



Teaching  
Regulation  
Agency

# **Miss Margaret McWilliams: Professional conduct panel hearing outcome**

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

**October 2024**

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

**Teacher:** Miss Margaret McWilliams  
**TRA reference:** 19781  
**Date of determination:** 8 October 2024  
**Former employer:** Roseland Academy, Cornwall

### **Introduction**

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 9 to 12 September 2024 and 8 October 2024 by way of a virtual hearing, to consider the case of Miss Margaret McWilliams.

The panel members were Ms Mona Sood (lay panellist – in the chair), Mr Richard Young (lay panellist) and Ms Lynsey Draycott (teacher panellist).

The legal adviser to the panel was Mr Nicholas West of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Alexander Barnfield of Capsticks LLP solicitors.

Miss Margaret McWilliams was present and was represented by Ms Gurpreet Rheel of Cornwall Street Barristers, instructed by Thompsons solicitors.

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 proceedings dated 13 June 2024.

It was alleged that Miss McWilliams was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a teacher at Roseland Academy:

1. Between September 2019 and 2 February 2020, in relation to the 2019/2020 assessment of Cambridge Nationals Enterprise and Marketing Level 1/2 Unit R065 (Design a Business Proposal):
  - a. she provided improper assistance to one or more pupils in that she:
    - i) amended and/or commented on Pupil A's coursework;
    - ii) typed some or all of Pupil B's coursework;
    - iii) typed some or all of Pupil C's coursework;
    - iv) amended and/or commented on Pupil D's coursework.
  - b. She caused or allowed one or more candidates to:
    - i) upload some or all of their coursework to an 'open' area of Google Classroom;
    - ii) complete work outside of class controlled assessment conditions.
  - c. She failed adequately or at all to:
    - i) monitor student progress in relation to the submission deadline;
    - ii) to utilise the School's 'targeted support' system.
  - d. She caused or allowed one or more pupils to amend their controlled assessment work after the final mark submission date of 10 January 2020;
    - i) Pupil A;
    - ii) Pupil B;
    - iii) Pupil D.
  - e. She failed to adequately obtain and/or retain one or more candidate authentication statements prior to the submission of assessment marks.

2. Her conduct at allegation 1a and/or 1b and/or 1d and/or 1e was contrary to the Joint Council for Qualifications General Regulations for Approved Centres (“JCQ Regulations”).
3. Her conduct at allegation 1a and/or 1d was dishonest in that she knew the conduct was:
  - a. inappropriate;
  - b. contrary to the JCQ regulations.

Miss McWilliams made no written admission of fact prior to the hearing.

## **Preliminary applications**

### Application to admit additional documents

The panel considered a preliminary application from the teacher’s representative for the admission of additional documents.

The teacher’s additional documents included a 17 page witness statement and other supporting documents amounting to 90 pages in total.

The documents subject to the application had not been served in accordance with the requirements of paragraph 5.37 of the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020 (the ‘2020 Procedures’). Therefore, the panel was required to decide whether the documents should be admitted under paragraph 5.34 of the 2020 Procedures.

The panel heard representations from the teacher’s representative in respect of the application. The teacher’s representative submitted that the documents were relevant to the allegations and the issue of mitigation.

The teacher's representative stated that Miss McWilliams had encountered difficulty reviewing the volume of documentation, [REDACTED]. There was also a delay in Miss McWilliams accessing the bundle provided by the TRA. The teacher’s representative stated that Miss McWilliams eventually managed to access the bundle on 3 September 2024 and it was agreed with the TRA that she could submit additional documentation by 5 September 2024, which she complied with.

The presenting officer confirmed that the TRA took a neutral stance in respect of the application to admit additional documents but accepted that the documents were relevant to the allegations and issue of mitigation.

The panel considered that the additional documents were relevant. Accordingly, the teacher's additional documents were added to the bundle.

#### Application for part of the hearing to be heard in private

The panel considered an application from the teacher's representative that part of the hearing – [REDACTED] - should be heard in private.

The panel heard submissions from the presenting officer on the application before reaching its decision. The presenting officer did not have any objection to the application.

