



Teaching  
Regulation  
Agency

# **Mrs Michelle Holmes: Professional conduct panel meeting 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**

<b>Teacher:</b>	Mrs Michelle Holmes
<b>TRA reference:</b>	22952
<b>Date of determination:</b>	25 October 2024
<b>Former employer:</b>	Ossett Academy, Ossett

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 25 October 2024, to consider the case of Mrs Michelle Holmes (“Mrs Holmes”).

The panel members were Mr Dara Islam (lay panellist – in the chair), Mr Alan Wells (former teacher panellist) and Ms Gill Lyon (teacher panellist).

The legal adviser to the panel was Mrs Carly Hagedorn of Eversheds Sutherland (International) LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mrs Holmes that the allegations be considered without a hearing. Mrs Holmes provided a signed statement of agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer Ms Laura Ryan (Kingsley Napley LLP), or Mrs Holmes.

The meeting took place in private.

## **Allegations**

The panel considered the allegations set out in the notice of meeting dated 18 October 2024.

It was alleged that Mrs Holmes was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst working as Head of Performing Arts at Ossett Academy:

1. On or around 11 May 2023, she edited and/or submitted coursework for at least one pupil, purporting it to be their own work.
2. Her conduct at paragraph 1:
  - a) was dishonest;
  - b) lacked integrity

Mrs Holmes admitted the facts of the allegations and that her conduct amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

## **Preliminary applications**

There were no preliminary applications.

## **Summary of evidence**

### **Documents**

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

Section 1: Chronology and list of key people – pages 5 to 6

Section 2: Notice of referral and response to notice of referral – pages 7 to 19

Section 3: Statement of agreed facts – pages 21 to 25

Section 4: Teaching Regulation Agency documents – pages 26 to 517

Section 5: Teacher documents – pages 518 to 527

Section 6: Notice of meeting – pages 528 to 529

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

## Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mrs Holmes on 9 July 2024.

## Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mrs Holmes for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

Mrs Holmes commenced employment at the Ossett Academy (“the School”) as Head of Performing Arts in September 2013.

On 11 May 2023, concerns were raised by an employee at the School to a senior member of staff regarding discrepancies between the work that was originally submitted to the School by Year 11 drama pupils and the work that was then uploaded to the portal for assessment by an external examination board.

On 15 May 2023, a senior member of staff met with Mrs Holmes to discuss the discrepancies in the work. Mrs Holmes stated that the reason for the discrepancies in the work was due to her editing pupils’ work before submitting it for external assessment.

A disciplinary investigation was carried out by the School. Mrs Holmes resigned from the School on 31 August 2023.

## Findings of fact

The findings of fact are as follows:

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

- 1. On or around 11 May 2023, you edited and/or submitted coursework for at least one pupil, purporting it to be their own work.**

Mrs Holmes admitted this allegation.

Mrs Holmes accepted in the statement of agreed facts that around May 2023 she had falsified coursework for the Year 11’s GCSE work, specifically the Component 3 External

Assessment, belonging to thirteen pupils and submitted the falsified coursework to the relevant exam board.

Mrs Holmes accepted she had made changes to spelling, grammar and formatting in all submitted work and that the content of the final submissions for twelve of the thirteen pupils differed from the original work completed by the pupils. It was accepted that one of the thirteen entries was not changed beyond formatting and spelling.

It was further accepted by Mrs Holmes that four of the thirteen entries were significantly altered by rephrasing, re-paragraphing and that additional content was added. It was also accepted that eight of the thirteen entries had some variation in terms of the falsification of work, which included grammatical improvements and the changing of sentences.

The statement of agreed facts also stated that Mrs Holmes altered the coursework as the pupils were at risk of failing the course.

The panel had sight of the notes from the School's investigation interview with Mrs Holmes. Mrs Holmes stated that she was not directed by anyone to make changes to the pupils' work but *"felt pressure because of AIM meetings etcetera, where I've been told that historically my results were poor. And previously in the year, the year 10, C2 work Pearson had lowered their grades, so I felt fearful that I would be put on capability."*

Mrs Holmes immediately confirmed in the School's investigation that she had made the changes to the pupils' work. During the School's investigation interview, Mrs Holmes was referred to the pieces of work where changes had been made. Mrs Holmes accepted that some of the changes were significant. When asked for an explanation about the different degrees of alterations being made, Mrs Holmes stated *"Because those students that have got the biggest amount of changes were in danger of failing massively and hadn't taken the exam seriously either they'd not submitted notes, they arrived late and they'd not taken the support available I guess. And that had been something that I'd logged on Bromcom. And I just, I felt pressure that my results would be under huge scrutiny and that it was fear of, of capability, like I said but also, I would say having looked at the exemplars from, like other schools that the calibre of work was very different but also, I've not been through the C3 exam, not in COVID so it's a bit of an unknown"*.

