



Teaching
Regulation
Agency

Mrs Ernestina Quainoo: Professional conduct panel outcome

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

August 2024

Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	6
Documents	6
Witnesses	7
Chronology	7
Decision and reasons	8
Findings of fact	8
Panel's recommendation to the Secretary of State	19
Decision and reasons on behalf of the Secretary of State	25

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

Teacher:	Mrs Ernestina Quainoo
Teacher ref number:	1860808
Teacher date of birth:	27 September 1970
TRA reference:	21956
Date of determination:	23 August 2024
Former employer:	Cherry Lane Primary School, West Drayton

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened from 21 to 23 August 2024 by way of a virtual hearing to consider the case of Mrs Ernestina Quainoo.

The panel members were Miss Sue Davies (lay panellist – in the chair), Mr Richard Young (lay panellist) and Ms Amanda Godfrey (teacher panellist).

The legal adviser to the panel was Miss Maddie Taylor of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Lee Bridges of Kingsley Napley LLP solicitors.

Mrs Quainoo was not present and was not represented.

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

Allegations

The panel considered the allegations set out in the Notice of Hearing dated 5 June 2024 and as amended by a preliminary application.

It was alleged that Mrs Quainoo was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst working as a teacher:

1. In or around May 2019, she submitted an application form to Cherry Lane Primary School providing information relating to her conviction that was not correct.
2. Her conduct at paragraph 1:
 - a. was dishonest;
 - b. lacked integrity.

In addition, it was also alleged that Mrs Quainoo has been convicted of a relevant offence, namely:

3. On or around 18 December 2007, she was convicted of “Assist Unlawful Immigration into EU Member State” on 26 July 2004, contrary to Immigration Act 1971 s25(1).

Mrs Quainoo provided no admission of fact.

Preliminary applications

Application to proceed in the absence of the teacher

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

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to within it, as derived from the guidance set down in the case of *R v Jones [2003] 1 AC 1* (as considered and applied in subsequent cases, particularly *GMC v Adeogba*).

The panel was satisfied that the Notice of Hearing had been sent to Mrs Quainoo in accordance with the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020 (the ‘2020 Procedures’).

As part of the application, the panel also considered the admission of a 12-page bundle containing documents specifically pertaining to the application to proceed in the absence of Mrs Quainoo.

The panel received legal advice on the admissibility of the documents, including relevance, appropriateness and fairness. The panel noted that all of the documents were emails or correspondence with Mrs Quainoo (with the exception of one email containing a tracking number to confirm a postal delivery to Mrs Quainoo had been successful), meaning that she had seen the documents before. The panel also noted that many of the documents had been created after the Notice of Hearing was sent, and they therefore could not have been disclosed at that time.

The panel resolved to admit the documents as they would be specifically assistive in determining whether to proceed in Mrs Quainoo's absence.

The panel noted an email from Mrs Quainoo on 11 July 2024 in which she stated, "*I would like to confirm that I will not be present or join in the hearing.*"

The panel also noted documents from the main bundle in which Mrs Quainoo stated, "*I would like the TRA to consider my current statement*".

The panel felt this was compelling evidence that Mrs Quainoo intended and expected the hearing to go ahead in her absence.

The panel noted that Mrs Quainoo had actively engaged in the process prior to the hearing and had submitted a number of documents, which the panel would necessarily consider as part of its deliberations. This included a statement from Mrs Quainoo, which the panel was satisfied presented her case, although the panel concluded it was regrettable that Mrs Quainoo did not attend to assist further.

The panel concluded that Mrs Quainoo's absence was voluntary and that she was aware that the matter would proceed in her absence.

The panel noted that Mrs Quainoo had not sought an adjournment to the hearing and the panel did not consider that an adjournment would procure her attendance at a hearing. There was no medical evidence before the panel that Mrs Quainoo was unfit to attend the hearing, although the panel noted Mrs Quainoo's conclusion to her statement that she did, "[REDACTED]". However, the panel did not consider this was evidence that an adjournment would procure Mrs Quainoo's attendance. The panel considered that it was in the public interest for the hearing to take place. It also considered the effect on the witness of any delay.

Having decided that it was appropriate to proceed, the panel agreed to ensure that the proceedings were as fair as possible, bearing in mind that Mrs Quainoo was neither present nor represented.

Application to amend allegations

The presenting officer made an application to amend allegation 1 to change “*On or around July 2019*” to “*In or around May 2019*”.

The panel noted that Mrs Quainoo had not been informed of the proposed changes to the allegations.

The panel was advised that it had the power to amend allegations in accordance with paragraph 5.83 of the 2020 Procedures.

The panel considered that the proposed amendment would not change the nature and scope of the allegation in that the amendment would merely clarify the date on which the alleged misconduct took place. The panel considered that the original drafting could in fact capture the intention of the allegation, however it felt it would be sensible to more specifically state the timeframe to which the allegation related. As such, the panel considered that the proposed amendment did not amount to a material change to the allegations.

The legal adviser drew the panel’s attention to the case of *Dr Bashir Ahmedsowida v General Medical Council [2021] EWHC 3466 (Admin), 2021 WL 06064095* which held that the lateness of amendments did not necessarily mean they were unjust, as acknowledged in the previous case of *Professional Standards Authority v Health and Care Professions Council and Doree [2017] EWCA Civ 319 at [56]*.

