



Teaching
Regulation
Agency

Mr Olu Awofadeju: Professional conduct panel outcome

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

15 November 2024

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

Teacher: Mr Olu Awofadeju

TRA reference: 18258

Date of determination: 15 November 2024

Former employer: Evelyn Grace Academy, London

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 12 to 15 November 2024 via Microsoft Teams to consider the case of Mr Olu Awofadeju.

The panel members were Ms Nicola Hartley (lay panellist – in the chair), Ms Claire Shortt (teacher panellist) and Ms Aruna Sharma (teacher panellist).

The legal adviser to the panel was Mr Sam Bumby of Eversheds Sutherland (International) LLP.

The presenting officer for the TRA was Ms Sarah Vince of Browne Jacobson LLP.

Mr Olu Awofadeju was present for the first day of the hearing and was represented throughout the hearing by Mr John Neckles, a lay representative.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegation(s) set out in the notice of proceedings dated 28 August 2024, as amended by the successful application made by the presenting officer at the beginning of the hearing to amend Allegation 3.

It was alleged that Mr Olu Awofadeju was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that, whilst a teacher at Evelyn Grace Academy:

- 1) In relation to the 2017/18 assessment of Cambridge Nationals Level 2 ICT Unit R003 (Handling data using spreadsheet), Mr Awofadeju:
 - a. Provided pupils with example model answers specific to the task.
 - b. Provided pupils with templates to structure their answers.
 - c. Provided detailed feedback to pupils on what amendments should be made and then allowed those pupils to make those amendments.
 - d. Provisionally marked pupils' work and then allowed the pupils to continue working on that work.
 - e. Failed to ensure that pupils' work was adequately supervised and/or monitored under controlled conditions.
- 2) In relation to the 2017/18 assessment of Cambridge Nationals Level 2 ICT Unit R005 (creating product & multi-media), Mr Awofadeju:
 - a. Provided pupils with example model answers specific to the task.
 - b. Provided pupils with templates to structure their answers.
 - c. Provided detailed feedback to pupils on what amendments should be made and then allowed those pupils to make those amendments.
 - d. Provisionally marked pupils' work and then allowed the pupils to continue working on that work.
 - e. Failed to ensure that pupils' work was adequately supervised and/or monitored under controlled conditions.
- 3) By his conduct, as may be found proven in allegation 1 and/or 2, Mr Awofadeju was dishonest and/or lacked integrity.

At the outset of the hearing, after the application to amend Allegation 3, the teacher admitted the facts and also admitted unacceptable professional conduct and conduct that may bring the profession into disrepute.

Preliminary applications

Late admission of completed notice of proceedings form

Mr Awofadeju returned his completed notice of proceedings form to the presenting officer and to the panel via email at the beginning of the hearing. The presenting officer had no objection to the completed notice of proceedings form being admitted. The panel determined that it was in the interests of justice, notwithstanding the fact that the completed notice of proceedings form had not been returned within the requisite time period, to admit the completed notice of proceedings form and accordingly did so.

Amendment to Allegation 3

The presenting officer then made an application to amend Allegation 3, which originally read “By your conduct set out in the foregoing paragraphs, you (a) were dishonest; (b) failed to act with integrity” to read “By your conduct, as may be found proven in allegation 1 and/or 2, was dishonest and/or lacked integrity”.

The panel noted that it had the power to, in the interests of justice, amend an allegation or the particulars of an allegation, at any stage before making its decision about whether the facts of the case have been proved.

Before making an amendment, the panel was required to consider any representations by the presenting officer and by Mr Awofadeju, and the parties were afforded that opportunity. Mr Awofadeju’s representative opposed the application on the grounds that:

1. the allegations which had been made by the TRA did not reflect the allegations which were found proven against Mr Awofadeju by the School and by OCR. In particular, no allegation was made at the previous stage that Mr Awofadeju had brought the profession into disrepute;
2. the referral was made to the TRA by an individual from OCR who, it was alleged by Mr Awofadeju’s representative, was seeking a greater sanction for Mr Awofadeju than that imposed by OCR;
3. there was no objective evidence in support of the application; and
4. the TRA has delayed in bringing both the case and the amendment application.

The panel considered whether it was in the interests of justice for the application to be granted. The panel determined that the amendment proposed was a correction which did not change the nature, scope or seriousness of the allegations made against the teacher. The panel considered that it would be helpful for Allegation 3 to be re-framed in the form proposed in the amendment application, to provide further clarity to the presenting officer, teacher and the panel.

The panel were however concerned that this application was made at such a late stage in the proceedings, and exercised caution to ensure that there was no unfairness to

Mr Awofadeju. The panel carefully considered the submissions by Mr Awofadeju's representative, however ultimately concluded that there was no prospect of the Mr Awofadeju's case being presented differently had the amendment been made at an earlier stage, and therefore no unfairness or prejudice caused to Mr Awofadeju.

In particular, the panel noted that the allegations against Mr Awofadeju of conduct that may bring the profession into disrepute, which were the focus of the submissions by Mr Awofadeju's representative, were contained in the notice of proceedings dated 28 August 2024. These were not being introduced as part of the amendment application, which related solely to Allegation 3.

As has already been referenced, the panel were satisfied that the proposed amendment to Allegation 3 was a correction to the form of wording rather than the introduction of a brand-new allegation. In particular, the panel noted that the original Allegation 3 contained allegations of dishonesty and a failure to act with integrity, which are substantially the same allegations as those in the revised Allegation 3. Accordingly, the panel decided to grant the application to amend Allegation 3.

Proceeding in absence

During the course of the first day of the hearing, at which Mr Awofadeju was present, the panel was informed by Mr Awofadeju's representative that Mr Awofadeju was unable to attend for the other days of the hearing due to his teaching commitments. On the morning of the second day of the hearing, the panel therefore considered whether to proceed with the hearing in the absence of Mr Awofadeju. The presenting officer did not object to the panel proceeding in absence and Mr Awofadeju's representative made submissions in support of the panel proceeding in Mr Awofadeju's absence.

The panel carefully considered this question and determined that the notice of proceedings form had been validly served on Mr Awofadeju. The panel then considered whether to exercise its discretion under paragraph 4.29 of the "*Teacher Misconduct – Disciplinary Procedures for the Teaching Profession*", updated April 2018 (the "**Procedures**") to proceed in Mr Awofadeju's absence, taking into account his right to a fair trial under Article 6 of the European Convention on Human Rights ("**ECHR**").