The panel also had sight of the School's investigation interview with a senior member of staff who was informed by an employee about the discrepancies between the Year 11 work which was uploaded for external examination and the work which was stored internally by the School. This senior member of staff confirmed in the investigation interview that Mrs Holmes had immediately admitted that she had edited the Year 11 pupils' work. The panel noted that Mrs Holmes's admission was consistent with the evidence.

The panel had sight of the original work which was submitted by the Year 11 pupils and the work which was uploaded to the external examination board. The panel noted that there were some significant discrepancies between the work.

The panel found allegation 1 proved.

## **2. 2. Your conduct at paragraph 1:**

### **a) was dishonest;**

Mrs Holmes admitted this allegation.

The panel needed first to ascertain, subjectively, the actual state of Mrs Holmes' knowledge or belief as to the facts. Secondly, the panel needed to determine whether Mrs Holmes' state of mind was honest or dishonest by the application of the objective standards of the ordinary honest person.

The panel firstly turned its mind to the actual state of Mrs Holmes' knowledge or belief as to the facts. The panel felt that Mrs Holmes was aware of what she was doing was wrong when she made the changes to the Year 11 pupils' work. Mrs Holmes stated in the School's investigation that the reason for amending some of the Year 11 work beyond spelling and grammatical errors "was because some of the students *"...were in danger of failing massively and hadn't taken the exam seriously either they'd not submitted notes, they arrived late and they'd not taken the support available..."* Mrs Holmes stated that she *"felt pressure that my results would be under huge scrutiny and that it was fear of, of capability"*.

The panel noted that amending and submitting the amended Year 11 work to an external examination board was a deliberate and a conscious decision. Furthermore, the panel determined that Mrs Holmes' state of mind at the time would be regarded by the standards of ordinary, decent people to be dishonest.

The panel found allegation 2(a) proved.

### **b) lacked integrity**

Mrs Holmes admitted this allegation.

When considering a lack of integrity, the panel recognised that this allegation connotes adherence to the ethical standards of one's own profession and involves more than mere honesty. It is linked to the manner in which the profession professes to serve the public.

The panel recognised that in addition to Mrs Holmes acting dishonestly, her actions impacted upon the trust and confidence that pupils, colleagues and parents had of Mrs Holmes as a teacher at the School. Mrs Holmes' conduct impacted on the assessment of

Year 11 pupils' work, which, as a result, would have potentially caused undue stress and additional work for these pupils.

The panel noted that teachers are seen as role models in the way they behave. The panel considered that Mrs Holmes' behaviour did not adhere to the ethical standards of a teacher and was in contrast to the manner in which the profession professes to serve the public.

The panel found allegation 2(b) proved.

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

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

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

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

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

The panel was not satisfied that the conduct of Mrs Holmes, in relation to the facts found proved, involved breaches of the Keeping Children Safe in Education or Working Together to Safeguard Children.

The panel also considered whether Mrs Holmes' conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel noted that the offence of serious dishonesty was listed, but did not consider, in their experience, that Mrs Holmes' dishonest conduct met the threshold for serious dishonesty.

The panel acknowledged that Mrs Holmes' conduct would have directly impacted upon the assessment of Year 11 pupils' work, which, as a result, would have potentially caused undue stress and additional work for these pupils. The panel also noted that



falsifying the work of pupils for external assessment is a failure to uphold public trust in the profession and a failure to adhere to policies and practices of the School. The panel determined that falsifying Year 11 pupils' work for external assessment was serious misconduct which fell significantly short of the standard of behaviour expected of a teacher.

Accordingly, the panel was satisfied that Mrs Holmes was guilty of unacceptable professional conduct.

### Disrepute

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

The panel also considered whether Mrs Holmes' conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel noted that the offence of serious dishonesty was listed, but did not consider, in the panel's experience, that Mrs Holmes' dishonest conduct met the threshold for serious dishonesty.

The panel considered that Mrs Holmes' conduct could potentially damage the public's perception of a teacher. The panel recognised that in Mrs Holmes' actions impacted upon the trust and confidence that pupils, colleagues and parents had of Mrs Holmes as a teacher at the School.

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

Having found the facts of particulars of allegations 1, 2a and 2b proved, the panel further found that Mrs Holmes' conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

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

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

In considering whether to recommend to the Secretary of State that a prohibition order is appropriate, the panel had to consider the public interest, the seriousness of the

behaviour and any mitigation offered by Mrs Holmes and whether a prohibition order is necessary and proportionate. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

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

In the light of the panel's findings against Mrs Holmes, which involved findings of dishonesty and a lack of integrity by falsifying Year 11 work for external assessment, the panel considered that public confidence in the profession could be seriously weakened if such conduct 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 Mrs Holmes was outside that which could reasonably be tolerated.

The panel was of the view that there was a strong public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon her abilities as an educator and she was able to make a valuable contribution to the profession.

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

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

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- dishonesty or a lack of integrity...;
- deliberate action in serious contravention of requirements for the conduct of an examination or assessment leading to an externally awarded qualification or national assessment...

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider whether there were mitigating circumstances.

In the light of the panel's findings there was evidence to suggest that Mrs Holmes' actions were deliberate.

