



Teaching
Regulation
Agency

Mr Mark Venross: Professional conduct panel 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

Teacher: Mr Mark Venross

TRA reference: 22528

Date of determination: 20 September 2024

Former employer: Continu Plus Academy, Worcestershire

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 18 to 20 September 2024 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr Mark Venross.

The panel members were Ms Susan Humble (lay panellist – in the chair), Mr Robert Dowey (teacher panellist) and Mrs Anila Rai (lay panellist).

The legal adviser to the panel was Ms Abigail Reynolds of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Harry Perkin of Three Raymond Buildings, instructed by Kingsley Napley LLP.

Mr Venross was present and was represented by Mr Andrew Faux of The Reflective Practice, instructed by the Association of School and College Leaders.

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

Allegations

The panel considered the allegations set out in the notice of proceedings dated 5 June 2024.

It was alleged that Mr Venross was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst working as the Deputy Headteacher at the Continu Plus Academy ('the School'):

1. On or around 18 May 2023, he asked Colleague A to print a blank sheet of the "second pair of eyes" examination declaration form and asked him to complete it with incorrect and/or false information;
2. On or around 18 May 2023, he completed an exam board statement and declaration form containing information that he knew to be incorrect and/or false and/or asked Colleague A to provide information to the exam board that he knew to be incorrect and/or false;
3. On or around 22 May 2023, he asked Colleague B to tell Colleague C the incorrect time of discovery of an opened exam paper bundle;
4. On or around 23 May 2023, he provided incorrect and/or knowingly false information to Colleague C relating to who was present when the physical education exam packs were opened, until informed of Colleague A's account.
5. His conduct at paragraphs 1 and/or 2 and/or 3 and/or 4:
 - a) Was dishonest;
 - b) Lacked integrity.

Preliminary applications

There were no preliminary applications.

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 5 to 7
- Section 2: Notice of proceedings and response – pages 8 to 20

- Section 3: TRA witness statements – pages 21 to 39
- Section 4: TRA documents – pages 40 to 596
- Section 5: Teacher documents – pages 597 to 640

The panel also received the following documents in advance of the hearing:

- Further bundle of teacher documents – pages 641 to 643
- Testimonial of Individual C – 1 page

The panel members confirmed that they had read all of the documents in advance of the hearing.

Witnesses

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

- Witness A
- Witness B
- Witness C

The panel heard oral evidence from Mr Venross and Witness D, called on behalf of Mr Venross.

Decision and reasons

The panel announced its decision and reasons as follows:

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

On 1 September 2015, Mr Venross commenced employment at the ContinU Plus Academy ('the School') as Assistant Headteacher. Mr Venross was promoted to Deputy Headteacher on or around 15 November 2019.

On 17 May 2023, an issue arose whereby exam papers for a physical education examination ('the PE Exam') were timetabled and subsequently distributed to be sat as a morning exam. The PE Exam was in fact timetabled to be held in the afternoon of 17 May 2023.

On 18 May 2023, Mr Venross is alleged to have asked a colleague to complete paperwork relating to the issues with the PE Exam with incorrect or false information.

Further, Mr Venross is alleged to have completed an exam board statement and declaration form containing information which he knew to be incorrect and/or false.

On 22 May 2023, an open pack of history papers was found by Mr Venross and Witness B (referred to as Colleague B in the allegations). Mr Venross allegedly asked Witness B to tell Witness C (referred to as Colleague C in the allegations) that the open pack of papers was found at a time later than the correct time of discovery.

Mr Venross was suspended from the School on 5 June 2023.

The matter was referred to the TRA on 25 September 2023.

Findings of fact

The findings of fact are as follows:

1. On or around 18 May 2023, you asked Colleague A to print a blank sheet of the “second pair of eyes” examination declaration form and asked him to complete it with incorrect and/or false information;

The panel noted that, at the outset of the hearing, Mr Venross admitted allegation 1. Notwithstanding this, the panel considered the evidence presented to it and reached its decision.

The panel considered the written and oral evidence of Witness A (referred to as Colleague A in the allegations). Witness A evidence was that, on 17 May 2023, he came into work at around 8.00am to prepare for a morning exam, which the panel understood to be the PE Exam. Witness A stated that the exam papers had already been distributed in the exam room for the morning session by Mr Venross.