The panel were satisfied that Mr Awofadeju's right to a fair trial would not be infringed, taking into account the following factors:

1. Mr Awofadeju had been present on the first day of the hearing and had consented to the remainder of the hearing proceeding in his absence;
2. Witness A, the only witness to give evidence in the hearing, had been examined both by the presenting officer and by Mr Awofadeju's representative on the first day of the hearing, at which he was present; and
3. Mr Awofadeju's representative had confirmed that Mr Awofadeju was not going to be giving evidence at the hearing.

In considering the application, the panel also considered the disruption which would be caused by adjourning the hearing at this stage, noting that:

1. Witness A was still under oath, as the panel had at that stage not yet had the opportunity to ask him questions;
2. it was unlikely that Mr Awofadeju would be able to attend any reconvened hearing given his ongoing teaching commitments; and
3. the allegations being determined by the panel related to events which had taken place in 2018 and that the referral had been made to the TRA in March 2019. It was in the interests of justice for this matter to be resolved at this hearing rather than delayed further.

Accordingly, taking into account all of the above considerations, the panel determined to proceed in the absence of Mr Awofadeju.

Article 3 rights

During his opening submissions, Mr Awofadeju's representative indicated that Mr Awofadeju intended to advance a case that the hearing constituted a breach of Mr Awofadeju's rights under Article 3 ECHR.

After the conclusion of the witness evidence but before the closing submissions, the presenting officer made an application that:

1. Mr Awofadeju should not be permitted to advance a defence to his claim based upon his rights under Article 3 ECHR, on the basis that these matters should have been raised either prior to the beginning of the hearing or at the beginning of the hearing; and
2. in any event, Mr Awofadeju's rights under Article 3 ECHR would not be breached by the panel making any finding or recommending any sanction as part of this professional conduct panel hearing, such a breach having been alleged by Mr Awofadeju's representative.

At the outset of its determination, the panel noted that it has the power to make case management decisions at any time during this hearing pursuant to paragraph 4.48 of Procedures.

In respect of the first limb of the presenting officer's application, that Mr Awofadeju should not be permitted on procedural grounds to advance a defence to his claim based upon his Article 3 ECHR rights, the panel carefully considered the submissions made by the presenting officer that this defence ought to have been raised at an earlier stage and that it was impermissible for it to be raised by Mr Awofadeju's representative during his opening submissions.

In particular, the panel considered the presenting officer's submissions that:

1. the notice of proceedings dated 28 August 2024 was served on Mr Awofadeju and this confirmed that Mr Awofadeju should, if he considered it appropriate, provide any documents or witness statements on which he wanted to rely to the presenting officer four weeks prior to the commencement of this hearing;
2. no such documents or witness statements were received, and Mr Awofadeju did not confirm either prior to the beginning of the hearing or on the completed notice of proceedings form that he intended to raise his Article 3 ECHR rights as a defence to the claim; and
3. Paragraphs 4.37 and 4.38 of the Procedures set out a process whereby the presenting officer and the teacher may raise preliminary issues as a case management matter in advance of the commencement of the hearing.

The panel also considered the facts that (i) Mr Awofadeju had admitted to all of the allegations at the beginning of the hearing, before raising any concerns regarding his Article 3 ECHR rights; and (ii) Mr Awofadeju's representative confirmed at the beginning of the hearing that he did not have any applications to make.

However, after considering all of the circumstances of this case, the panel decided to exercise its discretion in favour of allowing Mr Awofadeju to proceed with advancing a defence based upon his Article 3 ECHR rights.

Whilst the panel considered that it would have been more helpful for Mr Awofadeju if this matter had been raised in advance of the hearing so that it could have been dealt with as a preliminary issue, in reaching its decision it took account of the facts that:

1. The notice of proceedings did not ask Mr Awofadeju to identify the legal defences which he was intending to run in advance of the beginning of the hearing;
2. Mr Awofadeju was not seeking to introduce any documentary or witness evidence in support of his defence at a late stage in contravention of the process set out in the Procedures;
3. Neither Mr Awofadeju nor his representative were legally qualified; and
4. At the time when the panel was determining the first limb of this application, it had already heard detailed submissions both from the presenting officer and from Mr Awofadeju's representative about the application of Article 3 ECHR to the present case.

Having determined that Mr Awofadeju was entitled to run a defence based upon his Article 3 ECHR rights, the panel then went on to consider the second limb of the application.

This limb of the application sought a determination by the panel that Mr Awofadeju's rights under Article 3 ECHR would not be breached by the panel making any finding or recommending any sanction as part of this professional conduct panel hearing, such a breach having been alleged by Mr Awofadeju's representative.

In summary, Mr Awofadeju's representative alleged both in his opening submissions and in his response to this application that:

1. The OCR malpractice committee which met on 18 October 2018 found various allegations against Mr Awofadeju proven and imposed a ban on him from all involvement in the delivery or administration of OCR examinations and assessments for a period of four years until the end of October 2022;
2. The OCR malpractice committee's decision was upheld on appeal by the OCR appeals committee on 22 January 2019;
3. Witness A subsequently referred Mr Awofadeju to the TRA on 20 March 2019. Mr Awofadeju's representative submitted that this referral was malicious because the intention was to obtain a permanent teaching ban for Mr Awofadeju, in excess of the four-year ban on involvement in OCR examinations. In support of this case, Mr Awofadeju's representative relied on the fact that Witness A used the TRA referral form intended for members of the public, whilst being employed by OCR;
4. Mr Awofadeju's representative argued that because of (i) the alleged malice behind the referral; and (ii) the fact that the TRA is considering issues which have already been considered by OCR, this was a breach of Mr Awofadeju's Article 3 ECHR rights.

Article 3 ECHR states that "No one shall be subjected to torture or to inhuman or degrading treatment or punishment." Mr Awofadeju's representative took the view the Mr Awofadeju's right not to be subjected to inhuman or degrading punishment has been breached.

It was uncontroversial that the tribunal was a public authority for the purposes of section 6 of the Human Rights Act 1998 and was therefore required to comply with the ECHR, including Article 3 ECHR.