The panel granted the application. The panel considered it was not contrary to the public interest for part of the hearing, which was the subject of the application, to be heard in private.

The panel considered that the areas covered in the application legitimately related to aspects of Miss McWilliams' [REDACTED] and there was no contrary public interest in those areas being discussed in public. The hearing was still being held in public and these were discrete and limited areas which would not undermine the public's ability to otherwise understand the case.

The panel therefore granted the application for part of the hearing – [REDACTED] – to be heard in private.

#### Application to amend allegation

The presenting officer made an application to amend allegation 1(c)(i) to insert the word 'in' to the allegation so it read "*monitor student progress in relation to the submission deadline*".

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 was so minor that it would not change the nature and scope of the allegations. 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]*.

Accordingly, the panel granted this application and considered the amended allegations, which are set out above.

## Summary of evidence

### Documents

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

- Section 1: Chronology, anonymised pupil list and list of key people – pages 7 to 9
- Section 2: Notice of proceedings and response – pages 10 to 59
- Section 3: TRA witness statements – pages 60 to 74
- Section 4: TRA documents – pages 75 to 1025
- Section 5: Teacher documents – pages 1026 to 1081.

In addition, the panel agreed to accept the following:

- Teacher bundle of additional documents – pages 1082 to 1172.

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]
- Witness B – [REDACTED]

### Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case before it and reached a decision. The following sequence of events was established:

On 2 February 2020, an external moderator from the Oxford, Cambridge and RSA exam board (OCR) identified two pupils with similar/identical responses in their work.

On 10 February 2020, OCR sent a letter to Roseland Academy ('the School') requesting evidence regarding concerns raised by the moderator.

On 12 February 2020, the School's investigation report was received and the moderator identified and raised further concerns in relation to Miss McWilliams and possible exam malpractice.

On 2 February 2021, OCR made a referral to the TRA.

## 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. Between September 2019 and 02 February 2020, in relation to the 2019/2020 assessment of Cambridge Nationals Enterprise and Marketing Level 1/2 Unit R065 (Design a Business Proposal):**

**a. You provided improper assistance to one or more pupils in that you:**

**i. Amended and/or commented on Pupil A's coursework;**

Miss McWilliams admitted that she provided improper assistance to Pupil A by commenting on their coursework, but denied amending Pupil A's coursework.

The panel considered the documents in the bundle which showed Miss McWilliams' comment on Pupil A's coursework.

The panel considered the contemporaneous notes of the meeting that the School had with Pupil A on 11 February 2020. During this meeting Pupil A stated that Miss McWilliams said that "*she would add a bit to my coursework to say about referencing*". Pupil A stated that they had handed in their coursework and it was locked, but they thought that Miss McWilliams was "*probably*" going to add a reference.

The panel considered the oral evidence and written statement of Witness A, who stated that Pupil A had told him that a reference was added to their work on 14 January 2020, and so he checked the history of Google Classroom which confirmed that Miss McWilliams did add a reference to their work on this date. Witness A stated that the version of Pupil A's work amended by Miss McWilliams was the version sent to the moderator. The panel reviewed a screenshot from Google Classroom and noted the suggestion from Miss McWilliams stated, "*Extract summarised from...*" and this suggestion was dated 14 January 2020.

The panel considered the oral evidence and written statement of Miss McWilliams, who accepted that she made a suggestion of a reference, which could have amounted to improper assistance. Miss McWilliams accepted that this suggestion was made after the submission date.



The panel concluded that, based on the evidence available, Miss McWilliams did comment on Pupil A's coursework and this amounted to improper assistance. The panel concluded that there was insufficient evidence to make a finding that Miss McWilliams had amended Pupil A's coursework.

**ii. Typed some or all of Pupil B's coursework;**

Miss McWilliams admitted that she typed some, but not all, of Pupil B's coursework.

The panel considered the documents in the bundle showing Miss McWilliams' edits to Pupil B's coursework.

The panel considered the contemporaneous notes of the meeting that the School had with Pupil B on 2 March 2020. During the meeting Pupil B was asked if Miss McWilliams had typed some of the controlled assessment for them and Pupil B stated "*I was running late handing it in. I knew what I wanted to say but not how to write it out*".

