



Teaching
Regulation
Agency

Miss Claire Morgan: Professional conduct panel outcome

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

April 2024

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

Teacher: Ms Claire Morgan

TRA reference: 18278

Date of determination: 12 April 2024

Former employer: Nechells E-ACT Primary Academy, Birmingham

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened in a hybrid hearing on 26 February 2024 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, and virtually on 27 to 28 February 2024 and 12 April 2024 to consider the case of Miss Claire Morgan.

The panel members were Mr Terry Hyde (former teacher panellist – in the chair), Mrs Michelle Barlow Ward (teacher panellist) and Mrs Zabin Chauhan (lay panellist).

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

The presenting officer for the TRA was Mr Mark Millin of Kingsley Napley LLP.

Miss Morgan was present and represented by Mr Jonathan Storey instructed by the National Education Union.

The hearing took place in public, apart from some evidence which was heard in private and was recorded.

Allegations

The panel considered the allegations set out in the notice of hearing dated 5 December 2023.

It was alleged that Miss Morgan was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst a teacher at Nechells E-ACT Primary Academy (Eliot Street, Nechells, Birmingham, B7 5LB) (the "School"):

- 1) In relation to the English Reading, Maths Paper 1 (arithmetic) and Maths Paper 2 (reasoning) examinations on 15 May 2018 and 16 May 2018, she gave pupils an unfair advantage in that she:
 - a) Invited pupils, if they were unsure of an answer, to ask a teacher to confirm whether their answer was correct;
 - b) Told pupils to remember certain topics from their books;
 - c) Referred pupils back to content covered in previous lessons;
 - d) Wrote the method that a pupil needed to follow on their examination paper;
 - e) Said to a pupil words to the effect of "just make sure you divide them equally";
 - f) Pointed at certain questions so that pupils were aware that their answer was incorrect;
 - g) Prompted pupils to change their answer by
 - i. saying words to the effect of "are you sure about that question";
 - ii. saying words to the effect of "think about that one again";
 - iii. indicating with your facial expressions.
 - h) Nodded if pupils had corrected a previously incorrect answer;
 - i) Caused or permitted a teaching assistant, namely Individual A, to give pupils an unfair advantage, contrary to STA Key Stage 2 guidance on Test Administration 2018;
 - j) Offered pupils additional time to complete the papers, despite those pupils not being approved for such additional time;
- 2) By her conduct set out in paragraph 1, she
 - a) was dishonest

b) failed to act with integrity.

Miss Morgan either denied or did not indicate a position to all the allegations, save for allegation 1(g)(iii), which she admitted.

Preliminary applications

Application to hear part of the evidence in private

Mr Storey made an application for parts of hearing touching on evidence regarding [REDACTED] to be heard in private. He submitted there was no competing public interest factor for that evidence to be considered in public. Mr Millin did not oppose the application. The panel agreed with Mr Storey's submissions and granted the application.

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 7 to 9

Section 2: Notice of hearing and response – pages 10 to 14

Section 3: Teaching Regulation Agency witness statements – pages 15 to 40

Section 4: Teaching Regulation Agency documents – pages 41 to 681

Section 5: Teacher documents – pages 682 to 872

Physical exhibits

Also made available to the panel were the physical copies of the relevant test papers. In light of the evidence given by the parties witnesses, which did not place any reliance on these physical exhibits, the panel did not find it necessary to inspect these exhibits to assist them with their findings and did not take them into account in their decision-making.

Witnesses

The panel heard oral evidence from the following witnesses called on behalf of the TRA:

- Witness A ([REDACTED] at E-ACT Multi-Academy Trust);
- Witness B ([REDACTED] at the Standards and Testing Agency).

The panel heard oral evidence from the following witnesses called on behalf of the teacher:

- Claire Morgan (the teacher);
- Witness C (character witness);
- Witness D (character witness).

Decision and reasons

The panel announced its decision and reasons as follows:

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

Miss Morgan qualified as a teacher in 2009. In 2017, Miss Morgan took up position as a teacher at Nechells E-ACT Primary Academy (“School”) which was part of the E-ACT multi academy trust (“Trust”). Prior to 2016, Miss Morgan had spent a number of years at another primary school in the Trust. In September 2018, Miss Morgan was appointed as a deputy headteacher.

In 2017, the Standards and Testing Agency (“STA”), an executive agency of the Department for Education, (who are responsible for the administration of Key Stage 2 SATs) received an anonymous allegation regarding the School’s management of their SATs exams. Following a review of the test papers by the STA, no concerns were identified, but they asked for the Local Authority to undertake an inspection and to monitor the third Maths paper in 2018 round of exams.