The panel carefully considered the submissions which were made both by the presenting officer and by Mr Awofadeju's representative. In doing so, the panel scrutinised the definitions of "inhuman punishment" and "degrading punishment" which could be determined from the applicable guidance, being the Guide to the Human Rights Act for Public Authorities (the "**Guide**"), and leading caselaw on this subject.

The panel noted that the definition of "inhuman treatment" in the Guide, which was analogous to inhuman punishment, was "*treatment which is less severe than torture but still causes serious physical and/or mental pain or suffering*". The panel had regard to the decision of the European Court of Human Rights in *Tyrer v the United Kingdom* (1978) 2 E.H.R.R. 1 ("**Tyrer**"), which had found that suffering must attain a particular level before a punishment can be classed as "inhuman".

The panel further noted that the definition of "degrading treatment" in the Guide, which was analogous to degrading punishment, was "*treatment arousing feelings of fear,*

anguish and inferiority capable of humiliating and debasing the victim". The panel had regard again to the European Court of Human Rights decision in *Tyrer*, which found that the humiliation or debasement involved must attain a particular level.

In particular, the panel considered it significant that at paragraph 30 of *Tyrer*, the European Court of Human Rights had stated that "degrading" treatment must be more than the usual humiliation of an individual being convicted as part of a criminal process. Instead, the individual must be humiliated by the execution of the punishment imposed.

In reaching its conclusion, the panel was mindful of the following principles derived from the case of *Ireland v United Kingdom* (1978) 2 E.H.R.R. 25:

1. First, at paragraph 162, for treatment to fall within the scope of Article 3, it must attain a minimum level of severity which will depend on all of the circumstances of the case such as the duration of the treatment, its physical or mental effects and, in some cases, the sex, age and state of health of the victim; and
2. Second, at paragraph 161, for a Court to determine that there has been a violation of Article 3, the Court has to be satisfied beyond reasonable doubt.

Having considered all of the points raised by the presenting officer and Mr Awofadeju's representative and the above considerations, the panel concluded that there had been no breach of Mr Awofadeju's rights under Article 3 ECHR in relation to this case, either in relation to the referral or in relation to the jurisdiction of the panel to make findings of fact and, if appropriate, to consider any sanctions.

In reaching this conclusion, the panel considered the fact that no evidence has been put forward by Mr Awofadeju in terms of the potential impact on his physical or mental health of the OCR referral and/or of this hearing. The panel was satisfied that Mr Awofadeju had sufficient opportunity to put forward any evidence and had chosen not to do so. Nor was any such evidence referred to or alluded to by Mr Awofadeju's representative during his submissions.

In those circumstances, the panel considered that it could not find that there has been any "*serious physical and/or mental pain or suffering*", as would be required for there to have been inhuman punishment, nor that there has been any "*treatment arousing feelings of fear, anguish and inferiority capable of humiliating and debasing the victim*", as would be required for there to have been degrading punishment. The panel did not find this either applying the civil or the criminal standard of proof.

The panel accepted that professional disciplinary proceedings were likely to be stressful for those involved. However, both OCR and the TRA have legitimate objectives which they are seeking to achieve, and the following of their respective processes does not give rise to any breach of Mr Awofadeju's rights under Article 3 ECHR. The panel had in mind the ruling of the European Court of Human Rights in *Tyrer* that there must be more than

the usual humiliation of an individual being convicted as part of a criminal process, in order for Article 3 rights to have been breached.

In any event, the panel did not consider that there has been any improper treatment or conduct resulting from the referral from OCR and/or the subsequent TRA hearing. The panel heard from Witness A that the OCR malpractice committee was concerned with Mr Awofadeju's fitness to administer OCR examinations, rather than whether Mr Awofadeju's conduct had brought the teaching profession into disrepute.

Witness A was clear that this latter point fell outside of OCR's remit, which was the reason for the referral by OCR to the TRA. The panel noted that this was consistent with the recommendations of the OCR malpractice committee. In those recommendations, the committee stated that in addition to imposing the ban, "*other awarding bodies, the Teaching Regulation Agency (TRA) and the regulator may also be informed*".

In considering this point, the panel was mindful that the TRA had a wider remit than OCR and that its objectives included the safeguarding of pupils and students, maintaining public confidence in the teaching profession and upholding proper standards of conduct. The panel noted that it was not bound by the decisions taken by the OCR Malpractice Committee or the OCR Appeals Committee, nor by the decision of the school disciplinary committee, but that it was entitled to consider the same factual issues raised.

Witness A explained to the panel that there was no malice behind the referral and that the referral was made in his capacity as an employee of OCR. Witness A further explained that he was required to use the TRA referral form, which was available to members of the public, as the only other form available was for educational institutions to use. The referral clearly stated that Witness A was making the referral in his capacity as an employee of OCR.

Witness A explained that OCR was not seeking a permanent ban for Mr Awofadeju when it made the referral, rather that it considered the conduct sufficiently serious that it should be considered by the TRA. The panel accepted Witness A's evidence on these points. Even if the referral was malicious, which it was not, this would not have meant that the present proceedings breached Mr Awofadeju's Article 3 rights.

Accordingly, in conclusion, the panel determined that there was no breach of Mr Awofadeju's Article 3 rights, and this was the panel's final decision on this matter. Mr Awofadeju's representative would not therefore be permitted to run a defence to this claim based on an alleged breach of Mr Awofadeju's Article 3 rights, although Mr Awofadeju's representative was of course entitled to draw the panel's attention to any documentary or witness evidence which had been placed before the panel, including witness evidence given during the cross-examination of Witness A.

Finally, the panel noted the suggestion in Mr Awofadeju's representative's responsive submissions to this application that Mr Awofadeju may seek to advance a case that there has been or may have been a breach of his rights under Article 6 ECHR to a fair trial.

Whilst the panel did not have the opportunity to consider detailed submissions from Mr Awofadeju on this point, given these were not raised in his opening submissions and only mentioned in passing, the panel considered the issue of Article 6 as part of this application, using its discretion to make case management decisions pursuant to paragraph 4.48 of the Procedures.