The panel considered the oral evidence and written statement of Witness A, who stated that Pupil B informed him that Miss McWilliams had typed '*the last page*' of their controlled assessment. Witness A stated that he told Miss McWilliams that Pupil B had said this, to which she informed him that Pupil B [REDACTED] and could not type themselves, which Pupil B denied.

The panel considered the oral evidence and written statement of Miss McWilliams, who stated that Pupil B had told her that they had completed their work but did not have any physical work to hand in. Miss McWilliams stated that she gave Pupil B the weekend to submit the work in physical form, but they had still not completed the work on the Monday so she supported them in writing it up. Miss McWilliams stated that Pupil B informed her that they could not type due to [REDACTED], so she typed as Pupil B dictated.

Miss McWilliams' statement admitted that she typed some, but not all, of Pupil B's coursework in a targeted session to support the student in completing their coursework. Miss McWilliams confirmed she believes she typed for "*less than 5 minutes in the presence of the pupil with the pupil driving the content*".

The panel concluded, based on the evidence available, that Miss McWilliams provided improper assistance to Pupil B by typing some of their coursework but there was not sufficient evidence that she had typed all of Pupil B's coursework. The panel concluded that the assistance was improper because Pupil B did not have a formal access arrangement in place to allow Miss McWilliams to act as a scribe.

**iii. Typed some or all of Pupil C's coursework;**

Miss McWilliams admitted to typing some of Pupil C's coursework.

The panel considered the documents in the bundle showing Miss McWilliams' edits to Pupil C's coursework.

The panel considered the oral evidence and written statement of Witness A, who stated that during his meeting with Pupil C, they told him that a section of their work was edited or amended by Miss McWilliams on 9 January 2020. The panel considered the contemporaneous notes of the meeting that the School had with Pupil C on 12 February 2020 and noted Pupil C was not asked about Miss McWilliams typing some of their coursework.

Witness A confirmed that Pupil C did not have any formal access arrangements in place that would have allowed Miss McWilliams to scribe on their behalf.

The panel considered the oral evidence and written statement of Miss McWilliams, who stated that she "*typed verbatim*" what Pupil C said, "*for no longer than 5 minutes at the end of the day to ensure that she was able to include everything that she wanted to say*". Miss McWilliams confirmed in her oral evidence that part of the coursework that she typed included the word "*christmassy*" which is a word that she would not use. The panel considered that the inclusion of this word is evidence that Miss McWilliams did type verbatim what Pupil C had said into their coursework.

The panel concluded, based on the evidence available, that Miss McWilliams did type some of Pupil C's coursework, and this amounted to improper assistance, as Pupil C did not have a formal access arrangement in place. The panel concluded that there was not sufficient evidence to make a finding that Miss McWilliams had typed all of Pupil C's coursework.

#### **iv. Amended and/or commented on Pupil D's coursework**

Miss McWilliams admitted that she commented on Pupil D's coursework after submission of the grades but denied amending Pupil D's coursework.

The panel considered the documents in the bundle showing Miss McWilliams added a comment stating "*Write in own words. Changing a word here and there is not good enough*" on Pupil D's coursework on 12 January 2020 which was after the submission deadline of 10 January 2020.

The panel considered the contemporaneous notes of the meeting that the School had with Pupil D on 11 February 2020. During this meeting Pupil D was not asked whether Miss McWilliams added a comment to their coursework after the submission date.

The panel considered the oral evidence and written statement of Witness A, who stated that Miss McWilliams' comment was "*not appropriate*" as she was "*Directing the student to do this after the deadline*".

The panel considered the oral evidence and written statement of Miss McWilliams, who accepted that she commented on Pupil D's coursework after the submission of the grades and this could have had the consequence of improper assistance.

The panel concluded that, based on the evidence available, Miss McWilliams did comment on Pupil D's coursework and this amounted to improper assistance. The panel concluded that there was insufficient evidence to make a finding that Miss McWilliams had amended Pupil D's coursework.

Accordingly, the panel found the particulars of allegation 1(a) proven.

