



Teaching  
Regulation  
Agency

# **Mr John Spelacy Professional conduct panel meeting outcome**

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

**September 2024**

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

<b>Teacher:</b>	Mr John Spelacy
<b>Teacher ref number:</b>	9738539
<b>Teacher date of birth:</b>	13 May 1966
<b>TRA reference:</b>	22583
<b>Date of determination:</b>	10 September 2024
<b>Former employer:</b>	Fakenham Academy, Fakenham

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 10 September 2024, to consider the case of Mr John Spelacy.

The panel members were Mr Ian McKim (lay panellist – in the chair), Mrs Jane Gotschel (teacher panellist) and Ms Jan Stoddard (lay panellist).

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

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Spelacy that the allegations be considered without a hearing. Mr Spelacy provided a signed statement of agreed facts and admitted unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer, Ms Carolyn Thackstone of Browne Jacobson LLP or Mr Spelacy.

The meeting took place in private and recorded.

## **Allegations**

The panel considered the allegations set out in the notice of meeting dated 1 July 2024.

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

1. During the 2022 to 2023 academic year, in respect of the AS and A-Level English Language and English Literature Non-examined Assessments he;
  - a. caused comments to be placed upon Assessment pupil work which exceeded the level of supervision permitted under guidelines issued by AQA
  - b. caused amendments to be made to assessed pupil work contrary to AQA assessment guidelines
  - c. provided feedback to pupils on assessment work which went beyond the level permitted by the AQA assessment guidelines
2. His conduct as may be found proven at 1 above, was conduct that lacked integrity and/or was dishonest.

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

## **Preliminary applications**

There were no preliminary applications.

## **Summary of evidence**

### **Documents**

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

Section 1: Anonymised pupil list – page 4

Section 2: Notice of referral, response and notice of meeting – pages 6 to 21a

Section 3: Statement of agreed facts and presenting officer representations – pages 22 to 29

Section 4: Teaching Regulation Agency documents – pages 31 to 470

Section 5: Teacher documents – pages 472 to 473

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

## Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Spelacy on 10 April 2024.

## Decision and reasons

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Spelacy for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest.

The panel considered at the outset whether the allegation should be considered at a public hearing at which the parties would be entitled to attend, or a private meeting without the parties present. The panel considered the interests of justice and given that the facts of the allegation have been admitted, that Mr Spelacy requested a meeting and the panel has the benefit of Mr Spelacy's representations, the panel was of the view that justice would be adequately served by considering this matter at a meeting.

The panel carefully considered the public interest. The panel noted that if the case proceeded in a meeting, there would be a public announcement of the panel's decision. The panel also had in mind that if a hearing was convened, there would be a cost to the public purse, which may not be justified if the matter could be determined in a meeting. The panel also had regard to the delay that would be caused by convening a hearing and considered it to be in the public interest to reach a final determination in this matter without further delay. The panel therefore decided to proceed with a meeting, but noted that it could, at any stage of the meeting, reconsider this issue.

From 1 September 2002 to 31 August 2023, Mr Spelacy worked as an English Teacher at Fakenham Academy (the "School") under the Sapientia Trust. Mr Spelacy resigned from the School on 31 August 2023.

## Findings of fact

The findings of fact are as follows:

The panel found the following particulars of the allegations against you proved, for these reasons:

- 1. During the 2022 to 2023 academic year, in respect of the AS and A-Level English Language and English Literature Non-examined Assessments you:**

- a. caused comments to be placed upon Assessment pupil work which exceeded the level of supervision permitted under guidelines issued by AQA**
- b. caused amendments to be made to assessed pupil work contrary to AQA assessment guidelines**
- c. provided feedback to pupils on assessment work which went beyond the level permitted by the AQA assessment guidelines**

In the statement of agreed facts Mr Spelacy admitted these allegations in full. The panel was satisfied that Mr Spelacy's admissions were clear and unequivocal. The panel carefully analysed the evidence before it. It noted that Mr Spelacy's admission was consistent with the surrounding evidence in the bundle which consisted of the above-mentioned documents including examples of direct amendments and comments on pupil work submissions, the account provided by Mr Spelacy when he was interviewed as part of the investigation on 26 April 2023 and 3 May 2023, the AQA assessment guidelines, the School examination policy and code of conduct and the JCQ guidance. The panel found proven that Mr Spelacy had placed comments upon pupil assessments which exceeded the level of supervision permitted under guidelines issued by AQA, made amendments to pupil assessments contrary to AQA assessment guidelines and provided feedback to pupils on assessment work which went beyond the level permitted by the AQA assessment guidelines. The panel further noted that Mr Spelacy's conduct contravened the AQA assessment guidelines and the School and JCQ assessment guidelines.