The panel was satisfied that Mr Awofadeju's right to a fair trial under Article 6 ECHR had not been infringed based on all of the evidence before it, including:

1. that the notice of proceedings was validly served informing Mr Awofadeju clearly of the allegations against him;
2. that Mr Awofadeju had had the opportunity to submit documents and witness evidence to this panel;
3. that Mr Awofadeju was represented before this panel;
4. that Mr Awofadeju was present on the first day of this hearing and had since voluntarily absented himself; and
5. that he had had the opportunity to examine witnesses against him and to obtain the attendance of witnesses on his behalf if he chose to do so.

The panel noted that it was unfortunate that such a length of time has passed between the referral to the TRA and this hearing, however, the panel did not consider that such a delay has breached Mr Awofadeju's right to a fair trial, particularly in circumstances where he has engaged with the process and has a representative instructed on his behalf. There was no evidence of serious prejudice to Mr Awofadeju, and the panel noted that it could receive a direction regarding the impact of delay when making its findings of fact.

Accordingly, the panel determined that there had been no breach of Mr Awofadeju's Article 6 rights based on the information presently before it. Unless there were fresh matters to consider in this respect, Mr Awofadeju's representative would not therefore be permitted to run a defence to this claim based on an alleged breach of Mr Awofadeju's Article 6 rights, however as set out previously Mr Awofadeju's representative was of course entitled to draw the panel's attention to any documentary or witness evidence which had been placed before the panel, including witness evidence given during the cross-examination of Witness A.

Summary of evidence

Documents

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

Section 1: Notice of proceedings – pages 7 to 20

Section 2: Teaching Regulation Agency witness statements – pages 22 to 320

Section 3: Teaching Regulation Agency documents – pages 322 to 505

In addition, the panel agreed to accept the completed notice of proceedings form which was returned by Mr Awofadeju on the morning of the first day of the hearing.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing, and the completed Notice of Proceedings form which the panel decided to admit.

Witnesses

The panel heard oral evidence from Witness A, [REDACTED]. Witness A was called by the presenting officer.

A witness statement was provided by Witness B, [REDACTED] and it was intended that Witness B would be called by the presenting officer during the hearing. However, due to scheduling issues during the hearing itself, the presenting officer did not call Witness B to give evidence.

Mr Awofadeju did not provide any witness evidence.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Awofadeju was employed as the Head of ICT and Computer Science at the School from 1 September 2017 until 21 December 2018. As part of his role, Mr Awofadeju taught the OCR Level 2 Cambridge National in ICT to Year 11 pupils in the academic year 2017 to 2018. This qualification included two coursework modules taught by Mr Awofadeju, named R003 and R005.

On 2 July 2018, an external moderator requested sample work for various modules from Mr Awofadeju, including R003 and R005. No response was received from Mr Awofadeju and on 10 July 2018, OCR requested that the School undertook a full investigation. This

investigation was completed, and the findings were submitted to OCR on 20 July 2018. The School's investigation report raised concerns that, amongst other things, improper assistance had been provided to the pupils in completing coursework for the R003 and R005 modules.

An OCR Malpractice Committee Meeting was convened on 18 October 2018 which determined that Mr Awofadeju had committed malpractice. That Committee barred Mr Awofadeju from all involvement in the delivery or administration of OCR examinations and assessment for a period of four years until the end of October 2022. That decision was appealed by Mr Awofadeju and the appeal was heard on 22 January 2019. The OCR Appeals Committee upheld the original decision and rejected the appeal. A referral was made by OCR to the TRA on 20 March 2019.

Findings of fact

The findings of fact are as follows:

The panel found the following particulars of the allegation(s) against you proved, for these reasons:

You are guilty of unacceptable professional conduct and /or conduct that may bring the profession into disrepute in that, whilst a teacher at Evelyn Grace Academy:

1. In relation to the 2017/18 assessment of Cambridge Nationals Level 2 ICT Unit R003 (Handling data using spreadsheet), you:

a. Provided pupils with example model answers specific to the task;

This allegation was admitted by Mr Awofadeju. The panel took this admission into account whilst also considering all of the other evidence which had been placed before it.

As part of the School's investigation into Mr Awofadeju, his pupils had been provided with written questionnaires which asked them about the conditions under which the coursework was completed. Copies of the pupils' responses to these questionnaires were included in the bundle and reviewed by the panel, although the panel did not have the opportunity to ask any questions of the pupils themselves.

Responses provided by the pupils included that Mr Awofadeju had "*show[n] us how to do it with his work*", that "*we also was [sic] given past work to use as a guideline*", that pupils were given "*modelling instructions*" and that Mr Awofadeju had provided "*exemplars [sic] of other peoples work for us to use as a guideline*".

Not all of the responses provided by the pupils indicated whether they had been taught the R003 module by Mr Awofadeju and none of the above comments differentiated between the different modules which had been taught. On the balance of probabilities, the panel concluded that the pupils' responses related to the R003 module.

The panel noted that, unlike with the templates which are the subject of the following allegation, there was no example in the bundle of a model answer which was specific to the task. When Witness A was asked by a member of the panel during his evidence whether he had seen an example model answer as part of OCR's decision-making process, Witness A could not recall seeing a copy of any model answers.

The panel were however mindful that the OCR Malpractice Committee Meeting took place in October 2018 and the OCR Appeals Committee Meeting took place in January 2019, a significant period of time before Witness A gave evidence to the panel.

Taking into account all of the above factors, the panel concluded that on the balance of probabilities Mr Awofadeju had provided pupils with example model answers specific to the task.

b. Provided pupils with templates to structure their answers;

This allegation was admitted by Mr Awofadeju. The panel took this admission into account whilst also considering all of the other evidence which had been placed before it.

The panel noted that, in addition to the admission by Mr Awofadeju at the beginning of the hearing, the documentary evidence in the bundle demonstrated that he had previously admitted to this allegation. As part of his interview for the School's disciplinary investigation, Mr Awofadeju stated that *"I provided some templates but was very explicit that they couldn't just use them. They should be used as scaffolding to help shape ideas"*.

The panel reviewed the templates which had been provided in the bundle which related to the R003 and R005 modules. These templates contained detailed instructions of how the work should be completed.