**b. You caused or allowed one or more candidates to:**

**i. Upload some or all of their coursework to an 'open' area of Google Classroom**

Miss McWilliams admitted that two students uploaded work to an 'open' area of Google Classroom.

The panel considered the screenshot of the Google Classroom feed which showed that Pupil S had uploaded their business coursework on 11 December 2019, with the comment "*Here you go Miss*".

The panel considered the oral evidence and written statement of Witness A, who stated that he saw that Pupil S had posted their work onto the Google Classroom feed on 11 December 2019 and it had not been removed by Miss McWilliams, even though she was an administrator of the Google Classroom in question.

The panel considered the oral evidence and written statement of Miss McWilliams who accepted that she did not remove the work once it had been uploaded as she was concerned that she might permanently delete the student's work as Google Classroom was a relatively new piece of software to the School at that particular time.

The panel concluded, based on the evidence available, that Miss McWilliams did allow Pupil S to upload some of their coursework to an 'open' area of Google Classroom and she did not take any steps to remove this work once uploaded.

**ii. Complete work outside of class controlled assessment conditions**

Miss McWilliams admitted that she allowed Pupil B to complete work outside of class controlled assessment conditions.

The panel considered the oral evidence and written statement of Witness A, who stated that Pupil B's Google Classroom showed that their controlled assessment had 10 edits dated 14 to 15 January 2020, and that these edits were therefore made outside of the

class controlled assessment conditions as they were made after the submission deadline of 10 January 2020.

The panel considered the oral evidence and written statement of Miss McWilliams who admitted that she allowed Pupil B to complete work outside of the class controlled assessment conditions at home, as they had not completed the work in school. Miss McWilliams explained that she had viewed Pupil B's work on their phone and marked it there and then, but asked Pupil B to type it up in a format that she could have on file at home over the weekend.

Based on the evidence available, the panel found Miss McWilliams had allowed at least one candidate, Pupil B, to complete work outside of class controlled assessment conditions.

The panel therefore found the particulars of allegation 1(b) proven.

**c. You failed adequately or at all to:**

**i. Monitor student progress in relation to the submission deadline;**

The panel considered the oral evidence and written statement of Witness A, who stated that the School runs a 'targeted support' system, where students falling behind are booked onto a spreadsheet overseen by the Learning Leader for that year group. Witness A stated that the records show that this spreadsheet was not used by Miss McWilliams at all in the autumn term. Witness A further explained that no sessions were booked in for Pupil B, despite evidence showing that they were extremely behind in their progress.

The panel considered the oral evidence and written statement of Miss McWilliams who denied that she failed to monitor student progress in relation to the submission deadline. The panel accepted Miss McWilliams' evidence that she requested support from the [REDACTED] in the fortnight before the submission deadline, to provide targeted support to Pupil B. The panel considered that this was evidence of Miss McWilliams monitoring student progress to some extent.

The panel was not persuaded by Miss McWilliams' oral evidence that her tracking of student progress was adequate as she only referred to keeping a record on a School Information Management System (SIMS) of students' attendance.

Based on the available evidence, the panel found Miss McWilliams failed to adequately monitor student progress in relation to the submission deadline and therefore found allegation 1(c)(i) proven.

**ii. To utilise the School's 'targeted support' system;**

The panel had sight of the spreadsheet for booking targeted support for students that were falling behind dated 28 October 2019 to 27 March 2020.

The panel considered the oral evidence and written statement of Miss McWilliams who stated that ‘targeted support’ was a voluntary system and did not form part of directed time. The panel accepted Miss McWilliams’ oral evidence that the spreadsheet was a tool to monitor which pupils were booked on targeted support, but her failure to use the spreadsheet did not mean that she failed to provide targeted support completely. The panel accepted that Miss McWilliams did provide ad-hoc support to pupils she identified as being in need, during lunchtimes and break times. The panel also accepted Miss McWilliams’ evidence that she had provided targeted support to Pupil B when she worked with the [REDACTED] to provide additional support.

Based on the available evidence, on the balance of probabilities, the panel did not find allegation 1(c)(ii) proven.