Accordingly, the panel found the facts of allegation 1 proved.

**2. Your conduct as found proven at 1 above, was conduct that lacked integrity and/or was dishonest.**

The panel noted that Mr Spelacy had admitted both dishonesty and lack of integrity in the statement of agreed facts. The panel noted that Mr Spelacy had stated in his letter dated 18 January 2024 that it would not have occurred to him at the time to see his actions as dishonest. The panel further was satisfied that Mr Spelacy's conduct was dishonest and lacked integrity. In respect of integrity, the panel was satisfied that Mr Spelacy did not act with integrity as he did not adhere to the well-known ethical standards of the teaching profession.

In respect of dishonesty, despite Mr Spelacy's assertion as to it not having occurred to him at the time that his actions were dishonest, the panel was satisfied that Mr Spelacy had knowledge that his actions were contrary to the AQA assessment criteria which had been provided to him on a number of occasions, most recently by email in November 2022. It was considered that the ordinary decent person would know that the conduct was dishonest.

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

Having found the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

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

The panel was satisfied that the conduct of Mr Spelacy, in relation to the facts found proved, involved breaches of the Teachers’ Standards.

The panel considered that, by reference to the Preamble of the Teachers’ Standards, Mr Spelacy was in breach of the requirement to act with honesty and integrity. Mr Spelacy was required to make the education of pupils his first concern, and in impacting the integrity of their assessments, he was not acting in their best interests.

The panel further considered that, by reference to Part 2, Mr Spelacy was in breach of the following standards:

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

The panel was satisfied that the conduct of Mr Spelacy fell significantly short of the standard of behaviour expected of a teacher.

The panel also considered whether Mr Spelacy’s conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. The panel found that none of these offences were relevant.

The panel noted that the Advice is not intended to be exhaustive and there may be other behaviours that panels consider to be “unacceptable professional conduct.” The panel considered that Mr Spelacy’s conduct amounted to serious misconduct as he had been aware of the AQA assessment guidance (and the School and JCQ guidance) and had continued to seek to justify the conduct even after the seriousness of it was discussed with him.

Accordingly, the panel was satisfied that Mr Spelacy was guilty of unacceptable professional conduct.

The panel went on to consider whether Mr Spelacy was guilty of conduct that may bring the profession into disrepute.

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

In considering the issue of disrepute, the panel also considered whether Mr Spelacy's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. The panel found that none of these offences were relevant.

The panel noted that the Advice is not intended to be exhaustive and there may be other behaviours that panels consider to be "conduct that may bring the profession into disrepute". The panel noted that there can only be confidence in an assessment if it reflects the pupils' own levels of attainment, and Mr Spelacy's actions undermined that confidence.

The panel considered that Mr Spelacy's conduct could potentially damage the public's perception of a teacher.

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

Having found the facts of particulars 1(a) to (c) and 2 proved, the panel further found that Mr Spelacy's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

## **Panel's recommendation to the Secretary of State**

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

In considering whether to recommend to the Secretary of State that a prohibition order is appropriate, the panel had to consider the public interest, the seriousness of the behaviour, any mitigation offered by Mr Spelacy and whether a prohibition order is necessary and proportionate. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

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

- the maintenance of public confidence in the profession;



- declaring and upholding proper standards of conduct; and
- the interest of retaining the teacher in the profession.

In the light of the panel's findings against Mr Spelacy, which involved improper assistance having been provided to students, including encouraging pupils to break examination rules and dishonestly changing and commenting upon pupil assessment (conduct which appears to have been repeated for a prolonged period of time), there was a strong public interest consideration in the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

The panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Spelacy were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Spelacy was outside that which could reasonably be tolerated.

Whilst there is limited evidence that Mr Spelacy had ability as an educator and was liked by his students, the panel considered that the adverse public interest considerations above outweighed any interest in retaining Mr Spelacy in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times.

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- 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; and
- 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.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider possible mitigation. Despite limited mitigation having been offered by the teacher, the panel considered whether there were mitigating circumstances. The panel considered that mitigating factors included Mr Spelacy's resignation from his position in August 2023, his admission of fundamental elements of the allegations and that the AQA had only considered it necessary to suspend him from involvement in AQA's examinations until after the 2025 summer examination session.

There was no evidence that Mr Spelacy's conduct was not deliberate. The panel has found Mr Spelacy to have acted dishonestly.