Witness A stated that, after the exam papers were distributed, he and Mr Venross became aware that the exam paper distributed in the morning was in fact for an exam which was to be held in the afternoon. Once this was discovered, they took the papers back and put them into storage in a secure room.

The panel understood that the PE Exam took place in the afternoon and a verbal report was made to the examining body.

Witness A evidence was that, on 18 May 2023, Mr Venross informed him that the exam board was investigating the matter. Witness A stated that Mr Venross then asked him to print off a new “second pair of eyes” form and copy the information from the original form to the new form. Witness A evidence was that this form should be completed at the time the exam papers are opened and should be witnessed and signed by two people.

In his oral evidence, Witness A confirmed that he had signed the original form indicating that both he and Mr Venross had been present when the exam papers in question were

opened when this was not the case. It was Witness A evidence that he was not present when Mr Venross opened the exam paper pack.

Witness A confirmed that Mr Venross took a photograph of the original form and that this was used to copy the information from the original form to the new form. Witness A did not know what had happened to the new form.

The panel considered the written and oral evidence of Mr Venross. Mr Venross confirmed that the exam paper which was distributed on the morning of 17 May 2023 was in fact for an afternoon exam. Mr Venross stated that, once he became aware of this issue, he immediately informed Witness C, the [REDACTED] of the School, of the error. Mr Venross stated that the pupils due to sit the exam were kept under supervision and subsequently sat the exam at the correct time on the afternoon of 17 May 2023.

In respect of the “second pair of eyes” form, Mr Venross stated that the process is that the form is completed on the day of the exam. Mr Venross’ evidence was that he initially opened the papers at 8.30am on 17 May 2023, and that this was what he wrote on the original form. Mr Venross stated that, once he realised that an error had been made, and after the exam had been sat in the afternoon, he crossed out “8.30” and wrote “12.50”. The panel understood that the reference to 12.50 was a reference to the second time that the question paper pack was opened to facilitate the afternoon exam.

Mr Venross stated that he then realised that the form should state that the papers had been opened at 8.30, so he wrote that time back on the original form, above his original crossing out.

Mr Venross admitted that he had asked Witness A to print a new form and that he had directed Witness A to copy out all entries on the new form, down to the entry on 17 May 2023. In his oral evidence, Mr Venross confirmed that this also involved Witness A being asked to copy the signatures of other staff members who had signed the original form on other dates. Mr Venross stated that he then wrote in two entries for the exam, clearly showing that the paper was opened twice, both at 8.30 and 12.50. However, it was Mr Venross’ evidence that, almost immediately afterwards, he realised that the re-writing of the form was unnecessary and could be viewed as fraudulent. Mr Venross stated that he took the new form home and destroyed it, and that the new form was never submitted to the relevant exam board.

Mr Venross admitted that they both signed the original form to confirm that they were present at the opening of the pack of papers, but that this was not correct.

Mr Venross stated that he had now read the declaration on the form and understood that the expectation was that the question paper pack would be opened when two people were present together. Mr Venross stated that it was not his intention to mislead anyone, and that he thought he was simply recording the fact that the question paper pack had

been opened. However, Mr Venross accepted that, as Deputy Headteacher, he should have read the form more carefully and been more familiar with the relevant guidance.

The panel was provided with a copy of the original form. The panel noted that the form expressly stated that *“Two individuals **must** check the day, date, time, subject, unit/component and tier of entry, if appropriate, **immediately** before a question paper packet is opened”*.

The original form contained an entry relating to the exam on 17 May 2023. The original form provided two entries in the “time” column, both 8.30 and 12.50. The original form also contained the signatures of both Witness A and Mr Venross.

The panel considered the evidence available to it and found that Mr Venross had asked Witness A to print off a second, blank “second pair of eyes” form. Mr Venross subsequently asked Witness A to copy the information from the original “second pair of eyes” form to the new, blank form. The original “second pair of eyes” form contained information that was both incorrect and false, namely the signatures of both Mr Venross and Witness A confirming that they were both present to open the question paper packet. The evidence presented showed that, in fact, Mr Venross and Witness A were not both present when the question paper packet was opened. The panel further noted that, notwithstanding Mr Venross’ argument that he was not aware of the requirement for two people to be present when the question paper pack was opened, Witness A had also been asked to copy signatures of other staff members. This in itself amounted to a request to complete the form with incorrect and/or false information.