The panel was of the view that, despite the fact Mrs Quainoo had not been informed of the amendments, granting the application for the proposed amendments would not cause unfairness and/or prejudice to her. The panel was satisfied that Mrs Quainoo was aware of the relevant application form to which the allegation related, and that her position would not be prejudiced or even affected by the proposed amendment. The panel concluded that the amendment was a correction to an administrative inaccuracy.

Accordingly, the panel granted the application and considered the amended allegation, which is set out above.

Summary of evidence

Documents

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

- Section 1: Chronology and list of key people – pages 4 to 5
- Section 2: Notice of hearing and response – pages 6 to 13

- Section 3: TRA witness statements – pages 14 to 19
- Section 4: TRA documents – pages 20 to 117
- Section 5: Teacher documents – pages 118 to 267.

In addition, the panel agreed to accept the following:

- 12-page bundle relating to an application to proceed in Mrs Quainoo’s absence.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional documents that the panel decided to admit.

Witnesses

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

- Witness A – [REDACTED]

Chronology

On 26 July 2004, Mrs Quainoo moved to the United Kingdom from Ghana.

On 18 December 2007, Mrs Quainoo was convicted of “Assist Unlawful Immigration into an EU Member State” contrary to s25(1) Immigration Act 1971 and on 11 July 2008, she was sentenced.

On 15 May 2019, Mrs Quainoo was interviewed for a position as a class teacher at Cherry Lane Primary School (‘the School’).

On 19 May 2019, Mrs Quainoo declared that she had a conviction regarding an immigration offence.

On 8 July 2019, Mrs Quainoo started employment as a class teacher at the School.

On 14 December 2022, the School was informed of news articles stating that Mrs Quainoo had been convicted of a child trafficking offence and a referral was made to Hillingdon LADO.

On 15 December 2022, Mrs Quainoo was suspended pending an investigation.

From 3 January 2023 onwards, the School conducted an internal investigation.

On 19 February 2023, Mrs Quainoo resigned.

On 18 April 2023, the School held a disciplinary inquiry.

On 5 May 2023, a referral was made to the TRA.

Decision and reasons

Findings of fact

The panel made the following findings of fact:

- 1. In or around May 2019, you submitted an application form to Cherry Lane Primary School providing information relating to your conviction that was not correct.**

The panel considered that the key documentary evidence with respect to allegation 1 was Mrs Quainoo's application form dated 7 May 2019 for the position of Key Stage One class teacher, and a written disclosure regarding Mrs Quainoo's conviction in the form of a disclosure statement ("the Disclosure Statement") provided to the School on 19 May 2019.

The panel reviewed the job application form and considered the relevant section, which read as follows:

"Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

Do you have any convictions, cautions, reprimands or final warnings that are not "protected" as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013)?"

The panel read that Mrs Quainoo answered "No" to that question.

The panel reviewed an email thread between Mrs Quainoo and the [REDACTED] Individual B.

On 16 May 2019, Individual B emailed Mrs Quainoo to confirm the content of a telephone conversation which had taken place the previous evening, which was that Mrs Quainoo had been successful in her application for the position of Key Stage One class teacher.

On 19 May 2019, Mrs Quainoo responded to that email enclosing a copy of a previous DBS certificate and the Disclosure Statement. Mrs Quainoo stated: *"I sincerely apologise for not ticking off the 'Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975' section on the application form. It was a complete oversight as a result of rushing to beat the application closing date. This was not the case in my previous application"*.

The panel heard submissions from the presenting officer that the Disclosure Statement should be considered part of the application form as although it was technically a separate document to the form itself, in practice the Disclosure Statement served to

amend the application form and its content was to be taken as a part of the application form itself.

The panel accepted these submissions and resolved to consider the Disclosure Statement as part of the application form going forward.

The panel noted a previous application form completed by Mrs Quainoo in March 2019, for a different job at the School, in which Mrs Quainoo had answered “Yes” to the aforementioned section regarding convictions.

The panel heard oral evidence from Witness A, [REDACTED] stating that she did not believe she or anyone else at the School had had sight of the March 2019 application form as she understood there had not been a sufficient number of applicants for the School to continue with that recruitment exercise. Accordingly, Witness A’s evidence was that she was not aware of Mrs Quainoo’s conviction until the May 2019 application form, and specifically until the Disclosure Statement was sent on 19 May 2019.

The panel considered the Disclosure Statement in which Mrs Quainoo declared she had been convicted for “Assist Unlawful Immigration into an EU Member State” on 11 July 2008. Mrs Quainoo explained, within the Disclosure Statement, that this conviction related to when she “*assisted and came along [to the UK] with a lady I lived with as a family member*”.

The Disclosure Statement continued: “*Two years later, in June 2006, this came to the attention of the authorities and I was arrested. Due to my inability to demonstrate that she [the individual] was a member [of] the family, I was charged with assisting her unlawful entry into the UK on 11th July, for which I pleaded guilty as I completely misunderstood the cultural differences that exist between the two countries. [...] As a result of this, I was given a two-year suspended sentence and required to undertake a ‘Women’s Programme’ for a few months*”.

