remorse, in terms of her own actions, led the panel to consider that a review period of 8 years would be appropriate in this case. The panel considered this would provide Miss Beale with a sufficient period of time to reflect and take responsibility for her actions which have had a significant and detrimental impact on pupils and other staff."

I have considered whether an eight-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. Although I am in no doubt as to the seriousness of the misconduct committed by Miss Beale, which involved serious dishonesty and a lack of integrity, I consider that it may be possible for her to reflect on and take responsibility for her actions as the panel has recommended in a shorter time period.

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

**This means that Miss Jenna Beale is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England.** She may apply for the prohibition order to be set aside, but not until 16 April 2029, 5 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Miss Beale remains prohibited from teaching indefinitely.

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

Miss Jenna Beale has a right of appeal to the King's Bench Division of the High Court within 28 days from the date she is given notice of this order.



**Decision maker: Marc Cavey**

**Date: 4 April 2024**



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