As a result of the STA’s further analysis of the 2018 SATs papers, particularly when compared against the externally moderated paper, it decided the results for that year were unsound and annulled the scores given. Therefore, the pupils for that year group were not given any SATs grades. Once this was communicated to the School, the Trust began its own investigation interviewing a number of pupils and staff members. Miss Morgan was involved in the test administration for the relevant papers and therefore her actions were subject to the School’s investigation. Miss Morgan did not complete any full interviews with the School’s investigators as she [REDACTED] and eventually resigned.

The panel heard evidence from Witness A, who confirmed that she was present during these interviews and that the notes were an accurate reflection of what was said during them. She explained that for the pupil interviews, her colleague, Colleague A, who was [REDACTED], conducted the questioning as she had more experience with talking with young children. Witness A further explained that Colleague A had employed a number of techniques, such as revisiting the same questions later on in the interview and re-phrasing them to ensure that they had fully understood and not misinterpreted the pupils’ answers.

The panel heard evidence from Witness B, who undertook the investigation as part of her role at the STA. She provided evidence on the underlying analysis which included the comparisons between the national averages, unmoderated papers and the external moderated paper and various factors such as attempted and un-attempted questions and corrections. Whilst the panel gave no weight to the opinions of Witness B or the STA's own conclusions, the panel was satisfied that the underlying evidence demonstrated there was a real question regarding the proper administration of the unmoderated SATs tests at the School.

The panel heard evidence from Miss Morgan. She explained the very difficult circumstances that were occurring at the school at the time. This had included [REDACTED] and a recent partial collapse of the school buildings [REDACTED]. This had resulted in the SATs having to take place at a different school. Miss Morgan also gave evidence about [REDACTED] pressures from multiple roles she was expected to perform at the School, without receiving the appropriate levels of support. Much of Miss Morgan's evidence was to the effect that she had little recollection of the events due to the passage of time [REDACTED].

There were no witnesses called by the TRA who gave direct evidence regarding the allegations. The TRA essentially relied on the hearsay evidence of interview notes of pupils and Individual A taken by the Trust investigators in support of the allegations against Miss Morgan.

The panel firstly considered whether this evidence should be admitted into the proceedings at all, particularly as it noted the hearsay evidence would effectively be the sole and decisive evidence against Miss Morgan. The panel took into account that Miss Morgan was legally represented in these proceedings and had agreed for this material to be placed before the panel. The panel also benefited from being able to receive full submissions from Mr Storey in regards to the caution that should be applied when considering such evidence. Accordingly, the panel was satisfied that in these circumstances it would be fair to admit the hearsay evidence into the proceedings.

Having admitted the hearsay evidence the panel further considered what, if any, weight should be attributed to the accounts.

In regards to the pupils, the panel noted that the interviews took place in the October following the summer holidays. The panel considered this passage of time was unlikely to have materially affected the memories of the pupils and was therefore satisfied that they were still relatively contemporaneous. The panel considered there was no evidence to suggest the children had any motive to lie or misrepresent their answers to the questions, a position which Miss Morgan had accepted from the outset in her evidence. Taking into account these factors along with the evidence of Witness A, which suggested the interview process in which these remarks were recorded was robust and reliable, the

panel was satisfied that a significant amount of weight could be attributed to the hearsay evidence of the pupils.

The panel will return to further explain its considerations of the hearsay evidence of Individual A in allegation 1(f).

Findings of fact

The findings of fact are as follows:

1) In relation to the English Reading, Maths Paper 1 (arithmetic) and Maths Paper 2 (reasoning) examinations on 15 May 2018 and 16 May 2018, you gave pupils an unfair advantage in that you:

a) Invited pupils, if they were unsure of an answer, to ask a teacher to confirm whether their answer was correct;

In the interview with Pupil G, it was noted that they were asked and responded:

[Q:] Was there an instruction about what to do if you made a mistake?

[A:] Yes, if we made a mistake we could go back to it afterwards or go through it and then get a teacher to tell you if it was right. The teacher wouldn't give us the answer but she would tell us if we were right. Miss Morgan said this."

In the interview with Pupil C, it was noted that they were asked and responded:

[Q:] Did any of the adults ask you to change any of your answers?

[A:] Yes, they didn't actually say change that answer but said "check that one one more time" which gave me a hint it was wrong. This happened 6-7 times. It was Miss Morgan..."