The panel heard submissions from the presenting officer that Mrs Quainoo’s conviction as described in the Disclosure Statement was not “protected” as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and was therefore disclosable for the purposes of the application form.

Accordingly, the panel concluded that the information Mrs Quainoo provided on the application form when she answered “No” to that question was not correct.

While the panel considered that the provision of that information may indeed have been the result of an oversight or accident, per Mrs Quainoo’s explanation, factually it concluded that it constituted provision of incorrect information, per allegation 1.

The panel then considered the content of the Disclosure Statement and whether it included information which was not correct.

In doing so, it was important for the panel to consider evidence which spoke to the wider circumstances surrounding the conviction, to contextualise the information Mrs Quainoo had provided in the application form (and specifically the Disclosure Statement) and make a determination on the balance of probabilities as to whether the information Mrs Quainoo had provided was correct.

The panel considered the witness statement and oral evidence of Witness A, that [REDACTED] had had cause to discuss Mrs Quainoo's teaching with Witness A. A meeting was held, and at the end of that meeting, [REDACTED] showed Witness A a news article relating to Mrs Quainoo's conviction.

While Witness A could not recall exactly which article [REDACTED] showed her, the panel was shown two news articles in the bundle, one purportedly printed in [REDACTED].

The articles reported some concerning features of the case (although the panel noted that Mrs Quainoo disputed much of the media content):

"It was "clear that the girl's entry was carefully planned" with false birth and baptism certificates being used..."

The judge was reported as *"Dismissing Mrs Quainoo's claim of unstinting love and care for the girl as "inconsistent" with the facts..."* ... He was also quoted as saying to Mrs Quainoo, *"Your exploitation of her was heartless and sustained."*

"The girl fled to [REDACTED] and claimed she had not been allowed to go to school, make friends or socialise."

The panel was shown a summary prepared by the police which confirmed the use of false documentation by Mrs Quainoo as part of the commission of the offence. The police summary further confirmed the individual had presented herself to [REDACTED].

The panel was told similar articles also appeared in [REDACTED].

Witness A's evidence was that, at the time, the Keeping Children Safe in Education guidance did not require that an internet search of candidates was undertaken. The panel accepted Witness A's evidence that the School chose to still employ Mrs Quainoo on the basis of the Disclosure Statement and the DBS check giving them no reason to believe the offence might have been in relation to a child. The panel considered it was regrettable that no further investigation was undertaken by the School to inform the risk assessment at the time in its discharging of its safeguarding duty.

Following the [REDACTED] disclosure, Witness A and the School launched an investigation, which involved contacting the LADO who in turn liaised with the police.

It was clear that Mrs Quainoo had not been charged with a trafficking offence (which the police noted in 2007 was due to the fact that the relevant legislation was not in place at the time), nor had she been charged with any offences relating to ill-treatment of children such as abuse or neglect.

However, the panel noted there had plainly been some confusion around the age of the individual Mrs Quainoo assisted into the country.

The police inquiries (which included a visit to Ghana) at the time of the offence determined that age of the individual was “*inconclusive*”, although the LADO communicated to the School that the police had informed them that the individual had been [REDACTED] when she presented to [REDACTED], and [REDACTED] when she had been brought to the UK.

Mrs Quainoo described the individual in her Disclosure Statement as a “*lady*”. Witness A’s evidence was that, during the School’s investigation she asked Mrs Quainoo for the age of the individual and she responded, referring to the confusion over the age, that the individual may have been [REDACTED]. However, Mrs Quainoo was adamant in her conclusion that the individual was not a child, even when Witness A explained that [REDACTED] would have made her a child.

While it was not relevant to the panel’s deliberations to determine the age of the individual, the panel considered the existence of any question around the age of the individual may have been relevant when determining if the information Mrs Quainoo provided on her application form was correct in terms of the level of detail and context it provided in relation to her conviction.

As part of the TRA’s investigation and preparation for this case, it obtained a summary from the police, which stated that the individual had presented herself to [REDACTED] in May 2006.

The panel noted the police summary which explained that Mrs Quainoo, [REDACTED], had later attended [REDACTED] and admitted the individual had travelled to the UK with them using a “*genuine passport that had been fraudulently obtained*”.

During a police search of Mrs Quainoo’s property a birth certificate, stating that Mrs Quainoo [REDACTED], was obtained. Mrs Quainoo has never stated that the individual was [REDACTED] and accepted in the documents she submitted to the TRA that fraudulent documents had been used during the commission of the crime. Mrs Quainoo stated it had been “*wrong for [REDACTED] to represent as [the individual’s] [REDACTED] on her birth certificate*”.

The panel took this as conclusive evidence of the existence of fraudulent documents which Mrs Quainoo had been aware of.

Evidence in the bundle showed that the individual had been placed [REDACTED] after her presentation at [REDACTED].

The panel recognised that Mrs Quainoo had not been provided with any specific guidance or support in terms of the level of detail she should have supplied on the Disclosure Statement in order to allow the School to properly investigate.

However, the panel felt that there were a number of essential pieces of information which Mrs Quainoo did not include on the Disclosure Statement, which meant that it was rendered incomplete. The panel concluded, on the balance of probabilities, that the degree to which the Disclosure Statement was incomplete meant that the information Mrs Quainoo provided – when taken as a whole – was not correct.