In any event, the panel considered that, on the balance of probabilities, it was more likely than not that Mr Venross was aware of the protocol for the “second pair of eyes” form. Mr Venross was an experienced senior teacher, and the form was clear in respect of the expectations. By asking Witness A to copy this information to a new form, Mr Venross had asked him to complete the new form with the same incorrect and false information as was contained within the original form.

The panel found allegation 1 proven.

2. On or around 18 May 2023, you completed an exam board statement and declaration form containing information that you knew to be incorrect and/or false and/or asked Colleague A to provide information to the exam board that you knew to be incorrect and/or false;

At the outset of the hearing, Mr Venross admitted that he completed an exam board statement and declaration form containing information that he knew to be incorrect and/or false but denied asking Witness A to provide information to the exam board.

The panel first considered the allegation relating to Mr Venross' completion of his own exam board statement and declaration form. The panel was provided with a copy of this document.

The panel noted that the second box at page 1 of the document required Mr Venross to *"provide details of when and where the question papers/assessment related materials were opened (include date and time)? Were the papers removed from the room in which they were opened?"*. Mr Venross wrote *"The assessment materials were first opened at 8.30am on Wednesday 17th May 2023 in the secure room by Mark Venross, Deputy Headteacher (Exams). The papers were not removed from the room."*

The form then went on to request, in the third box on page 1, that the writer *"Please provide details of who (include their role within the school) was present when the papers/assessment related materials were opened?"*. Mr Venross wrote *"Mark Venross, Deputy Headteacher and Witness A [REDACTED]"*.

The panel further considered the evidence of Mr Venross who stated that, when he completed this document, he had not set out to mislead anyone. Mr Venross stated that he wrote Witness A name next to his own as he believed that Witness A had been involved with accessing the papers online, with a view to printing the papers on pink paper. The panel understood that papers were to be printed on pink paper for a candidate requiring special consideration. The panel noted from Witness A oral evidence that he had informed Mr Venross he had accessed the exam paper online to print onto pink paper when he had not in fact done so.

Mr Venross accepted that, having considered this form further, he gave the impression that Witness A was in the room with him at 8.30am when he opened the paper pack. Mr Venross' evidence was that he wished he had provided more detail.

Mr Venross stated that, at the time he completed the form, he believed that Witness A had accessed the exam papers online. It was Mr Venross' position that he considered that the word *"opened"*, as set out in the third box, encompassed accessing the exam paper online. To that end, Mr Venross submitted that the information he had provided within the third box was, to the best of his knowledge at the time the form was completed, correct.

The panel accepted that, at the time Mr Venross completed this form, he believed that Witness A had accessed the exam paper online in order to copy this to pink paper. However, the panel did not accept that Mr Venross had genuinely believed that the word *"opened"* encompassed Witness A accessing the paper in this manner. The panel considered that the form was very clear in setting out the information it required, and that this related to the physical opening of the question paper pack. The panel considered that it was more likely than not, given Mr Venross' experience and training, that Mr Venross was aware that this was the case. The panel considered that Mr Venross completed the form in a way which would indicate to any reasonable person that Witness A was also physically present when the question paper pack was first opened, when this was untrue. In stating that both he and Witness A were present, Mr Venross had provided false information. The panel considered therefore that the form contained information that Mr Venross knew to be incorrect and/or false.

The panel then considered the latter part of allegation 2, namely that Mr Venross had asked Witness A to provide information to the exam board that he knew to be incorrect and/or false.

In his oral evidence, Witness A confirmed that he had completed his own exam board statement and declaration form which contained false information. Witness A confirmed that it was his responsibility to prepare and submit his form, which he completed alone in his office. Therefore, in respect of this element of allegation 2, the panel did not consider that there was any evidence presented that Mr Venross had in fact asked Witness A to provide incorrect or false information to the exam board.

However, given the panel's finding in respect of the information that was provided by Mr Venross within his own form, the panel found allegation 2 proven.

3. On or around 22 May 2023, you asked Colleague B to tell Colleague C the incorrect time of discovery of an opened exam paper bundle;

The panel noted that, at the outset of the hearing, Mr Venross admitted allegation 3. Notwithstanding this, the panel considered the evidence presented to it and reached its decision.