**d. You caused or allowed one or more pupils to amend their controlled assessment work after the final mark submission date of 10 January 2020;**

- i. Pupil A;**
- ii. Pupil B;**
- iii. Pupil D;**

The panel considered the report of the investigation held at the School, which set out that Miss McWilliams had allowed students to work on their submissions after the deadline of 10 January 2020.

The report set out that the investigation uncovered undisputable evidence of Miss McWilliams logging in using her own account and amending pupils’ work after 10 January 2020. The amendments by Miss McWilliams included adding references and comments to pupils’ work on 9 and 14 January 2020.

The report set out that there was clear evidence of candidates continuing to work on their assessments when the deadline had passed on 10 January 2020.

The panel considered the oral evidence and written statement of Witness A, who stated that Pupil A told him that “*a reference*” was added to their work on 14 January 2020. The panel took this to mean a citation. Witness A stated that he checked Google Classroom and the history showed that the reference was added by Miss McWilliams to Pupil A’s work on 14 January 2020.

Witness A stated that he also found that Miss McWilliams had left a comment on Pupil A’s work dated 12 January 2020, setting out recommendations for their work. He stated

that Miss McWilliams stated that this was a *'suggestion'*, but did not explain why she would make suggestions to pupils after the deadline.

Witness A submitted that during his investigation he also discovered that Pupil B's work had been *"completed late"*. Witness A stated that Pupil B's Google Classroom showed that their assessment had 10 edits dated 14 to 15 January 2020, and that the final version from 15 January 2020 was the version sent to the moderator.

Witness A explained that following his meeting with Pupil D, he saw that extensive edits were made by Pupil D to their own work on 14 January 2020, four days after the submission deadline. He stated that Miss McWilliams had added a comment on Pupil D's work on 12 January 2020, stating *'Write in own words. Changing a word here and there is not good enough'*. Witness A stated that this directed the student to alter their work after the deadline and submitted that Miss McWilliams could not explain this to him when he asked.

The panel considered the oral evidence and written statement of Miss McWilliams, who admitted that she allowed Pupil A, Pupil B and Pupil D to amend their work after the deadline of 10 January 2020.

The panel therefore found allegations 1(d)(i)-(iii) proven.

**e. You failed to adequately obtain and/or retain one or more candidate authentication statements prior to the submission of assessment marks**

The panel considered the oral evidence and written statement of Witness A, who stated that once assessments or coursework have been completed, candidate cover sheets must be produced for all assessments. Witness A stated that upon searching, he could only find 14 completed authentication statements from this group. Witness A submitted that he asked Miss McWilliams about this, to which she said that she had not completed them for the whole class and suggested that this was due to a lack of time.

The panel considered the oral evidence and written statement of Miss McWilliams who denied that she did not complete the authentication statements prior to the submission of the marks. However, the panel noted the copies of the completed candidate authentication statements in the bundle were all signed on 14 January 2020 which was four days after the submission of the assessment marks.

The panel therefore found that Miss McWilliams did fail to adequately obtain the candidate authentication statements prior to the submission of assessment marks, and therefore found allegation 1(e) to be proven.

**2. Your conduct at allegation 1a and/or 1b and/or 1d and/or 1e was contrary to the Joint Council for Qualifications General Regulations for Approved Centres ("JCQ Regulations").**

Miss McWilliams admitted that her conduct was contrary to JCQ Regulations.

The panel considered the JCQ 'Instructions for conducting coursework', dated 1 September 2019 to 31 August 2020. The instructions detailed in section 6, regarding '*Malpractice in coursework*', set out a number of actions that candidates must not do, including:

- *Submit work which is not their own;*
- *Make available their work to other candidates through any medium;*
- *Submit work that has been word processed by a third person without acknowledgement.*

This section also stated that teaching staff '*must be vigilant in relation to candidate malpractice and be fully aware of the published regulations*' and '*escalate and report any alleged, suspected or actual incidents of malpractice to the head of centre or directly to the awarding body, following the centre's whistleblowing procedures where relevant.*'

Based on the available evidence, the panel found Miss McWilliams' conduct in providing improper assistance by commenting on and typing some pupils' coursework, allowing pupils to complete work outside of class controlled assessment conditions, allowing pupils to amend their work after the submission deadline and failing to obtain candidate authentication statements prior to the submission deadline to be contrary to the JCQ Regulations.