Key examples which the panel considered Mrs Quainoo should have included as information on the Disclosure Statement in order for the information as a whole to have been correct were: the involvement of [REDACTED]; the use of fraudulent documentation as part of the crime; and, the existence of the news articles (albeit that the panel accepted the news articles did not necessarily present an entirely accurate depiction of the circumstances).

The panel concluded that while Mrs Quainoo had ultimately disclosed the conviction to correct the original record which stated she had no convictions, the Disclosure Statement did not provide sufficient detail to satisfy the purpose of the exercise overall.

The panel considered that Mrs Quainoo's statement on the Disclosure Statement that the reason for the criminal charge was due to her "*inability to demonstrate [the individual] was a member of the family*" was a selective statement, and not an accurate presentation of the circumstances of the offence.

While the panel appreciated there would be a natural reluctance to disclose all details, and that Mrs Quainoo was not instructed or assisted by the School at the time, in that they did not specifically ask questions or provide guidance to ensure the full context of the conviction was revealed, it concluded that the information Mrs Quainoo did provide fell far short of what would have been required to constitute a proper, full disclosure and thus it rendered the information, as a whole, incorrect.

The panel concluded that it was a reasonable expectation that Mrs Quainoo would have provided more information than she did, and that her account in the Disclosure Statement was not satisfactory in light of the seriousness of the offence, the surrounding context, and the fact she was applying for a role in an education setting. Mrs Quainoo did not meet that expectation.

Accordingly, the panel concluded that Mrs Quainoo's failure to provide a candid and proper account of her conviction in her Disclosure Statement was so significant that it rendered the information incorrect.

The panel therefore found that, factually, the information provided in the Disclosure Statement was not correct.

Accordingly, when taking into account the initial negative response to the conviction question on the application form, and the unsatisfactory account provided in the Disclosure Statement, the panel determined that the information provided by Mrs Quainoo was not correct.

The panel found allegation 1 proven.

2. Your conduct at paragraph 1:

a. was dishonest;

The panel considered whether Mrs Quainoo had acted dishonestly in relation to the proven facts of allegation 1. In reaching its decision on this, the panel considered the cases of *Ivey v Genting Casinos (UK) Ltd t/a Crockford* and *Wingate & Anor v The Solicitors Regulation Authority*.

The panel first considered Mrs Quainoo answering “No” to the question regarding convictions, and whether this constituted a dishonest act.

The panel noted Mrs Quainoo’s explanation that the response had been “*an oversight*” as she was rushing to complete the application, and further noted the timestamp on the application which showed she had submitted it at 10.25pm at night. The panel also noted the consistency in the content of the May 2019 application and the March 2019 application and considered that she could have copied and pasted large amounts of information from the March application into the May application as she was rushing to get the application submitted on time.

The panel also noted – significantly – that Mrs Quainoo had answered “Yes” to the conviction question on the March 2019 application. The panel therefore concluded that it was feasible the “No” answer on the May 2019 application could have been an oversight.

The panel did not consider it had been presented with evidence to demonstrate Mrs Quainoo had actively lied, nor had it been presented with sufficient evidence to conclude on the balance of probabilities that Mrs Quainoo had behaved dishonestly when she answered “No” to that question in May 2019.

With respect to the Disclosure Statement, the panel did not consider Mrs Quainoo had actively lied, nor could it conclude that it had been presented with sufficient evidence to conclude on the balance of probabilities that Mrs Quainoo had been behaving dishonestly in providing the incorrect information.

Given the panel’s findings, it did not conclude on the balance of probabilities that her conduct, as found proven at allegation 1, had been dishonest.

The panel therefore found the facts of allegation 2(a) not proven.

b. lacked integrity.

The panel considered whether Mrs Quainoo had failed to act with integrity. In particular, the panel considered the case of *Wingate & Anor v The Solicitors Regulation Authority*.

The panel noted that there is no expectation on teachers that they must be paragons of virtue. However, the panel noted that “integrity” is a useful shorthand to express the higher standards which society expects from professional persons and which the professions expect of their own members.

The panel considered that Mrs Quainoo had failed to act within those higher standards expected of a teacher in that she was plainly on notice that she needed to provide the School with further and full information about her conviction and she failed to act on this appropriately. This was apparent in her email to Individual B in which she apologised for having not disclosed the conviction on the initial application form, calling it an “oversight”. Mrs Quainoo clearly understood that she needed to correct the record and disclose the conviction, as well as provide contextual background to that conviction. She would therefore have been aware of the importance of correcting her initial mistake and being candid with the School when she corrected that mistake.

The panel concluded that Mrs Quainoo must have been aware of the purpose of the exercise of disclosing convictions and providing contextual information about those convictions, particularly in an education setting. It is clear that the function of such an exercise is a necessary part of a school’s obligations in discharging its safeguarding duties and assessing the suitability of candidates to work in an education setting. The panel was also aware that Mrs Quainoo would have completed safeguarding training as part of her PGCE, and likely had a history of safeguarding training due to her previous roles as a teaching assistant. In providing the Disclosure Statement, Mrs Quainoo recognised that the School would want and need to know further detail about the conviction.