The panel considered the written and oral evidence of Witness B, then [REDACTED]. Witness B stated that, in May 2023, she became aware of an issue with a PE exam paper being opened at the wrong time. Witness B stated that she was asked by Witness C to assist with exam preparation and handling to "quality assure" the process. It was Witness B evidence that her quality assurance role began on 22 May 2023.

Witness B stated that, on 22 May 2023, exam papers were delivered and she and Mr Venross put the delivered papers into a cabinet, arranging the papers in date order, with the first exam at the front of the cabinet. Witness B stated that, as they were ordering the papers, they discovered that a pack of history papers was open. Witness B stated that they checked the pack and confirmed that the correct number of papers were present. It was Witness B evidence that this occurred at around 1pm.

Witness B stated that she and Mr Venross continued with the paperwork and discovered that four pupils had incorrect candidate numbers which were submitted to the exam board. Witness B understood that Mr Venross contacted Witness C, who was not on site at the School, at around 5pm, but that Mr Venross only informed Witness C of the incorrect candidate numbers, and not the opened exam papers.

Witness B evidence was that, later that evening, at around 6pm, Mr Venross telephoned her to say that he was going to contact Witness C to inform her of the open pack of exam papers. Witness B stated that, during this telephone call, Mr Venross asked her to say that the open pack of exam papers had been found later than the time that they were in fact discovered.

Witness B stated that, shortly after her call with Mr Venross, Witness C telephoned her. Witness B evidence was that she immediately informed Witness C that the open pack of exam papers had been found earlier than Mr Venross had said.

The panel further considered the evidence of Mr Venross. Mr Venross stated that, on 22 May 2023 and during an audit of the examinations process, he and Witness B discovered a pack of history papers that were torn at one end. Mr Venross stated that he and Witness B spent the remainder of the day working on other exam-related matters. Mr Venross' evidence was that, in the afternoon, he contacted Witness C by telephone to update her on the progress made by himself and Witness B. However, Mr Venross stated that neither he nor Witness B thought about the opened exam packet at this time as they had been *"so absorbed in the rest of the audit"*.

Mr Venross stated that, on his return home that evening, he thought about the open exam packet and subsequently telephoned Witness B to discuss what he should say to Witness C about the issue. Mr Venross stated that he was anxious to protect Witness C from any criticism of [REDACTED] School for not reporting the discovery to the exam board that day and that he was anxious not to be on the receiving end of Witness C anger for not telling her earlier on. Mr Venross accepted that he suggested to Witness B that it would be better if they said that they had found the open packet at the end of the day, after Witness C had left the School. In his oral evidence, Mr Venross accepted that he had put Witness B in an *"awful position"*.

In light of the evidence of both Witness B and Mr Venross, which was unequivocal, the panel found allegation 3 proven.

4. On or around 23 May 2023, you provided incorrect and/or knowingly false information to Colleague C relating to who was present when the physical education exam packs were opened, until informed of Colleague A's account.

The panel considered the written and oral evidence of Witness C. In respect of the "second pair of eyes" form which is the subject of allegation 1, Witness C referred to Mr Venross' "statement" dated 23 May 2023. Witness C evidence was that, in this "statement", Mr Venross stated that he took Witness A into the exam room and created exam packs. Witness C stated that, when challenged, Mr Venross changed his statement to say that he had opened the papers and put them into packs before Witness A arrived in the room. In her oral evidence, Witness C confirmed that she had prepared Mr Venross' "statement", and that this was in fact a typed version of her handwritten notes. Witness C confirmed that she did not show Mr Venross this note as this was *"purely a record of a conversation"*.

The panel was provided with a copy of the note which Witness C referred to as a "statement" and considered the following extract:

SD – Talk through PE exam

MV – Went in with LC took the exams and created the packs

SD – Stated LC response to the question that they were already in the packs when he arrived. Were the 2 sets of eyes rule followed?

MV – I did put them in the packs before LC arrived

In her evidence, Witness C confirmed that she considered that Mr Venross had changed his “*story*” as he had initially stated that he took Witness A into the exam room and created exam packs. It was Witness C evidence that, when challenged with Witness A account, Mr Venross “*changed his statement to say that he had opened the papers and put them into packs before Witness A arrived in the room...*”.