The panel also took note of the responses given by the pupils in the questionnaires provided to them as part of the School's disciplinary hearing. Most of the responses provided by the pupils referred to Mr Awofadeju providing templates, for example:

- a pupil records being *"given a pupil folder which contained [a] writing frame of how to structure the coursework"*;
- another writes *"we were provided with exemplery [sic] templates to complete our work, though we couldn't complete"*; and
- *"it was a explar [sic] template which we could not use but we had the assigned work sheet to have idea of how to do it"*.

On the balance of probabilities, the panel concluded that the pupils' responses related to the R003 module.

Taking into account all of the above factors, the panel concluded that on the balance of probabilities Mr Awofadeju had provided pupils with templates to structure their answers.

c. Provided detailed feedback to pupils on what amendments should be made and then allowed those pupils to make those amendments;

This allegation was admitted by Mr Awofadeju. The panel took this admission into account whilst also considering all of the other evidence which had been placed before it.

The panel reviewed an example of annotated coursework which was in the bundle. The coursework related to the R005 module, however on the balance of probabilities the panel concluded that the same or a similar approach was taken by Mr Awofadeju in relation to the R003 module.

The coursework contained a number of comment boxes which were created by the “OA1” user, which the panel understood to be Mr Awofadeju. The panel noted the evidence of Witness A, who was taken through these comments by the presenting officer as part of his evidence.

Witness A identified that whilst certain comments given by Mr Awofadeju, such as “*Can you think of other software choices you could have used to create the interactive multimedia product?*”, were generic, other comments were detailed and specific. For example, the above comment was followed by “*eg. A DVD, Prezi software, augmented reality*” which Witness A considered to be specific. Similarly, a comment that “*provide examples of some of these tools*” was considered by Witness A to be generic feedback but the following comment of “*e.g. the ability to create slide transitions, animations etc*” was specific.

The panel also considered the responses given by the pupils in the questionnaires provided to them as part of the School’s disciplinary hearing. Most of the pupils indicated that feedback had been provided although the level of detail was not mentioned in many cases. The panel noted that this was not universally the case, with one pupil stating that “*the teacher did not give me any feedback from my coursework*”.

There were however responses which the panel considered indicated that detailed feedback had been provided, such as responses by certain pupils that “*when work was in-complete, he [Mr Awofadeju] would call us back and support us through*” and that “*when checking work if incorrect he [Mr Awofadeju] would retype in his own words*”.

Taking into account all of the above factors, the panel concluded that on the balance of probabilities Mr Awofadeju had provided detailed feedback to pupils on what amendments should be made and then allowed those pupils to make those amendments.

d. Provisionally marked pupils' work and then allowed the pupils to continue working on that work.

This allegation was admitted by Mr Awofadeju. The panel took this admission into account whilst also considering all of the other evidence which had been placed before it.

The panel noted that, in addition to the admission by Mr Awofadeju at the beginning of the hearing, the documentary evidence in the bundle demonstrated that he had previously admitted to this allegation.

As part of his interview for the School's disciplinary investigation, Mr Awofadeju stated that *"I would look at their work, mark as they went along, give them advice so that they could go and do more work"* and in his evidence before the OCR Appeals Committee he stated that *"I wasn't leaving it until the end before marking it; that I was actually marking it as we were going along"*. Mr Awofadeju stated that there was an expectation from the School that this would be done so that the pupils' progress could be monitored.

The panel also considered the responses given by the pupils in the questionnaires provided to them as part of the School's disciplinary hearing. One of the pupils stated that *"Every term [I] was given an update on grades. [I] Was given a merit grade written feedback. Regular marking feedback"*.

Taking into account all of the above factors, the panel concluded that on the balance of probabilities Mr Awofadeju had provisionally marked pupils' work and then allowed the pupils to continue working on that work.

2. In relation to the 2017/18 assessment of Cambridge Nationals Level 2 ICT Unit R005 (creating product & multi-media), you:

a. Provided pupils with example model answers specific to the task;

For the same reasons as set out above in respect of allegation 1(a), the panel concluded that, in respect of the R005 unit, Mr Awofadeju had provided pupils with example model answers specific to the task.

b. Provided pupils with templates to structure their answers;

For the same reasons as set out above in respect of allegation 1(b), the panel concluded that, in respect of the R005 unit, Mr Awofadeju had provided pupils with templates to structure their answers.

c. Provided detailed feedback to pupils on what amendments should be made and then allowed those pupils to make those amendments;

For the same reasons as set out above in respect of allegation 1(c), the panel concluded that, in respect of the R005 unit, Mr Awofadeju had provided detailed feedback to pupils

on what amendments should be made and then allowed those pupils to make those amendments.

d. Provisionally marked pupils' work and then allowed the pupils to continue working on that work.

For the same reasons as set out above in respect of allegation 1(d), the panel concluded that, in respect of the R005 unit, Mr Awofadeju had provisionally marked pupils' work and then allowed the pupils to continue working on that work.

3. By your conduct, as may be found proven in allegation 1 and/or 2, was dishonest and/or lacked integrity.

This allegation was admitted by Mr Awofadeju. The panel took this admission into account when assessing the conduct which had been found proven in respect of allegation 1 and 2, whilst also considering all of the other evidence which had been placed before it.

The panel first considered the issue of dishonesty. The panel had in mind the two-stage test set out in the case of *Ivey v Genting Casinos (UK) Ltd*. The panel first considered the actual state of Mr Awofadeju's knowledge or belief as to the facts.

The panel noted the contents of Appendix 2 of the "*General and vocational qualifications: suspected malpractice in examinations and assessments*" document issued by the Joint Council for Qualifications (the "**JCQ Document**"), which was in the bundle. In particular, the panel considered the examples of malpractice under the header "improper assistance to candidates", which referred to "*any act where assistance is given beyond that permitted by the specification or regulations to a candidate or group of candidates, which results in a potential or actual advantage in an examination or assessment*".

The panel noted the contents of the OCR Cambridge Nationals in ICT specification document (the "**OCR Document**"), which governed the assessment of the R003 and R005 modules and which was in the bundle. In particular, the panel considered section 4.3 of that specification document which was headed "*Completing the tasks (for units R002-R011)*" and the part of that section which read "*Learners are free to revise and redraft work without teacher/assessor involvement before submitting the work for assessment. The advice provided prior to final submission should only enable the learner to take the initiative in making amendments, rather than detailing what amendments should be made. This means that teachers/assessors must not provide templates, model answers or detail specifically what amendments should be made*".