The panel therefore found allegation 2 proven in respect of Miss McWilliams' conduct as found proved at allegations 1(a), 1(b), 1(d) and 1(e).

### **3. Your conduct at allegation 1a and/or 1d was dishonest in that you knew the conduct was:**

- a. Inappropriate;**
- b. Contrary to the JCQ regulations.**

The panel considered whether Miss McWilliams acted dishonestly. In reaching its decision on this, the panel considered the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockford*.

The panel firstly sought to ascertain the actual state of Miss McWilliams' knowledge or belief as to the facts. The panel was aware that the reasonableness or otherwise of her belief was a matter of evidence going to whether she held the belief, but it was not an additional requirement that her belief must be reasonable; the question was whether it was genuinely held.



The panel accepted Miss McWilliams' oral evidence that she knew her conduct in providing improper assistance and allowing pupils to amend their work after the submission deadline was inappropriate and contrary to the JCQ Regulations, but not dishonest. The panel accepted that this belief was genuinely held by Miss McWilliams.

When Miss McWilliams was questioned about why controlled assessments and upholding rules are important, the panel found her exacting explanation, from the basis of principle upwards, strongly supported her credibility.

The panel accepted Miss McWilliams' evidence that she was not deliberately intending to deceive, and her judgement was clouded by significant personal and professional pressures at that time. The panel was not provided with any evidence to indicate that Miss McWilliams' conduct had made a material difference to the grades obtained by the pupils. The panel accepted Miss McWilliams' oral evidence that throughout "*her concern was allowing respective students to showcase work not bolstering grades*".

Having heard all of the available evidence, the panel found there were challenging circumstances which impacted upon Miss McWilliams' behaviour and decision making in real time. In light of this, the panel was satisfied that in applying the objective standards of ordinary decent people, it was more likely than not, that it was not Miss McWilliams' intention to deceive or to be dishonest when she provided improper assistance and allowed pupils to amend their work after the submission deadline.

The panel therefore did not find allegation 3 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 Miss McWilliams, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Miss McWilliams was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - at all times observing proper boundaries appropriate to a teacher's professional position



- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.

The panel was satisfied that the conduct of Miss McWilliams as found at allegations 1(a), 1(b), 1(d) and 2 amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. The panel considered that the conduct of Miss McWilliams as found at allegation 1(c)(i) did not amount to misconduct of a serious nature.

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

The panel found that none of these offences were relevant as there was no finding of serious dishonesty.

The panel received legal advice as to the possibility of findings being cumulated in accordance with guidance given in the judgment of *Schodlok v General Medical Council [2015]*. However, as the panel concluded that each of the allegations 1(a), 1(b), 1(d) and 2 based on the particulars found proved in respect of each allegation, amounted to unacceptable professional conduct, the panel did not need to determine whether it would be appropriate to cumulate any of those allegations.

Accordingly, the panel was satisfied that Miss McWilliams 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 at allegations 1(a), 1(b), 1(d) and 2 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 Miss McWilliams' actions constituted conduct that may bring the profession into disrepute.

The panel considered that the conduct of Miss McWilliams as found at allegation 1(c)(i) was not serious, and the conduct displayed would not be likely to have a negative impact on the individual's status as a teacher, nor would it potentially damage the public perception.

Having found the facts of allegations 1(a), 1(b), 1(d) and 2 proved, the panel further found that Miss McWilliams' conduct in respect of these allegations 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 light of the panel's findings against Miss McWilliams, which involved commenting on pupils' coursework, typing some of pupils' coursework, allowing pupils to upload their work onto an open area of Google Classroom and complete work outside of class controlled assessment conditions, allowing pupils to amend their controlled assessment work after the submission deadline, failing to adequately monitor students' progress and failing to obtain candidate authentication statements prior to the submission of assessment marks, 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 Miss McWilliams 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 Miss McWilliams.

However, the panel also determined that there was a strong public interest consideration in retaining Miss McWilliams in the profession, since no doubt had been cast upon her abilities as an educator and she is able to make a valuable contribution to the profession.