Miss Morgan denied this allegation and highlighted that if it was true, she would have needed to give this instruction in front of the whole class, which there was no evidence of happening.

Whilst there was clear evidence before the panel that Miss Morgan had confirmed the pupils had the correct answers, there was no evidence that Miss Morgan had planned or provided instructions or invitations to the pupils to ask for this assistance. Accordingly, the panel could not be satisfied that it was more likely than not that such an 'invitation' took place and therefore found this allegation not proved.

b) Told pupils to remember certain topics from their books;

c) Referred pupils back to content covered in previous lessons;

In the interview with Pupil C, it was noted that they were asked and responded:

“[Q:] During the tests did you see any adults helping other children?”

“[A:] I heard my teacher giving them clues and help. She was telling them to remember something that you did in your books. She didn't give them the answer but think what we did in this in the lesson and give an example. I didn't see any adults writing on the papers.”

[REDACTED]. Although short, the panel considered the response of Pupil C was clear and detailed enough to be satisfied that it was more likely than not that Mrs Morgan told pupils to remember certain topics from their books and lessons.

Furthermore, the panel was satisfied that such guidance went beyond the scope which was allowed by the exam administration rules (Key Stage 2: test administration guidance, dated March 2018).

Miss Morgan did not admit this allegation, albeit accepted that if she did make such a reference, which she could not remember making, it would have only been in an attempt to motivate struggling pupils and accepted that would have given them an unfair advantage.

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

d) Wrote the method that a pupil needed to follow on their examination paper;

In the interview with Pupil H, it was noted that they were asked and responded:

“[Q:] During the tests did you see any adults helping other children?”

“[A:] Yes, I saw her take the pencil off a child and she wrote the method of what they had to do. She wrote this on their SAT paper. She was sitting near to me, one table across the room. Miss Morgan was helping the child and wrote on her paper. I only saw one occasion of this. I didn't see anyone else help children like this.”

The panel considered that such conduct would go far beyond simply overstepping the restrictions on assisting pupils in exam conditions. It would be a brazen act of serious maladministration in plain sight of the entire exam room. The panel considered that it was an inherently improbable event to the extent that the hearsay remarks of the pupil were insufficiently cogent on their own to satisfy it that it was more likely than not that it occurred.

Despite all the exam papers being made available in evidence before the panel, the TRA did not put forward any examples in those papers in which it suggested Miss Morgan had written the method on any of the papers.

Witness B's evidence regarding other people writing on an exam paper was limited and added little support to the allegation. Miss Morgan denied this allegation.

As there was no further supporting evidence for this allegation, the panel found this allegation not proved.

e) Said to a pupil words to the effect of "just make sure you divide them equally";

In the interview with Pupil C, it was noted that they were asked and responded:

"[Q:] During the tests did you see any adults helping other children?"

"[A:] I saw one of friends asking for help from Miss Morgan and she said something like "Just make sure you divide them equally". There was lots of helping children."

Miss Morgan neither admitted nor denied this sub-allegation.

The panel was satisfied that the phrasing used by Pupil C was with such specificity that there could be little ambiguity or confusion over what words were said and what they meant. The panel was satisfied that such guidance went beyond the scope which was allowed by the exam administration rules, which was also accepted by Miss Morgan.

The panel was satisfied that it was more likely than not that Miss Morgan made these remarks and therefore found this sub-allegation proved.

f) Pointed at certain questions so that pupils were aware that their answer was incorrect;

In the interview with Pupil C, it was noted that they were asked and responded:

"[Q:] Did any of the adults ask you to change any of your answers?"

"[A:] ...She would point at the question and make sure we knew which one wrong. The student was later asked who this teacher was and he stated it was Miss Morgan."

Miss Morgan neither admitted nor denied this sub-allegation.

Whilst this was a brief hearsay remark, the panel was satisfied it was still clear and detailed enough to leave no doubt as to the account that Pupil C was giving in regards to this sub-allegation.

Accordingly the panel was satisfied it was more likely than not that Miss Morgan pointed at incorrect answers for the benefit of pupils and was in explicit breach of the exam guidance with states: *"You must [not]... indicat[e] that an answer is correct or incorrect.."*

Therefore, the panel found this sub-allegation proved.

g) Prompted pupils to change their answer by:

- i. saying words to the effect of "are you sure about that question";**
- ii. saying words to the effect of "think about that one again";**
- iii. indicating with your facial expressions.**

h) Nodded if pupils had corrected a previously incorrect answer;

In the interview with Pupil G, it was noted that they were asked and responded:

[Q:] Did any of the adults ask you to change any of your answers?