The panel concluded that the details Mrs Quainoo provided in the Disclosure Statement did not offer a proper, full and accurate account of the information the School would have wanted to possess when deciding to recruit her. In fact, Witness A was clear in her evidence that, had she known about the wider context and the circumstances around the conviction, she would not have employed Mrs Quainoo.

The panel considered Mrs Quainoo’s failure to provide key information such as the role of fraudulent documents in her crime, the involvement of [REDACTED] Mrs Quainoo unlawfully assisted into the country (the omission of which the panel had previously found amounted to providing incorrect information), as well as her omission to disclose the existence of the newspaper articles relating to her conviction, showed a lack of integrity.

The panel considered all of this to be relevant information about which she should have informed the School.

The failure of Mrs Quainoo to recognise the seriousness of the circumstances and, further, the reputational risk to the School, which she did acknowledge as a “*genuine concern*” in her statement to the TRA, and the wider teaching profession showed a lack of integrity.

The information was relevant to the School, and would be relevant at any school, because teachers are placed in a position of trust and hold a heightened position within society and the community in this regard.

The panel found that Mrs Quainoo had not acted with integrity when she provided information that was not correct on her application form in May 2019.

The panel therefore found the facts of allegation 2(b) proven.

3. You have been convicted of a relevant offence, namely:

On or around 18 December 2007, you were convicted of Assist Unlawful Immigration into EU Member State on 26 July 2004, contrary to Immigration Act 1971 s25(1).

The panel noted page 8 of the Teacher misconduct: The prohibition of teachers (‘the Advice’) which states that where there has been a conviction at any time, of a criminal offence, the panel will accept the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction, unless exceptional circumstances apply.

The panel heard submissions from the presenting officer regarding one of the documents in the bundle. While the presenting officer accepted that the document was not titled ‘Certificate of Conviction’ and was in fact titled ‘Record Sheet: Trial”, he submitted it was a clear and unequivocal statement of the conviction and sentence associated with Mrs Quainoo’s offence, signed by an officer of the court.

The document showed that, following Mrs Quainoo entering a guilty plea for “Assisting unlawful immigration into EU Member State”, she received a sentence on 11 July 2008 of 51 weeks’ imprisonment, suspended for 2 years, as well as an order to participate in a Women’s Programme.

The panel dealt with some degree of confusion as to the dates and timeline of the charges, pleas and sentencing, but ultimately deduced Mrs Quainoo had been arrested on 7 June 2006, arraigned on 18 December 2007, and entered a guilty plea on 4 April 2008, before being sentenced as outlined above on 11 July 2008.

The presenting officer submitted that the document setting out the above information was akin to, or perhaps even could be an older formatting version of, a certificate of conviction.

The panel considered this document, along with a Police National Computer printout reflecting identical details as set out on the Record Sheet: Trial.

The panel also noted that Mrs Quainoo herself accepted and indeed disclosed to the School on 19 May 2019 that she had been convicted of “Assist Unlawful Immigration into EU Member State”. Mrs Quainoo also accepted in the documents she provided to the TRA as part of its regulatory process that she had been convicted of that offence.

The panel concluded that there was no dispute as to the conviction and was therefore satisfied that Mrs Quainoo had been convicted of that offence on or around the relevant date as set out in allegation 3.

The panel therefore found the facts of allegation 3 proven.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or conviction of a relevant offence

Having found a number of the allegations proven, the panel went on to consider whether the facts of those proven allegations amounted to:

- In respect of allegations 1 and 2(b), unacceptable professional conduct and/or conduct that may bring the profession into disrepute; and
- In respect of allegation 3 only, conviction of a relevant offence.

In doing so, the panel had regard to the Advice.

Allegations 1 and 2(b) – Unacceptable Professional Conduct

The panel was satisfied that the conduct of Mrs Quainoo, in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mrs Quainoo was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.

- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

When assessing if the conduct was of a “*serious nature*” as prescribed by the Advice, the panel found that apparently not checking the application form was an oversight, compounded by the incomplete information provided 10 days later in the Disclosure Statement, which together amounted to misconduct of a serious nature. The panel further found that the lack of integrity demonstrated by this conduct also amounted to misconduct of a serious nature.

The panel concluded that the conduct was “*serious*” and the lack of care and integrity demonstrated fell short of the standard expected of a teacher, and was therefore significant enough to constitute unacceptable professional conduct within the definition given in the Advice.

The panel went on to consider whether Mrs Quainoo’s conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

With respect to allegations 1 and 2(b), the panel did not consider any of the offences to be relevant.

The panel was satisfied that the conduct of Mrs Quainoo amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

Accordingly, the panel found that the facts as proven at allegations 1 and 2(b) amounted to unacceptable professional conduct.

Allegations 1 and 2(b) - Disrepute

The panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils’ lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

The panel found that the conduct displayed would be likely to have a negative impact on the individual’s status as a teacher, potentially damaging the public perception. The panel considered that a teacher’s ability to correctly complete documentation and provide accurate information is a fundamental expectation the public would have of an individual in the education profession.

The panel therefore found that Mrs Quainoo’s actions constituted conduct that may bring the profession into disrepute.