However, the panel considered that there was no evidence to suggest that Mr Awofadeju had read either the JCQ Document or the OCR Document. In his interview as part of the School's disciplinary investigation, Mr Awofadeju stated that "*for this new course, I haven't been on any particular training*". In his witness evidence, Witness A said that he would not expect Mr Awofadeju to have been aware of the contents of the JCQ

Document and there is no evidence before the panel that he was aware of those contents.

In the OCR Appeals Committee Hearing, Mr Awofadeju explained that he had not read the OCR Specification Document but that in order to prepare for teaching the course, he had reviewed TES resources and talked to other teachers. Mr Awofadeju went on to recognise that he should have asked for training before delivering the course and referred to his “*naivety*” in not doing so, however he stated that he was under significant pressure to deliver the course as soon as possible and instead drew on his previous experience from delivering a similar course.

The panel did not have the benefit of hearing directly from Mr Awofadeju during the hearing, as Mr Awofadeju chose not to give evidence on his own behalf. The panel also did not have the benefit of hearing directly from Witness B, who provided a witness statement but was not called by the presenting officer, about the conditions at the School at the time.

The panel did however hear from Witness A during the hearing, who observed that his view was that Mr Awofadeju’s actions were as a result of incompetence rather than dishonesty. Witness A described Mr Awofadeju as a person with a “*good heart*” but who was disorganised and had not read the specification. Witness A went on to say that Mr Awofadeju had stated at the OCR Appeals Committee Hearing that he was under significant pressure at the School and that there was an inference that Mr Awofadeju had been bullied by another member of staff. Witness A’s impression was that Mr Awofadeju was “*a man who was really at the end of his tether*”.

On the balance of probabilities, the panel therefore concluded that Mr Awofadeju had not deliberately contravened the requirements for delivering the teaching of the R003 and R005 modules, but rather that his actions were as a result of ignorance because of a failure to read the OCR Document.

Turning to the second limb of the test in *Ivey v Genting Casinos (UK) Ltd*, the panel then considered whether Mr Awofadeju’s state of knowledge and belief was dishonest by the standards of the ordinary honest person.

On the balance of probabilities, the panel concluded that Mr Awofadeju’s state of knowledge and belief was not dishonest and that an ordinary honest person would consider that Mr Awofadeju may have been negligent in failing to read the OCR Document and failing to understand the coursework requirements, but that he was not dishonest.

Having concluded that Mr Awofadeju was not dishonest, the panel went on to consider whether his actions constituted a lack of integrity. The panel considered that this was not a straightforward question and there were many factors to consider, including that:

- exam guidance is often very significant, and the criteria can be difficult to understand;
- this was only one of Mr Awofadeju's classes and he had the rest of the timetable to teach;
- he had taught a similar course previously with different criteria;
- he had newly joined the School and had only taken this class for a short period of time. In particular, he had not taught this Year 11 class the previous year; and
- he appeared to be under significant pressure and not sufficiently supported by the School.

However, set against those factors was the point that Mr Awofadeju was the Head of the Department and that as an experienced teacher he ought to have taken responsibility for his teaching. The panel considered that he should have read the OCR Document insofar as it related to subjects and modules which he was teaching. Whilst the panel appreciated the pressure which Mr Awofadeju appeared to have been under and the issue of his workload, it considered that he should have been more organised and taken the time to understand the structure of the course which he was running.

Accordingly, on the balance of probabilities the panel concluded that Mr Awofadeju's conduct, as was found proven in allegation 1 and/or 2, lacked integrity.

The panel found the following particulars of the allegation(s) against you not proved, for these reasons:

You are guilty of unacceptable professional conduct and /or conduct that may bring the profession into disrepute in that, whilst a teacher at Evelyn Grace Academy:

1. In relation to the 2017/18 assessment of Cambridge Nationals Level 2 ICT Unit R003 (Handling data using spreadsheet), you:

- e. Failed to ensure that pupils' work was adequately supervised and/or monitored under controlled conditions.**

This allegation was admitted by Mr Awofadeju. The panel took this admission into account whilst also considering all of the other evidence which had been placed before it.

The panel noted the part of section 4.3 of the OCR Document which states that "*Centre assessed work should be completed in the course of normal curriculum time and supervised and marked by the teacher/assessor. Some of the work, by its very nature, may be undertaken outside the centre, for example, research work, testing etc. As with all centre assessed work, the teacher must be satisfied that the work submitted for assessment is the learner's own.*"

The panel further noted the part of section 4.5 of the OCR Document which states that *“Teachers/assessors must be confident that the work they mark is the learner’s own. This does not mean that a learner must be supervised throughout the completion of all work, but the teacher must exercise sufficient supervision, or introduce sufficient checks, to be in a position to judge the authenticity of the learner’s work.”*

Witness A’s witness statement raised two concerns in respect of a suspicion that pupils’ work was not being carried out in a secure setting. First, that work may have been completed outside of the controlled conditions in the School. Second, that some pupils had used Mr Awofadeju’s own computer to complete work, due to issues with sound on their own computers.

OCR’s concern on this second point was twofold, first that candidates would be able to access other pupils’ work on that computer and, second, that if Mr Awofadeju was watching the pupil to ensure that this did not occur, then the remainder of the pupils in the class were not being adequately supervised.

The panel began by considering the first concern raised by Witness A. As part of the OCR Appeals Committee Meeting, Mr Awofadeju stated that he was very aware that pupils could not work on their assessments outside of the School and that pupils could only work on it during a controlled environment. He explained his understanding that it was only research which was permitted outside of the controlled environment. Mr Awofadeju explained that he came into the School on weekends, bank holidays and during half-terms to enable the pupils to complete the coursework in supervised conditions. Mr Awofadeju said that he had been required to do so by the School.

The panel noted that there was a comment in one of the responses given by a pupil in their questionnaire that *“we got given the instructions of completing ever [sic] assigned work that needed to be done either in school or at home.”* However, the panel did not consider on the balance of probabilities that this comment evidenced that coursework had been completed outside of the School and that the pupil may have been referring to undertaking research outside of the School, which was permitted by the OCR Document. There was no other evidence before the panel that any of the coursework had been completed outside of the School.