[A:] On the reading paper Miss Morgan would say things like "are you sure about that question?" or she would say "think about that one again"

In the interview with Pupil C, it was noted that they were asked and responded:

[Q:] Do you remember changing the answer [when reviewing a particular test answer]?

[A:] My teacher looked at me and raise her eyebrows and I changed my answer. I crossed it out and wrote it again. My rubber was on the floor and teacher said I should leave it there."

[Q:] Did any of the adults ask you to change any of your answers?

[A:] Sometimes Miss nodded their head when I had changed the answer and I know it was now right."

Miss Morgan did not admit or deny sub-allegations 1(g)(i), 1(g)(ii) and 1(h) and did admit 1(g)(iii).

Whilst the panel recognised these were brief hearsay remarks, the panel was satisfied it was still clear and detailed enough to leave little doubt over the actions Miss Morgan took, some of which was admitted, in trying to support the pupils in this sub-allegation. Those actions were in explicit breach of the exam guidance which prohibits suggesting to pupils to look at an answer again.

Accordingly, the panel was satisfied that it was more likely than not that Miss Morgan was prompting pupils regarding incorrect answers and therefore found sub-allegations 1(g) and 1(h) proved.

i) Caused or permitted a teaching assistant, namely Individual A, to give pupils an unfair advantage, contrary to STA Key Stage 2 guidance on Test Administration 2018;

The TRA's evidence in regard to this sub-allegation related to comments made by Individual A during the School's investigatory process, some of which related to Individual A's [REDACTED].

Whilst there were some general remarks about feeling pressured by Miss Morgan after the investigation started, there was no clear evidence from Individual A's accounts which could be read as saying that Miss Morgan caused or permitted Individual A to give an unfair advantage to pupils.

In any event Individual A, by [REDACTED] own admission, had been dishonest on a number of occasions in the School's disciplinary process. Accordingly, there were real questions about the reliability of any account such that the panel attributed little to no weight to this evidence.

There was no other evidence before the panel which touched on this allegation, which was also denied by Miss Morgan.

The panel was therefore not satisfied it was more likely than not that the alleged facts of this sub-allegation took place and found it not proved.

j) Offered pupils additional time to complete the papers, despite those pupils not being approved for such additional time;

There was no evidence before the panel as to exactly which pupils were or were not offered extra time in the exam.

Pupil H stated in their interview that they were offered extra time, but that they did not need it. Before the panel was a list of pupils who had been approved extra time and there was no suggestion from the TRA that that list was inaccurate. Pupil H was on that list, so it was entirely legitimate for that pupil to be offered extra time.

In the absence of any other evidence and taking into account that Miss Morgan denied this allegation, the panel was not satisfied it was more likely than not that Miss Morgan had inappropriately offered pupils additional time.

Accordingly, the panel found this sub-allegation not proved.

2) By your conduct set out in paragraph 1, you

a) were dishonest

In applying the relevant test (from the leading case of *Ivey v Genting Casinos*), the panel firstly considered the following factors as being relevant to Miss Morgan's state of mind:

- Miss Morgan was an experienced Year 6 teacher, with previous experience of SATs exams;
- Miss Morgan was aware of the relevant guidance on how to conduct exams;
- There was no evidence that Miss Morgan did not understand that guidance. There was evidence from Miss Morgan that was suggestive that she knew where the boundaries lay in providing appropriate assistances to pupils in exams and this was supported by the externally moderated exam in which there was no suggestion that Miss Morgan was not applying the correct approach.

Taking those factors into account, the panel was satisfied that when Miss Morgan offered the level of assistance found proved in allegation 1, she was aware at that time that she was overstepping those boundaries. The panel was also satisfied that Miss Morgan's actions were a simple result of her overwhelming desire to help and support her pupils in what had been an extremely difficult period for them. However, when viewed through the prism of the ordinary decent person, taking actions to purposefully undermine known restrictions in order to provide an unfair advantage to pupils in an exam situation could only be considered as acting dishonestly.

Accordingly, the panel found this sub-allegation proved.

b) failed to act with integrity

As it could not be said that a find of dishonesty could not amount to acting with a lack of integrity, the panel must also find this sub-allegation proved.

However, the panel took into account this was essentially an alternative sub-allegation to 2(a) and therefore did not add anything to the previous finding.