Having found the facts of allegations 1 and 2(b) proven, the panel found the conduct associated with those allegations amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Conviction

The panel made the following finding in respect of allegation 3 only.

The panel considered that it needed to decide on the balance of probabilities whether the offence found proven to have been committed in allegation 3 amounted to a “relevant” offence.

In doing so, the panel noted the Advice which states that an offence can be considered relevant even if it did not involve misconduct in the course of teaching. In this case, Mrs Quainoo’s conviction predated her completion of her PGCE and her move into a permanent teaching position. The panel was aware of the need for it to consider all the facts of the case when making a judgment on the relevance of an offence.

The panel deliberated on the nature and the gravity of the offence. In these circumstances, the panel concluded that the nature and gravity of the offence were both serious.

The panel was satisfied that the conduct of Mrs Quainoo, in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considered that by reference to Part 2, Mrs Quainoo was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school. Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mrs Quainoo’s behaviour in committing the offence could affect public confidence in the teaching profession, particularly given the influence that teachers may have on pupils, parents and others in the community. The panel was particularly compelled by the fact that a [REDACTED] had uncovered Mrs Quainoo’s conviction through a news article and had disclosed this to Witness A. Witness A recalled [REDACTED] “*seemed tearful*” when she showed her the news article. Mrs Quainoo’s conduct leading to the conviction ran counter to what should have been at the very core of her practice as a teacher with a duty of care towards children.

The panel reviewed paragraph 33 of the Advice which indicates it is likely that a conviction for any offence that led to a term of imprisonment, including any suspended sentence, will be considered a “relevant offence”. The panel noted that Mrs Quainoo’s behaviour ultimately led to a sentence of 51 weeks’ imprisonment, (albeit that it was suspended), which was indicative of the seriousness of the offence committed.

The panel considered if Mrs Quainoo's conviction constituted an offence related to or involving fraud or serious dishonesty, which the Advice also states is more likely to be considered a relevant offence.

While the panel did not consider these circumstances to amount to a conviction related to fraud, the panel concluded that the conviction did involve fraudulently obtained documents and a serious level of dishonesty, and that Mrs Quainoo herself accepted that she had behaved dishonestly in her conduct which led to the conviction.

The panel took into account the written evidence that was adduced attesting to Mrs Quainoo's record as a teacher. The panel also took into consideration Mrs Quainoo's written statement where she described the cultural differences between the United Kingdom and Ghana, including relating to the ages of children. The panel considered the influence of Mrs Quainoo's [REDACTED] in that he allegedly supported the suggestion to bring the individual to the United Kingdom. The panel considered that Mrs Quainoo had entered a guilty plea, and that she had ultimately disclosed the existence of the conviction to the School, albeit in an unsatisfactory manner by failing to disclose significant pieces of information.

The panel noted that a significant period of time had elapsed since the offence was committed, and Mrs Quainoo was not a UK-registered teacher at the time. It appeared the nature and seriousness of the conviction had not been fully appreciated before, but the panel noted that the phrasing regarding offences in the Advice was "*conviction, at any time, of a relevant offence*". Therefore, the panel could not use the passage of time as a reason for not regarding the offence as relevant.

Although the panel found that there was no evidence of any serious concerns relating to Mrs Quainoo's teaching proficiency – and, in fact, noted positive comments from Witness A during her oral evidence regarding Mrs Quainoo's involvement in School life – the panel also found that the seriousness of the offending behaviour that led to the conviction was relevant to Mrs Quainoo's ongoing suitability to teach.

The panel concluded that a finding that this conviction was for a relevant offence was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Accordingly, the panel concluded that Mrs Quainoo had committed a relevant offence.

Panel's recommendation to the Secretary of State

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

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

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

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, specifically: the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In the light of the panel's findings, it considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mrs Quainoo was not treated with the utmost seriousness when regulating the conduct of the profession.

Additionally, the panel considered that given its findings related to a lack of integrity when providing information on a job application form and a conviction for an offence which involved assisting unlawful immigration into an EU member state, there was a strong public interest consideration in declaring and upholding proper standards of conduct, as the conduct found was outside that which could reasonably be tolerated.

In view of the clear public interest considerations that were present, the panel considered carefully whether it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mrs Quainoo. The panel was mindful of the need to strike the right balance between the rights of the teacher and the public interest.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mrs Quainoo. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures;
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests.

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

The panel considered if there was any evidence that Mrs Quainoo's actions were not deliberate. The panel concluded that Mrs Quainoo had, at the very least, been deliberately careless in her preparation of the application form. This applied to both the response of "No" to the question relating to conviction, and to the incomplete information provided on the Disclosure Statement.

Further, there was no evidence to suggest that Mrs Quainoo's actions with respect to the conviction were not deliberate.

The panel did not consider there was any evidence that Mrs Quainoo had been acting under extreme duress with respect to any of the conduct found proven.

Outside of the allegations, Mrs Quainoo had a strong history within the education sector, had been a valued colleague, and was well-respected within her community.