There was no evidence to suggest that Mrs Holmes was acting under extreme duress.

Mrs Holmes did have a previously good history, having demonstrated high standards in both her personal and professional conduct. The panel accepted that the incident was out of character, as there was no evidence to suggest that Mrs Holmes had previously acted in a similar way. The panel also took account of the circumstances that Mrs Holmes found herself in at the time of her misconduct, including [REDACTED] and the immense pressure she had described that she was under at the School. Mrs Holmes stated in a personal statement that her *"best efforts were not appreciated, and my concerns were brushed aside. I was made to feel it was solely my responsibility to steer the young people to success."*

The panel had sight of four very recent character references.

Mrs Holmes' current employer stated, *"I can confirm that there haven't been any concerns in her employment nor any safeguarding concerns to date and she has been a reliable member of staff."*

A former colleague stated *"I always found her approachable and reliable. Michelle was always friendly and fostered good relationships with her peers and pupils. Michelle was always popular with her pupils. She showed commitment to her subject by helping pupils to develop their skills and passion for the performing arts."*

A former colleague and friend stated *"Michelle felt extremely overwhelmed in her workplace and unable to cope at certain points, due to [REDACTED] additional pressure from within her academy. I believe this has impacted on the poor decision which has led to Michelle making the biggest mistake of her life. In no uncertain circumstances, have I seen that Michelle has punished herself over and over as this has been completely alien to the person that I know she is. [REDACTED]. In summary, I have the highest regard for Michelle for both as a professional and as a person. I am confident that Michelle has learnt from this life changing experience, and it would most definitely be a loss to future students should she not be able to continue education."*

Another former colleague stated *"Michelle's passion for drama is contagious and her love for education and knowledge is greatly missed in School. She brings a unique energy and passion to the classroom, encouraging students to express themselves fully and to appreciate the art of performance. Michelle's dedication to her students has led to the growth of many young performers, many of who speak highly of their experience in Drama."*

The panel also considered the letter dated 18 September 2024 from Mrs Holmes' medical practitioner, which set out Mrs Holmes' difficult personal circumstances over

recent years, [REDACTED].

The panel considered Mrs Holmes' personal statement where she stated, *"Throughout this utterly regretful transgression, I continue to feel incredibly sorrowful that my capability to support young people in the classroom may be withdrawn. Teaching is my vocation and defines a large part of who I am. I have committed 16 years of my life to education and completed a Masters in Learning and Teaching while working full time to develop my practice as a teacher."*

The panel also noted that the external examination board had stated that *"Ms Holmes has also expressed her remorse for the malpractice"*.

The panel was of the view that Mrs Holmes was remorseful and expressed a great deal of insight in respect of her misconduct. The panel noted that Mrs Holmes had reflected on her actions and had expressed regret for her conduct. Mrs Holmes stated that she *"would always explicitly adhere to exam regulations and the code of conduct in future teaching roles as I have learnt from my mistake and hope to continue to make a positive impact on learners"*.

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 both sanction and review period.

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

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

The panel has recommended that the findings of unacceptable professional conduct and 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 Mrs Michelle Holmes is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school...
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- 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 Mrs Holmes fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include a finding of falsifying the work of pupils for external assessment. The panel found this conduct to be dishonest and lacking in integrity.

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 Mrs Holmes, 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 has observed, "The panel acknowledged that Mrs Holmes' conduct would have directly impacted upon the assessment of Year 11 pupils' work, which, as a result, would have potentially caused undue stress and additional work for these pupils." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel has set out as follows, "The panel was of the view that Mrs Holmes was remorseful and expressed a great deal of insight in respect of her misconduct. The panel noted that Mrs Holmes had reflected on her actions and had expressed regret for her conduct." I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel has observed, "In the light of the panel's findings against Mrs Holmes, which involved findings of dishonesty and a lack of integrity by falsifying Year 11 work for external assessment, the panel considered that public confidence in the profession could be seriously weakened if such conduct was not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of dishonesty and a lack of integrity in this case and the impact that such a finding has on the reputation of the profession.

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

I have considered whether the publication of a finding of unacceptable professional conduct 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 Mrs Holmes herself. The panel has commented, "Mrs Holmes did have a previously good history, having demonstrated high standards in both her personal and professional conduct. The panel accepted that the incident was out of character, as there was no evidence to suggest that Mrs Holmes had previously acted in a similar way." The panel had sight of 4 very recent character references including one from her current employer which said, "*I can confirm that there haven't been any concerns in her employment nor any safeguarding concerns to date and she has been a reliable member of staff.*"

A prohibition order would prevent Mrs Holmes 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 that "the nature and severity of the behaviour were at the less serious end of the possible spectrum" and that there were mitigating factors "including [REDACTED] and the immense pressure she had described that she was under at the School." I have also placed considerable weight on the panel's finding that Mrs Holmes had shown insight and remorse.

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 'D Oatley', with a large, sweeping flourish at the end.

**Decision maker: David Oatley**

**Date: 28 October 2024**

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