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

The panel was satisfied that the conduct of Miss Morgan, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Miss Morgan 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
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel also considered whether Miss Morgan's conduct displayed behaviours associated with any of the offences listed on pages 12 onwards of the Advice. The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct. Whilst the panel noted the offences of "fraud and serious dishonesty", it did not consider those were a relevant comparator and therefore found none of the listed offences relevant.

The panel was satisfied that the conduct of Miss Morgan amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. The boundaries for assisting pupils in exam conditions are clear and the impact of Miss Morgan's actions in crossing those boundaries were far from inconsequential for the pupils and wider community.

Accordingly, the panel was satisfied that Miss Morgan was guilty of unacceptable professional conduct.

In relation to whether Miss Morgan's actions amounted to conduct that may bring the profession into disrepute, the panel took into account the way the teaching profession is viewed by others. It 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. Formal exams are the current bedrock for assessing the progression of pupils through the educational system in England. Their complete integrity is therefore paramount to the trust that the public place in the educational system. For a teacher to be seen as undermining that position, it risks fundamentally damaging that trust placed on the profession to fairly administer examinations.

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

Panel's recommendation to the Secretary of State

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely,

- the maintenance of public confidence in the profession
- declaring and upholding proper standards of conduct

In the light of the panel's findings against Miss Morgan, which involved dishonest conduct in the administration of national exams, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Miss Morgan were not treated with the utmost seriousness when regulating the conduct of the profession. Similarly, the panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Miss Morgan was outside that which could reasonably be tolerated.

In addition to the public interest considerations set out above, the panel went on to consider whether there was a public interest in retaining Miss Morgan in the profession. The panel decided that there was a 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.

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 Miss Morgan.

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 Morgan. 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:

- dishonesty or a lack of integrity;
- 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 recognised there is a spectrum of dishonest conduct which must be considered in the context in which it took place. Central to this consideration was the panel's finding regarding the motivation of why Miss Morgan acted in the way that she did. It was not for any direct personal gain (such as a performance based financial bonus

or gaining an advantage for a career promotion), or a wider benefit (such as to assist the School's ranking). As set out above, it was a misguided attempt at trying to act in her pupils' best interests following a series of exceptionally serious and difficult events (such as [REDACTED] and the roof collapse at the School during lessons). In essence, Miss Morgan had allowed her 'teacher role' in the support she was giving to her pupils to overtake the 'exam administrator role' which she ought to have more strictly adhered to. Whilst her actions were deliberate, the panel was satisfied that they were very much 'of the moment' and shaped by the difficult context she found herself in, rather than being of a planned nature or suggestive of a more deep-rooted attitudinal disregard for proper examination administration.

Taking into account those findings, the panel was satisfied that whilst these aggravating factors were present, the underlying conduct was at the lower end of the possible spectrum.

Even though some of the behaviour found proved in this case indicated that a prohibition order might 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 has paid careful regard to the fact it has made some findings against Miss Morgan, which she had not admitted to and how this might impact on the panel's findings of insight. The panel noted that Miss Morgan's denials were not based on advancing a different factual defence which the panel rejected. It was mainly denied on the basis that Miss Morgan now did not have a full recollection as to the facts. Additionally, the panel noted that Miss Morgan did not seek to undermine the evidence that any of the pupils gave in the school investigation. The panel was satisfied that the evidence before it showed the Miss Morgan had a clear understanding as to the seriousness of the misconduct that she was facing. The panel was further satisfied that Miss Morgan had carefully reflected on the factual circumstances of the case and on the contextual environment that led to this misconduct occurring, in particular [REDACTED], which at the time were not being properly managed, but now are. Accordingly, the panel considered although some elements of the allegation were not admitted, Miss Morgan had demonstrated a significant level of insight over the intervening years it has taken this case to come to its conclusion.

Taking into account Miss Morgan's gained insight, the exceptional circumstances in which this misconduct took place and that there had been no previous regulatory findings against Miss Morgan, the panel was satisfied that the risk of similar misconduct occurring again the future was extremely low.

The panel took into account that despite not currently working in the profession, Miss Morgan had fully engaged with these proceedings and hoped to be able to one day

return. Before the panel was a wealth of evidence (both from the TRA and Miss Morgan) which touched on her professional abilities as a teacher.

The panel noted that the School's Headteacher commented in the School's investigation that Miss Morgan was "*very passionate about her students*" and that she was "*very professional and dedicated to the role*".