The panel considered the multiple character references made in support of Mrs Quainoo. In particular, the panel noted the following:

- **Individual C, [REDACTED]**

- *"She at all times spoke openly, and in my view, honestly, about the situation that led to police involvement. I was so confident that Ms Quainoo was passionate about children and their development that I had no hesitation in offering her the role of volunteer assistant in the school. This role she performed extremely well, with never a hint that her manner or attitude might give rise to worries about her suitability to be with young children."*
- *"I am of the view that she is a talented, conscientious and committed professional in whom I would hold the same degree of trust today that I showed in the early 2000s. At that time my judgement was that she posed absolutely no threat to children and young people, and I have retained that opinion. The effect of the decision taken in relation to Ms Quainoo's work has clearly had a profound and deleterious effect on her health and on the well-being of her children"*

- **Individual D, [REDACTED]**

- *"Right at the start we were aware of what had happened with Ernestina, and she was very open about her past and in no way did she ever try to hide anything about her court case."*

- *“Each time we completed Ernestina's [REDACTED] entered against her that disallowed her to not be able to work with children.”*
 - *“On Ernestina's character I would also like to comment. Ernestina Quainoo is by far one of the most honest and open individuals I personally know. I also know that her love for God would not allow her to be untruthful in any way as she takes her faith very seriously.”*
- **Individual E, [REDACTED]**
 - *“Having known Ernestina for over 20 years I can say it is not in her nature to be dishonest or deceitful following her conviction in 2008. She loves teaching and would not do anything to jeopardize her career as a teacher. I can only assume that a misunderstanding took place, and that Ernestina was not given the benefit of doubt, which is what should have happened. In addition, I would add that Ernestina is an honest woman, say [sic] for the one mistake in her life which led to her conviction in 2008. She loves children and has a passion for teaching children and adults alike.”*

However, the panel concluded there was no evidence which demonstrated exceptionally high standards in both personal and professional conduct or that Mrs Quainoo had contributed significantly to the education sector, as set out in the Advice.

The panel considered the documents provided by Mrs Quainoo, [REDACTED].

The panel also noted the character reference from Individual F, [REDACTED] of Mrs Quainoo, who stated: *“[REDACTED]; Ernestina is not only an exceptional human being, but she is also a person I'm proud to call my friend. She never came across to me as being a risk to children or vulnerable adults.”*

The panel also noted references within the bundle to *“[REDACTED]”* she had been subjected to [REDACTED] and felt this was a factor which could speak to mitigation.

The panel considered that Mrs Quainoo had admitted to the offence, and also that the conviction had taken place a long time ago.

However, the panel also considered in contrast that, while the conviction occurred a long time ago, the provision of incorrect information on the application form which had been found to demonstrate a lack of integrity, had occurred as recently as 2018.

The panel considered that there were some mitigating factors present, which it resolved to bear in mind when making its recommendation with respect to a prohibition order.

The panel recognised that denial of misconduct, as was seemingly present with respect to allegations 1 and 2 – although potentially not 3 – was not an absolute bar to a finding of insight.

The panel further noted that insight is concerned with future risk of repetition. The panel concluded that there was a negligible risk of future repetition of a conviction for immigration offences. It further noted Mrs Quainoo's reflection on the offence as well as the fact that she had undertaken a Women's Programme as part of her sentence which would likely have increased her understanding of the cultural differences between Ghana and the UK and reduced the risk of her committing a similar offence.

However, with respect to allegations 1 and 2(b), the panel was not able to conclude there was a negligible risk of repetition. The panel noted that Mrs Quainoo had not demonstrated insight into how the conduct found proven in allegations 1 and 2(b) had occurred in the first place, nor had she provided an adequate explanation of how she would avoid such conduct occurring in the future. In particular, the panel was unable to determine if Mrs Quainoo would provide full and frank disclosure regarding her offence in future job applications, or if she would recognise that it was an integrity issue if she did not provide such a disclosure.

The panel was clear that it did not necessarily think Mrs Quainoo was incapable of demonstrating insight into the conduct relating to allegations 1 and 2(b), but that she would likely require assistance, support or guidance from an external influence in order to fully process, accept and appreciate why the conduct was unacceptable.

The panel noted that the majority of Mrs Quainoo's evidence in her statement submitted to the TRA appeared to attempt to explain the circumstances around her conviction and focussed on her position that the individual involved was not a child. The panel recognised that this was relevant information with respect to allegation 3, but concluded that there was not sufficient evidence to show insight into allegations 1 and 2(b) which focussed on disclosing further details of the conviction rather than the fact of the conviction itself.

In considering evidence of remorse, the panel accepted that Mrs Quainoo showed remorse for the conviction and accepted that her conduct associated with that conviction was wrong. In her statement to the TRA, she said, "*I deeply regretted and still regret my actions.*"

However, the panel was not able to identify any evidence demonstrating remorse for her provision of incorrect information on her application form or the lack of integrity inherent in that conduct. In fact, the panel noted that Mrs Quainoo did not address the issues around the incorrect information she had provided in the application form and particularly in the Disclosure Statement.

Accordingly, the panel noted that while there was evidence of some degree of insight and remorse from Mrs Quainoo with respect to allegation 3, this did not extend to the other allegations. While the panel found only limited evidence of insight and remorse, it still resolved to consider those findings when determining whether to recommend a prohibition order.