There was no evidence to suggest that Mr Spelacy was acting under extreme duress (e.g. a physical threat or significant intimidation and, in fact, the panel found Mr Spelacy's actions to be calculated and likely exercised over a prolonged period of time).

Mr Spelacy did have a previously good history and the panel noted that Mr Spelacy did not have any adverse regulatory history. There was no evidence that Mr Spelacy had demonstrated exceptionally high standards in both personal and professional conduct or that he had contributed significantly to the education sector.

Mr Spelacy did not adduce any character statements for the panel to consider.

Mr Spelacy produced a two-page letter in which he:

- fully accepted that the assistance he gave to students can be considered excessive;
- admitted the allegations against him and expressed his sincere regret for the difficulties his actions have caused for his former school and students; and
- offered his assurances that there will be no repetition of the events as he would adopt a more rigorous approach in the future.

The panel considered that Mr Spelacy had recognised the severity and impact of this conduct on the parties involved but that he had shown little remorse for his conduct.

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 prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Spelacy. The seriousness of the conduct and his dishonesty, whilst knowing the implications of interfering with pupil assessments, 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 or not 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 of time that may not be less than 2 years.

There was evidence that Mr Spelacy engaged in the regulatory process and, ultimately, made full admissions.

There were limited mitigating circumstances, in his letter Mr Spelacy showed some insight into his actions and the difficulties his actions had caused for his former school and students. Whilst Mr Spelacy expressed regret for consequences of his conduct and the difficulties his actions had caused, he showed little remorse for his conduct. This impacted the panel's view on whether an extended review period is appropriate given the risk of repetition.

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 after three years.

## **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 all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Mr John Spelacy should be the subject of a prohibition order, with a review period of three years.

In particular, the panel has found that Mr Spelacy is in breach of the following standards:

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality; and

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

The panel finds that the conduct of Mr Spelacy fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of contravening assessment guidelines. The panel found this conduct to be lacking in integrity and dishonest.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct likely to bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Spelacy, 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. Whilst the panel did not comment on any concerns regarding the protection of children and safeguarding of pupils, it has observed that Mr Spelacy's conduct had involved encouraging pupils to break examination rules and could undermine confidence in pupils' own levels of attainment. 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 has set out as follows, "Mr Spelacy showed some insight into his actions and the difficulties his actions had caused for his former school and students. Whilst Mr Spelacy expressed regret for consequences of his conduct and the difficulties his actions had caused, he showed little remorse for his conduct." In my judgement, the lack of full insight and remorse means that there is some risk of the repetition of this behaviour. I have therefore given this element considerable weight in reaching my decision.

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

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a

failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

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

I have also considered the impact of a prohibition order on Mr Spelacy himself. The panel has commented:

“Mr Spelacy did have a previously good history and the panel noted that Mr Spelacy did not have any adverse regulatory history. There was no evidence that Mr Spelacy had demonstrated exceptionally high standards in both personal and professional conduct or that he had contributed significantly to the education sector.”

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

In this case, I have placed considerable weight on the panel’s comments concerning the seriousness of Mr Spelacy’s conduct and his dishonesty, despite his knowing the implications of interfering with pupil assessments. I have also placed considerable weight on the panel’s findings about the lack of full insight and remorse. The panel has said:

“The panel considered that Mr Spelacy had recognised the severity and impact of this conduct on the parties involved but that he had shown little remorse for his conduct.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Spelacy 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.

I have gone on to consider the matter of a review period. In this case, the panel has recommended a three-year review period. I have considered whether a three-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession.

I agree with the panel that Mr Spelacy’s misconduct was serious. I have noted the panel’s comments that Mr Spelacy showed little remorse for his conduct and that this “impacted the panel’s view on whether an extended review period is appropriate given the risk of repetition.” However, I have also noted that, in his written submission to the panel, Mr Spelacy “admitted the allegations against him and expressed his sincere regret for the difficulties his actions have caused for his former school and students” and

“offered his assurances that there will be no repetition of the events as he would adopt a more rigorous approach in the future”. Whilst I agree with panel that its findings on the lack of full insight and remorse mean that there is some risk of repetition, in my judgement, a period of two years would be sufficient and proportionate to the misconduct found and to give Mr Spelacy the opportunity to attain and demonstrate full insight and remorse into his conduct.

I have decided therefore that a two-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession.

**This means that Mr John Spelacy is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children’s home in England.** He may apply for the prohibition order to be set aside, but not until 23 September 2026, two years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Spelacy remains prohibited from teaching indefinitely.

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

Mr Spelacy has a right of appeal to the King’s Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'D Oatley', written in a cursive style.

**Decision maker: David Oatley**

**Date: 13 September 2024**

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