Miss Morgan called two character witnesses to give oral evidence at the hearing. Additionally, Miss Morgan provided a number of character references from other members of the teacher profession. The authors of these references were aware of the TRA proceedings against Miss Morgan and were written expressly for this purpose. Accordingly, the panel was satisfied that significant weight could be given to their contents.

The character evidence spoke of Miss Morgan's clear passion and dedication to the teaching profession and putting pupils needs at the forefront of her practice and her expertise in using IT equipment positively in the delivery of classroom lessons. The panel was satisfied that the character evidence suggested that if Miss Morgan were not permitted to return to the classroom, it would be a loss to the profession.

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present and the positive public interest in retaining good teachers in the profession, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession. The panel considered that the misconduct in this case, when considered in its context, did not call for permanent restrictive regulatory action.

Accordingly, the panel recommended to the Secretary of State that no prohibition order should be imposed in this case.

Decision and reasons on behalf of the Secretary of State

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

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

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

In this case, the panel has also found 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 the findings of unacceptable professional conduct and/or conduct likely to bring the profession into disrepute should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Miss Morgan 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
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel finds that the conduct of Miss Morgan fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include dishonesty.

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

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel does not record having seen evidence that Miss Morgan's behaviour created a risk to the physical wellbeing and safety of her pupils. However, it does note that:

"The panel was satisfied that the conduct of Miss Morgan amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. The boundaries for assisting pupils in exam conditions are clear and the impact of Miss Morgan's actions in crossing those boundaries were far from inconsequential for the pupils and wider community."

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:

"The panel has paid careful regard to the fact it has made some findings against Miss Morgan, which she had not admitted to and how this might impact on the panel's findings of insight. The panel noted that Miss Morgan's denials were not based on advancing a different factual defence which the panel rejected. It was mainly denied on the basis that Miss Morgan now did not have a full recollection as to the facts. Additionally, the panel noted that Miss Morgan did not seek to undermine the evidence that any of the pupils gave in the school investigation. The panel was satisfied that the evidence before it showed the Miss Morgan had a clear understanding as to the seriousness of the misconduct that she was facing. The panel was further satisfied that Miss Morgan had carefully reflected on the factual circumstances of the case and on the contextual environment that led to this misconduct occurring, in particular [REDACTED], which at the time were not being properly managed, but now are. Accordingly, the panel considered although some elements of the allegation were not admitted, Miss Morgan had demonstrated a significant level of insight over the intervening years it has taken this case to come to its conclusion."

In my judgement, the insight attained by Miss Morgan means that there is a limited risk of the repetition of this behaviour. 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 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. Formal exams are the current bedrock for assessing the progression of pupils through the educational system in England. Their complete integrity is therefore paramount to the trust that the public place in the educational system. For a teacher to be seen as undermining that position, it risks fundamentally damaging that trust placed on the profession to fairly administer examinations.”

I am particularly mindful of the finding of dishonesty in this case and the negative impact that such a finding could have on the reputation of the profession.

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

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

I have also considered the impact of a prohibition order on Miss Morgan herself. The panel records having had the benefit of evidence from character witnesses which it summarises thus:

“The character evidence spoke of Miss Morgan’s clear passion and dedication to the teaching profession and putting pupils needs at the forefront of her practice and her expertise in using IT equipment positively in the delivery of classroom lessons. The panel was satisfied that the character evidence suggested that if Miss Morgan were not permitted to return to the classroom, it would be a loss to the profession.”

A prohibition order would prevent Miss Morgan 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.

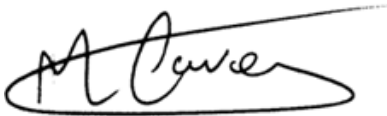
In this case I have placed considerable weight on the comments of the panel regarding the significant degree of insight attained by Miss Morgan and the very limited risk of a reoccurrence of her behaviour:

“Taking into account Miss Morgan’s gained insight, the exceptional circumstances in which this misconduct took place and that there had been no previous regulatory findings against Miss Morgan, the panel was satisfied that the risk of similar misconduct occurring again the future was extremely low.”

Additionally, I have also considered the panel's conclusion:

“The panel was of the view that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present and the positive public interest in retaining good teachers in the profession, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession. The panel considered that the misconduct in this case, when considered in its context, did not call for permanent restrictive regulatory action.”

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 'M. Cavey', with a large, sweeping underline that extends across the width of the signature.

Decision maker: Marc Cavey

Date: 16 April 2024

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