The panel further considered the evidence of Mr Venross, who stated that he could recall a conversation with Witness C about history papers but did not remember being asked about the PE exam. Mr Venross stated that, had he been asked about the PE Exam, he would have repeated what he had said in an earlier statement, namely that he had opened the papers without Witness A being present.

The panel first considered whether, on balance, it was more likely than not that Witness A had discussed the PE Exam with Mr Venross on or around the date that the note of the conversation was made. The panel noted that, during his oral evidence, Mr Venross acknowledged that, whilst he could not recall the conversation regarding the PE Exam, other parts of the note, namely the record relating to a discussion regarding the history papers, were accurate. The panel considered it was more likely than not, given that it was acknowledged that the part of the note relating to the history papers was correct, the discussion regarding the PE Exam took place.

The panel then went on to consider whether the note, in particular, demonstrated that Mr Venross had provided incorrect and/or knowingly false information to Witness C relating to who was present when the PE Exam packs were opened, until informed of Witness A account. The panel considered that the note, which lacked detail and had not been presented to Mr Venross at any time prior to these proceedings to verify its accuracy, did not clearly set out the information which was allegedly given to Witness C by Mr Venross. This was particularly relevant given that it was undisputed that, at least in respect of the afternoon exam, Mr Venross and Witness A had in fact prepared question paper packs together. If Mr Venross had been referring to the afternoon exam when saying “*Went in with LC took the exams and created the packs*”, the information would have been neither incorrect nor false.

The panel therefore considered that there was insufficient evidence to prove that, on the balance of probabilities, Mr Venross had provided incorrect and/or knowingly false

information to Witness C in respect of who was present when the PE Exam packs were opened. The panel therefore found allegation 4 not proven.

5. Your conduct at paragraphs 1 and/or 2 and/or 3 and/or 4:

a) Was dishonest;

b) Lacked integrity.

The panel further considered the evidence of Mr Venross who stated that he did not seek to conceal that he had opened the exam pack without Witness A being present. Mr Venross recognised that he did not pay sufficient attention to what he was signing for when completing the “second pair of eyes” form or when completing paperwork for the exam board and that he should have provided more detail and been more accurate. Mr Venross stated that, in respect of allegation 3, he did seek his colleague’s agreement in relation to what time they would be saying that they had discovered the open pack of history papers, but that he made no conscious effort to coerce her. In his oral evidence, however, Mr Venross did admit that his actions in respect of allegation 3 were dishonest and lacked integrity.

The panel considered whether Mr Venross had acted dishonestly in relation to the proven facts of allegations 1, 2 and 3. In reaching its decision on this, the panel considered the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockford*.

The panel first sought to ascertain the actual state of Mr Venross’ knowledge or belief as to the facts.

The panel found that Mr Venross had deliberately and knowingly asked Witness A to complete the new “second pair of eyes” form with false information, although the panel accepted that Mr Venross’ primary reason for completing a new form was to “tidy up” the original form and to make clear that the PE Exam papers had been opened twice. The panel also noted that Mr Venross almost immediately understood the issue with his actions and the new form was destroyed and thus not ultimately used.

The panel also found that Mr Venross had knowingly completed an exam board statement and declaration form containing false information and that Mr Venross had asked Witness B to relay incorrect information to Witness C in respect of the time of discovery of the open exam paper.

The panel considered that, given Mr Venross’ experience as a Deputy Headteacher and in supporting the examination process, there could be no doubt that he knew his actions were dishonest.

The panel then went on to consider whether Mr Venross’ conduct was dishonest by the standards of ordinary decent people. The panel found that the actions of Mr Venross

were objectively dishonest. The panel considered that any reasonable person would consider that knowingly providing false information and encouraging a colleague to provide false information in relation to the discovery of open exam papers would undoubtedly be dishonest according to the standards of ordinary decent people.

The panel then considered whether Mr Venross 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 Mr Venross had failed to act within those higher standards expected of a teacher in that he both provided and encouraged others to provide inaccurate information in respect of examinations. The panel felt that Mr Venross was aware of the importance of the procedures surrounding exam conduct being taken seriously and should have been proactive and honest with both the School, the headteacher and the exam board when the relevant events occurred.

The panel concluded that Mr Venross must have been aware of the importance of the “second pair of eyes” form and the statement and declaration forms, particularly due to his experience in the education setting.