The panel accepted the character evidence of her [REDACTED] who noted the following:

- Witness B [REDACTED]: *“I have consistently been impressed by her unwavering commitment to her students and the school, her dynamic teaching, her professionalism and positive character...She has demonstrated a strong moral compass, making comments and acting in a way that reflects a deep commitment to equity and ethical principles”*. In her oral evidence, Witness B reiterated her positive comments stating Miss McWilliams is an *“absolutely excellent teacher and it would be a travesty if she was not in the profession”*.
- Witness A [REDACTED] was questioned in his oral evidence whether he would re-employ Miss McWilliams again and he stated *“Absolutely I would. There were lots of positives...in life we do make mistakes and I am certain there has been learning. I absolutely don’t want her to lose her career”*. The panel also noted that Witness A considered the final written warning was a sufficient sanction for Miss McWilliams as he continued to employ her following the disciplinary hearing. Witness A noted in his oral evidence, in particular, how the referral to the TRA for these proceedings had come from OCR, not the School.

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Miss McWilliams. 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 Miss McWilliams. 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;
- misconduct seriously affecting the education and/or well-being of pupils...;
- 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, the panel went on to consider the mitigating factors.

Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

Based on all of the evidence available, the panel considered there was not sufficient evidence to suggest Miss McWilliams' actions were not deliberate. However, the panel accepted Miss McWilliams' evidence that that she was not deliberately intending to deceive, and her judgement was clouded by significant personal and professional pressures at that time.

There was no evidence that Miss McWilliams was acting under extreme duress.

The panel noted that, aside from the incident in this matter, Miss McWilliams demonstrated very high standards in both her personal and professional conduct.

Miss McWilliams' written statement confirmed that, as a result of the investigation and internal disciplinary procedure, she was placed on a support plan in School which she passed. She stated that she also "*completed a January submission of coursework for the OCR course*" and her "*grades were ratified*". Miss McWilliams stated that her "*marking and completion of teacher moderated assessment was requested by OCR*" and her "*grades and processes were also confirmed*".

Miss McWilliams stated that her "*support plan targeted elements were all specifically targeted at the areas of concern*" from the School's investigation, and the panel was satisfied from the documentation submitted that she successfully met all of her targets and had engaged on all levels with the support plan that was put in place by the School. Miss McWilliams submitted that measures were put in place to prevent the likelihood of this happening again, and whilst working at the School she "*had support meetings every fortnight*" to ensure that she was on target and she was "*signed off the support plan in the summer term of 2021*". In addition, the disciplinary sanction of a final written warning issued by the School following disciplinary proceedings lapsed with no further concerns raised.

The panel noted Miss McWilliams' oral evidence that she believed she could now identify and understand motivations and triggers related to her actions and she had more confidence following a change in line management whilst she was still working at the School. She stated that she was able to demonstrate how this could be avoided in the future, through support from her close-knit network of friends and family, [REDACTED]. It was particularly noted by the panel that Miss McWilliams' [REDACTED] and [REDACTED] supported her throughout the entire course of these proceedings, the latter as a public observer.

The panel noted the significant mitigation from Miss McWilliams' in her witness statement, character references and oral evidence which explained why her behaviour and decision making may have been adversely impacted at the material time.

The panel accepted that it was an incredibly testing time for Miss McWilliams, both professionally [REDACTED], with a number of [REDACTED] issues Miss McWilliams was facing at the time. [REDACTED].

Miss McWilliams submitted that there were also a number of additional pressures, [REDACTED] had a large Key Stage 4 teaching load with 164 students across two subjects in the exam year, and she was also responsible for Transition and Careers across the School “*creating a very heavy workload for a 0.8 member of staff*”.

The panel considered the written statement of Miss McWilliams where she accepted that she “*should have made it clearer*” to Witness A that the students were not ready to carry out the controlled assessment. The panel heard that Witness A had approached Miss McWilliams to agree the student numbers for the January assessment whilst she was undertaking teaching duties by passing her a list of students to sign, hence not fully focused. She stated that she should have had “*better knowledge of the dates that work was required to be submitted*”, but stated that the course was not her primary subject, and the panel acknowledged that training had been limited. Additionally, Miss McWilliams was teaching a new course for the School and she was the only member of staff in the School delivering this course. Miss McWilliams submitted that time pressure was a “*significant issue during this period*” and she now has a much greater level of support from colleagues in her current employment at Truro High School.