The panel then considered the second concern raised by Witness A, the use of Mr Awofadeju’s computer by pupils. The panel noted Mr Awofadeju’s explanation that he was watching the pupils whilst they were using his computer in order to complete the multimedia element of their work.

Whilst Witness A’s position, as set out in his witness statement, was that Mr Awofadeju should have informed the School that the work could not be completed without the issue being resolved, the panel was mindful of the constraints which Mr Awofadeju was operating under. The panel also noted that there was no evidence before the panel that

the use of Mr Awofadeju's computer had resulted in pupils being able to access other pupils' work.

The panel went on to consider the allegation that Mr Awofadeju had failed to adequately supervise the rest of the pupils whilst he was supervising each pupil using his computer.

The panel noted Witness A's evidence that the coursework assessment was to be conducted under conditions of "medium control", which is that pupils work in a classroom under supervision so that the teacher has confidence that work is not being shared or copied. Witness A contrasted this to conditions of "high control", which are those in a formal exam setting. The standard for adequate supervision and monitoring for the coursework was therefore lower than in an exam setting.

The panel considered Mr Awofadeju's evidence to the OCR Appeals Committee, in which he stated that during the coursework sessions in the holidays, weekends and bank holidays, there were two teachers present in the room and that pupils were not allowed to sit next to each other. Mr Awofadeju's representative before the OCR Appeals Committee stated that the sessions were run in a "*very strict manner*". There was no evidence to the contrary before the panel, nor any evidence which suggested that conditions were less stringent during normal school hours.

Taking into account all of the above factors, the panel concluded that on the balance of probabilities Mr Awofadeju had not failed to ensure that pupils' work was adequately supervised and/or monitored under controlled conditions.

2. In relation to the 2017/18 assessment of Cambridge Nationals Level 2 ICT Unit R005 (creating product & multi-media), you:

e. Failed to ensure that pupils' work was adequately supervised and/or monitored under controlled conditions.

For the same reasons as set out above in respect of allegation 1(e), the panel concluded that, in respect of the R005 unit, Mr Awofadeju had not failed to ensure that pupils' work was adequately supervised and/or monitored under controlled conditions.

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".

Unacceptable professional conduct

The panel was satisfied that the conduct of Mr Awofadeju, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Awofadeju 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.

Whilst the panel considered that the conduct of Mr Awofadeju had fallen short of the required standard, the panel was not satisfied that the conduct of Mr Awofadeju was misconduct of a serious nature which fell significantly short of the standard of behaviour expected of a teacher.

In reaching this conclusion, the panel did give detailed consideration to the concerns raised by Witness A during his evidence as to the potential impact of Mr Awofadeju's actions on his pupils. In particular, Witness A raised a concern during his evidence that providing too much assistance to pupils could have a negative impact both on less able and more able students, and that it raised wider issues regarding the integrity of the examination regime.

However, the panel considered that Mr Awofadeju had not intended to provide his pupils with more assistance than was appropriate and that there was no dishonesty involved. Rather, the reason that he had done so was due to a failure to read and understand the OCR examination criteria. The panel noted that whilst he had provided templates to his pupils, there was clear evidence that he had told the pupils that they could not copy this work. In respect of the feedback which Mr Awofadeju provided to his pupils, the panel had regard to Witness A's evidence that some of this feedback was acceptable and some of it was not and recognised that there was a fine distinction between the two.

The panel was mindful that it had considered Mr Awofadeju's conduct to be the result of a lack of integrity, although in reaching that conclusion it had recognised the significant pressures which he appeared to be under from the School to deliver the course and the lack of support which he appeared to have received. The panel noted that in delivering the course, Mr Awofadeju devoted a significant amount of his personal time on weekends, bank holidays and in half terms to attending the School so that the pupils could complete their coursework under controlled conditions.

The panel considered the comment made by Witness A during his evidence that the pupils' coursework grades had been disallowed and that their examination grade was used instead. However, there was no other evidence before the panel about detailed reasoning for this decision. The panel was not satisfied that this decision was the result of the allegations which it had found proven against Mr Awofadeju, given it could also have been as a result of other matters which were previously considered by the School and OCR but which the TRA had not asked the panel to consider as part of this hearing.

Nor was there any evidence before the panel as to the potential impact of that decision on the pupils' final grades, apart from a comment by Witness A that statistically pupils performed less well during examinations than in coursework. Accordingly, the panel considered that it was not in a position to properly consider this point on the information available to it.

The panel also considered whether Mr Awofadeju's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. The panel found that none of these offences were relevant and considered that the conduct found proven, whilst constituting misconduct, was on the less serious end of the spectrum. The panel also considered that, whilst they were not bound by any decision taken by the School, it was notable that the School had issued Mr Awofadeju with a final written warning but had not dismissed him from his role.

Finally, the panel was not satisfied that the conduct of Mr Awofadeju in relation to the facts found proved, involved breaches of Keeping Children Safe In Education or Working Together to Safeguard Children.

Accordingly, the panel was not satisfied that Mr Awofadeju was guilty of unacceptable professional conduct.

Conduct that may bring the profession into disrepute

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

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

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to conduct that may bring the profession into disrepute. The panel noted however that the Advice is not intended to be exhaustive and there may be other behaviours that panels consider to be "conduct that may bring the profession into disrepute".

The panel took into account the fact that Mr Awofadeju appeared to be motivated by a genuine desire to help his pupils and that the panel had not considered that his conduct was dishonest. The panel also considered the fact that the allegations which were proven had taken place over a relatively short period of time and related to a particular set of coursework units for a course which Mr Awofadeju had not previously taught.

The panel considered that an informed observer may be concerned less about Mr Awofadeju's conduct and more about the conduct of the School, given the apparent lack of training and guidance given to Mr Awofadeju and the fact that the responsibility of running examinations ultimately falls on the head teacher.

However, the panel recognised that it had found that Mr Awofadeju's actions had lacked integrity and that his conduct could potentially damage the public's perception of a teacher, given the public's expectation that teachers will take the time to understand how to properly prepare pupils to take examinations and to administer those examinations correctly.