The panel concluded that Mr Venross’ actions in these circumstances showed a lack of integrity and dishonesty.

The panel found allegation 5 proven.

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

Having found a number of 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 Venross, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Venross 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
- 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 Venross amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Venross' conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

On the basis that the panel had found that Mr Venross' conduct was dishonest, it considered whether the offence of fraud or serious dishonesty was relevant. The panel considered that any conduct which is dishonest in nature would undoubtedly be considered to be serious. However, it did not consider that Mr Venross' conduct was sufficiently serious so as to amount to fraud or serious dishonesty.

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

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

The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

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

Having found the facts of allegations 1, 2 and 3 proved, the panel further found that Mr Venross' conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

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

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

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

- the maintenance of public confidence in the profession;
- declaring and upholding proper standards of conduct; and
- that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In the light of the panel's findings against Mr Venross, which involved conduct which the panel found to be dishonest, there was a strong public interest consideration in declaring and upholding the proper standards of conduct.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Venross was 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 Venross was outside that which could reasonably be tolerated.

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Venross. 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 Mr Venross. 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;
- 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

- collusion or concealment including:
 - encouraging others to break rules; and
 - lying to prevent the identification of wrongdoing.

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 the evidence of Mr Venross in which he set out that, in May 2023, there were approximately 42 pupils in Year 11. Mr Venross stated that running exams in the School was not easy and that he had made suggestions to try and make sure that they had all resources available to run exams effectively. However, Witness C, [REDACTED], did not agree to any of his requests.

Mr Venross' evidence was that, at a staff briefing on 16 May 2023, after the science exam, which the panel understood to consist of the largest exam cohort in the School's history, Witness C shared a list of approximately 30 criticisms regarding the exam process. Mr Venross stated that he took this personally and was humiliated and distressed by it. The panel noted that this was supported by the evidence of Witness A, who acknowledged that, during that staff meeting, Witness C was angry. Witness A described Witness C as challenging and strict, with Witness B describing Witness C as "*passionate*".

Witness A further confirmed Mr Venross' evidence that, on or around 18 May 2023, Witness C, by "*shouting*" at him, had caused him to have a stress nosebleed.

Whilst the panel acknowledged that, at the material times, Mr Venross' working environment was challenging, the panel did not consider that Mr Venross was acting under extreme duress.

Mr Venross' evidence was that, whilst he was, by his actions, attempting to protect himself, he was also trying to protect his junior colleagues, and also Witness C. The panel accepted Mr Venross' evidence in that regard.

There was no evidence that Mr Venross' actions were not deliberate.

However, the panel noted that Mr Venross had a previous good history and to that end the panel accepted that his actions were not consistent with his overall character.

Whilst there was no evidence that Mr Venross demonstrated exceptionally high standards in both personal and professional conduct and had contributed significantly to

the education sector, the panel did hear evidence, as set out below, that Mr Venross was a good teacher who had a clear history of improving schools at which he worked and making a difference to pupils' lives.

The panel considered the oral evidence of Witness B, called on behalf of the TRA, who confirmed that she had *“a lot of respect”* for Mr Venross. Witness B confirmed that, when she worked with Mr Venross, she saw the School get better at helping pupils to attain qualifications.

The panel considered the written and oral evidence of Witness D, [REDACTED] Witness D, stated that she had known Mr Venross for several years due to his former role as [REDACTED] of the School. Witness D stated that she became aware from a supply agency that Mr Venross was no longer employed by the School. Witness D considered that Mr Venross was a person of *“excellent reputation”* and recruited Mr Venross via a supply agency.

Witness D confirmed that, prior to recruiting Mr Venross, Mr Venross provided her with copies of documents relating to these proceedings. Witness D stated that he was honest about the allegations and that, because of his openness, she had no concerns about Mr Venross and she was confident in his ability to *“support [their] most vulnerable students”*.

In her oral evidence, Witness D described the positive impact Mr Venross had on her School, supporting the School's most vulnerable pupils to remain in mainstream education. Witness D confirmed that she would not hesitate to employ Mr Venross permanently should the outcome of these proceedings be favourable.

Witness D stated that, should Mr Venross be prohibited from teaching, it would *“be a real loss to the teaching profession”*.