Although the panel considered Miss McWilliams’ behaviour to have been enormously disruptive to the School, it noted that it was limited to a short space of time. The panel was conscious that the wider context cannot be underestimated and Miss McWilliams has a more effective support network at her current school than she had at the School if she started to suffer from similar pressures again.

Although Miss McWilliams did not admit all of the allegations, the panel considered there was a high level of frankness, integrity and truthfulness throughout her evidence. The panel noted that there was significant insight and regret on the part of Miss McWilliams. The panel accepted that Miss McWilliams was remorseful and reflective of her actions when she spoke about the impact her behaviour could have had on pupils that she taught.

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 lesser end of the possible spectrum of serious misconduct and, having considered the

significant mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case.

The panel was of the view that prohibition was not proportionate and publication of the adverse findings was a less intrusive measure available. Taking all of the circumstances into account, the panel decided that the public interest considerations weighed in favour of retaining Miss McWilliams in the profession. The fact that Miss McWilliams has continued working as a teacher throughout these proceedings has been a significant factor in forming that opinion. Miss McWilliams has been honest and transparent with her current employer about the nature of these proceedings and her current employer spoke about her in glowing terms. The panel considered that prohibition would not produce any material change or serve any useful purpose.

The panel considered that the publication of the adverse findings it had made was sufficient to underline the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession. The panel noted Miss McWilliams has a duty to disclose the publication of adverse findings to future employers.

## 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 conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven, I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Miss McWilliams should not be the subject of a prohibition order. 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 Miss McWilliams is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - at all times observing proper boundaries appropriate to a teacher's professional position
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.

The panel finds that the conduct of Miss McWilliams 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, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Miss McWilliams, 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 pupils. The panel has observed, “In light of the panel’s findings against Miss McWilliams, which involved commenting on pupils’ coursework, typing some of pupils’ coursework, allowing pupils to upload their work onto an open area of Google Classroom and complete work outside of class controlled assessment conditions, allowing pupils to amend their controlled assessment work after the submission deadline, failing to adequately monitor students’ progress and failing to obtain candidate authentication statements prior to the submission of assessment marks, there was a strong public interest consideration in declaring and upholding the proper standards of conduct.” 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, “Although Miss McWilliams did not admit all of the allegations, the panel considered there was a high level of frankness, integrity and truthfulness throughout her evidence. The panel noted that there was significant insight and regret on the part of Miss McWilliams. The panel accepted that Miss McWilliams was remorseful and reflective of her actions when she spoke about the impact her behaviour could have had on pupils that she taught.” 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 considered that public confidence in the profession could be seriously weakened if conduct such as that found against Miss McWilliams was not treated with the utmost seriousness when regulating the conduct 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 or conduct likely to bring the profession into disrepute, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Miss McWilliams and the panel comment “The panel noted that, aside from the incident in this matter, Miss McWilliams demonstrated very high standards in both her personal and professional conduct.”



A prohibition order would prevent Miss McWilliams 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 level of insight. The panel has said, "The panel noted the significant mitigation from Miss McWilliams' in her witness statement, character references and oral evidence which explained why her behaviour and decision making may have been adversely impacted at the material time."

I have also placed considerable weight on the finding of the panel that "Although the panel considered Miss McWilliams' behaviour to have been enormously disruptive to the School, it noted that it was limited to a short space of time. The panel was conscious that the wider context cannot be underestimated and Miss McWilliams has a more effective support network at her current school than she had at the School if she started to suffer from similar pressures again."

I have given weight in my consideration of sanction therefore, to the contribution that Miss McWilliams has made to the profession, and have given weight to the following "Taking all of the circumstances into account, the panel decided that the public interest considerations weighed in favour of retaining Miss McWilliams in the profession."

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

A handwritten signature in black ink, appearing to read 'SAR Buxcey', with a horizontal line underneath.

**Decision maker: Sarah Buxcey**

**Date: 11 October 2024**

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