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

Having found the facts of particulars 1(a) to (d), 2(a) to (d) and 3 proven, the panel further found that Mr Awofadeju's conduct amounted to conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of 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 Mr Awofadeju 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 and declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Awofadeju, which involved a finding that he had provided inappropriate assistance to his pupils in the completion of their GCSE IT coursework, there was a public interest consideration in respect of declaring and upholding proper standards of conduct.

Similarly, the panel considered that public confidence in the profession could be weakened if conduct such as that found against Mr Awofadeju was not treated with sufficient seriousness when regulating the conduct of 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, the panel considered that the only one relevant in this case was a lack of integrity.

The panel had found that Mr Awofadeju's actions, although not deliberate, resulted from a lack of integrity because he should have reviewed the OCR examination guidance as part of his teaching practice. The panel noted however that it had considered Mr Awofadeju's conduct to be on the less serious end of the spectrum. There was no suggestion or evidence that his actions had posed any risk to the wellbeing of pupils.

The panel did not consider that there had been "*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*", in circumstances where it had found that Mr Awofadeju's actions had not been dishonest and that his actions were instead the result of a failure to review the OCR examination guidance. Whilst the panel had noted Witness A's evidence that the pupils' coursework grades had been disallowed and that their examination grade was used instead, the panel had not been satisfied that this was as a result of the conduct which it had found proven.

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 the mitigation offered by the teacher and whether there were mitigating circumstances.

The panel had found that Mr Awofadeju's actions were not deliberate and that he had been acting under significant pressure from the School to deliver the course and to provide regular updates on his pupils' progress. The panel considered that the risk of Mr Awofadeju repeating his actions was small, given he no longer worked at the School and as such was no longer in that environment. Another factor was that Mr Awofadeju was likely to be a lot more careful in the administration of examinations going forward, having been through the School, OCR and TRA disciplinary procedures.

Whilst the panel did not have the opportunity to hear from Mr Awofadeju during the hearing, it had reviewed the comments which he had made to the OCR Appeals Committee Meeting in which he accepted that he should have reviewed the OCR examination guidance and that he had reflected on the "*naivety*" of his actions.

The panel also took into account that Mr Awofadeju had admitted to all of the allegations before the panel, even those which the panel had subsequently found not proven. The panel accepted the submissions by Mr Awofadeju's representative that this demonstrated an understanding by Mr Awofadeju of the importance of accountability and the seriousness of his conduct and showed that he had learned from his previous mistakes.

The panel noted that the School had not deemed Mr Awofadeju's actions sufficiently serious to dismiss him, instead giving him a final written warning. The panel further noted that the OCR Malpractice Committee had prohibited Mr Awofadeju from being involved in any OCR examinations for a four-year period and had chosen not to issue a permanent prohibition.

The panel was mindful that this four-year period had expired at the end of October 2022, over two years ago, and that the referral to the TRA had been made over five years ago in March 2019. The panel also took into consideration the submissions made by Mr Awofadeju's representative that Mr Awofadeju was currently teaching and that the making of a prohibition order would deny him his livelihood.

The panel noted the submissions from Mr Awofadeju's representative that Mr Awofadeju loved the teaching profession and was committed to his career as a teacher. Whilst there was no evidence before the panel as to Mr Awofadeju's ability as a teacher, the panel recognised based upon its own experience that it was often difficult for secondary schools to recruit appropriately qualified ICT teachers and that Mr Awofadeju was an experienced ICT teacher who had previously been the Head of Department at the School.

Proportionality

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 upholding 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 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 to the Secretary of State that the findings of unacceptable 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 Olu Awofadeju is in breach of the following standard:

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

The findings of misconduct are serious as they include a teacher acting in a way which 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 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 Awofadeju, 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, in respect of Mr Awofadeju's behaviour, that: "There was no suggestion or evidence that his actions had posed any risk to the wellbeing of pupils."

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

“Whilst the panel did not have the opportunity to hear from Mr Awofadeju during the hearing, it had reviewed the comments which he had made to the OCR Appeals Committee Meeting in which he accepted that he should have reviewed the OCR examination guidance and that he had reflected on the “*naivety*” of his actions.

The panel also took into account that Mr Awofadeju had admitted to all of the allegations before the panel, even those which the panel had subsequently found not proven. The panel accepted the submissions by Mr Awofadeju’s representative that this demonstrated an understanding by Mr Awofadeju of the importance of accountability and the seriousness of his conduct and showed that he had learned from his previous mistakes.”

In my judgement, the insight demonstrated by Mr Awofadeju means that the risk of the repetition of this behaviour is limited. 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 records that:

“However, the panel recognised that it had found that Mr Awofadeju’s actions had lacked integrity and that his conduct could potentially damage the public’s perception of a teacher, given the public’s expectation that teachers will take the time to understand how to properly prepare pupils to take examinations and to administer those examinations correctly.”

I am particularly mindful of the finding of a teacher acting in a way which lacks integrity in this case and the 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 conduct which 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 Awofadeju himself. The panel records that:

“The panel was mindful that this four-year period had expired at the end of October 2022, over two years ago, and that the referral to the TRA had been made over five years ago in March 2019. The panel also took into consideration the submissions

made by Mr Awofadeju's representative that Mr Awofadeju was currently teaching and that the making of a prohibition order would deny him his livelihood.

The panel noted the submissions from Mr Awofadeju's representative that Mr Awofadeju loved the teaching profession and was committed to his career as a teacher. Whilst there was no evidence before the panel as to Mr Awofadeju's ability as a teacher, the panel recognised based upon its own experience that it was often difficult for secondary schools to recruit appropriately qualified ICT teachers and that Mr Awofadeju was an experienced ICT teacher who had previously been the Head of Department at the School."

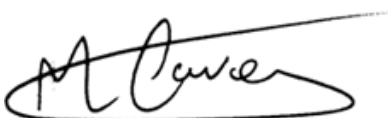
A prohibition order would prevent Mr Awofadeju from teaching. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel's concluding comments:

"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 upholding proper standards of the profession."

It is my judgment that, in light of the fact that while the misconduct found was serious it was at the less serious end of the possible spectrum, that the teacher has demonstrated some insight into his behaviour and taking into account the mitigating circumstances identified by the panel, a prohibition order would be a disproportionate response in this case.

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 'M Cavey', with a large, sweeping underline.

Decision maker: Marc Cavey

Date: 25 November 2024

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