The panel also considered character references provided on behalf of Mr Venross and noted the following comments in particular:

- *“He forms positive relationships with staff and students. He has always supported pupils I have taken to him with compassion and care.”*
- *“If Mark were to be prohibited from teaching, it would, in my experience and knowledge of working with Mark result in the loss of a member of staff capable of forming positive working relationships with pupils who often struggle to engage in school”.*

Individual A

- *“I worked closely with Mark in my capacity as Exams Officer. I have always found Mark to be a very supportive member of the Senior Leadership Team.”*

- *“I always found his lessons well planned and one of the few lessons that pupils used to stay in. Pupils respected him and he had a positive relationship with them all.”*

Individual B

- *“...he was seen to be hard working, diligent, enthusiastic and worked well with both staff and students alike. He was committed to supporting the students, and his passion for teaching was clear.”*

Individual C

The panel also considered the extent to which Mr Venross demonstrated insight and remorse into his actions.

The panel considered that Mr Venross had clearly identified and understood his motivations, namely that he was working in a troubled environment and was not only trying to protect his own interests, but also protect the interests of two junior members of staff. The panel accepted Mr Venross’ evidence in that regard.

The panel also considered whether there was a risk that Mr Venross’ conduct may be repeated. The panel concluded that Mr Venross’ conduct amounted to a temporary lapse of judgement, spanning over a period of around one week, with there being no evidence of such conduct either before or after this period. The panel noted Mr Venross’ evidence that he had received [READCTED] since leaving the School and considered that Mr Venross was now better equipped to act appropriately in response to any similar stress triggers.

The panel considered that Mr Venross had demonstrated significant remorse, not only in respect of the impact on the School, but also his family, colleagues and the potential impact of his actions on pupils. In his evidence, Mr Venross stated that he is *“continually grateful that [his] out-of-character actions have not adversely affected any of the pupils as this would have been impossible for [him] to live with”*.

The panel also noted that, whilst Mr Venross’ conduct related to the examination process, the relevant exam boards concluded that there was no breach of the integrity of the process. The panel noted that there was no sanction imposed against the School, any individuals or pupils, other than a request for an action plan.

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

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

appropriate response. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession.

Decision and reasons on behalf of the Secretary of State

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

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

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

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

The panel has recommended that the findings of unacceptable professional conduct and/or conduct likely to bring the profession into disrepute should be published and that such an action is proportionate and in the public interest.

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

The findings of misconduct are serious as they include a teacher demonstrating behaviour which was dishonest and lacked integrity.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In assessing that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the

profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Venross, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel does not record having considered any evidence demonstrating that Mr Venross' behaviour created a risk to the safety and wellbeing of pupils.

I have also taken into account the panel's comments on insight and remorse, which it sets out as follows:

"The panel considered that Mr Venross had demonstrated significant remorse, not only in respect of the impact on the School, but also his family, colleagues and the potential impact of his actions on pupils. In his evidence, Mr Venross stated that he is *"continually grateful that [his] out-of-character actions have not adversely affected any of the pupils as this would have been impossible for [him] to live with"*.

In my judgement, the remorse demonstrated by Mr Venross means that there is a limited 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 observes that: "The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception." I am particularly mindful of the finding of dishonesty in this case and the negative impact that such a finding may have on the reputation of the profession.

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

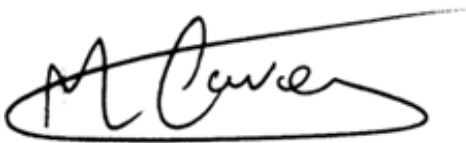
I have considered whether the publication of a finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found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

I have also considered the impact of a prohibition order on Mr Venross himself. The panel records having seen a number of submissions attesting to Mr Venross' good character and his commitment to teaching.

A prohibition order would prevent Mr Venross 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 degree of insight and remorse demonstrated by Mr Venross to the panel which, in my judgment, means that the risk of him repeating this behaviour in the future. I have also noted the panel's conclusion that, while the misconduct was serious, it was at the less serious end of the possible spectrum.

For these reasons, I agree with the panel that a prohibition order is not proportionate or in the public interest. I consider that the publication of the findings made would be sufficient to send an appropriate message to Mr Venross as to the standards of behaviour that were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.

A handwritten signature in black ink, appearing to read 'M Cavey', enclosed within a large, horizontal oval stroke.

Decision maker: Marc Cavey

Date: 23 September 2024

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