The panel considered whether it would be proportionate to conclude this case with no recommendation of prohibition, and whether the publication of the adverse 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 would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mrs Quainoo of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mrs Quainoo. The seriousness of the offence, the fact that Mrs Quainoo had failed to be candid with the School in her Disclosure Statement in 2018, the absence of any compelling explanation or evidence from Mrs Quainoo as to how she would avoid repetition of allegations 1 and 2(b), and the limited findings with respect to insight and remorse were significant factors 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 it would be appropriate for it to decide to recommend a review period of the order. 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 that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would go against the recommendation of a review period. The panel did not consider any of those behaviours to apply to this case.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. One of those behaviours is "fraud or serious dishonesty", which the panel considered with respect to Mrs Quainoo's conduct. However, the panel felt that the consideration of fraudulent documentation and the serious dishonesty showed by Mrs Quainoo in connection with her conviction had already been appropriately considered at earlier stages of the panel's deliberations and decision-making processes. The panel also recognised that the conviction occurred in 2008 and a significant amount of time had passed since then. Therefore, while the panel

acknowledged that there may have been some evidence of serious dishonesty within the allegations, taking the circumstances of this case as a whole, that evidence did not compel the panel to favour a longer review period.

The panel decided that the 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 review period of two years.

The panel considered that a prohibition order with provisions for a review period of two years would provide Mrs Quainoo with sufficient opportunity to seek advice and support from appropriate organisations and individuals to address how she should properly conduct and re-establish herself within the education sector, and specifically with respect to disclosing the existence of and context surrounding her conviction.

The panel noted that any future application to have a prohibition order set aside would undoubtedly need to include evidence of heightened insight into the allegations found proven during this hearing, and that Mrs Quainoo would need to be able to demonstrate steps taken to negate the risk of repetition in respect of the issues around disclosure of her conviction.

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 and/or a relevant conviction. In this case, the panel has found some of the allegations not proven, including allegation 2 a. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Ms Ernestina Quainoo should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Ms Quainoo is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school.

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

The panel finds that the conduct of Ms Quainoo fell significantly short of the standards expected of the profession.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct or conduct likely to bring the profession into disrepute, or a relevant conviction, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Ms Quainoo, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children/safeguard pupils. The panel has observed, “The panel considered that Mrs Quainoo’s behaviour in committing the offence could affect public confidence in the teaching profession, particularly given the influence that teachers may have on pupils, parents and others in the community. The panel was particularly compelled by the fact that a [REDACTED] had uncovered Mrs Quainoo’s conviction through a news article and had disclosed this to Witness A. Witness A recalled [REDACTED] “*seemed tearful*” when she showed her the news article. Mrs Quainoo’s conduct leading to the conviction ran counter to what should have been at the very core of her practice as a teacher with a duty of care towards children.” A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “with respect to allegations 1 and 2(b), the panel was not able to conclude there was a negligible risk of repetition. The panel noted that Mrs Quainoo had not demonstrated insight into how the conduct found proven in allegations 1 and 2(b) had occurred in the first place, nor had she provided an adequate explanation of how she would avoid such conduct occurring in the future. In particular, the panel was unable to determine if Mrs Quainoo would provide full and frank disclosure regarding her offence in future job applications, or if she would recognise that it was an integrity issue if she did not provide such a disclosure.” In my judgement, the lack of full insight means that there

is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. 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, "The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mrs Quainoo's behaviour in committing the offence could affect public confidence in the teaching profession, particularly given the influence that teachers may have on pupils, parents and others in the community."

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 or conduct likely to bring the profession into disrepute, or a relevant conviction, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Ms Quainoo herself and the panel said that "Outside of the allegations, Mrs Quainoo had a strong history within the education sector, had been a valued colleague, and was well-respected within her community." However I have gone on to note the following "the panel concluded there was no evidence which demonstrated exceptionally high standards in both personal and professional conduct or that Mrs Quainoo had contributed significantly to the education sector, as set out in the Advice."

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

In this case, I have placed considerable weight on the panel's comments concerning the lack of full remorse. The panel has said, "In considering evidence of remorse, the panel accepted that Mrs Quainoo showed remorse for the conviction and accepted that her conduct associated with that conviction was wrong. In her statement to the TRA, she said, "*I deeply regretted and still regret my actions.*" I have also placed considerable weight on the finding of the panel that "the panel was not able to identify any evidence demonstrating remorse for her provision of incorrect information on her application form or the lack of integrity inherent in that conduct. In fact, the panel noted that Mrs Quainoo did not address the issues around the incorrect information she had provided in the application form and particularly in the Disclosure Statement."

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Quainoo 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 insight or remorse, 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 a 2 year review period.

I have considered the panel's comments "The panel considered that a prohibition order with provisions for a review period of two years would provide Mrs Quainoo with sufficient opportunity to seek advice and support from appropriate organisations and individuals to address how she should properly conduct and re-establish herself within the education sector, and specifically with respect to disclosing the existence of and context surrounding her conviction."

I have decided that a 2 year review period is proportionate in this case and to achieve the aim of maintaining public confidence in the profession.

This means that Ms Ernestina Quainoo 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 2 September 2026, 2 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, Ms Quainoo remains prohibited from teaching indefinitely.

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

Ms Quainoo 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: Sarah Buxcey

Date: 28 August 2024

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