



Teaching  
Regulation  
Agency

# **Miss Nicole Finch: Professional conduct panel hearing outcome**

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

**December 2024**

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

|                               |  |
|-------------------------------|--|
| <b>Teacher:</b>               | Miss Nicole Finch                      |
| <b>Teacher date of Birth:</b> | 17 September 1992                      |
| <b>TRA reference:</b>         | 21522                                  |
| <b>Date of determination:</b> | 6 December 2024                        |
| <b>Former employer:</b>       | Newbury Independent School, Birmingham |

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened online via MS Teams on 5 and 6 December 2024 to consider the case of Miss Finch.

The panel members were Mrs Gemma Hutchinson (teacher panellist – in the chair), Mr Nathan Cole (teacher panellist) and Ms Chloe Nash (lay panellist).

The legal adviser to the panel was Ms Clare Strickland of Blake Morgan solicitors.

The presenting officer for the TRA was Mr Mark Millin of Kingsley Napley solicitors.

Miss Finch was present and was not represented.

The hearing took place in public and was recorded.

## Allegations

The panel considered the allegations set out in the notice of hearing dated 6 August 2024.

It was alleged that Miss Finch was guilty of having been convicted of a relevant offence, in that:

1. On or around 9 June 2015 she was convicted at Birmingham and Solihull Magistrates Court of the following offence:
  - a. Making off without paying on 29/04/2015, contrary to the Theft Act 1978 s.3
2. On or around 3 November 2020 she was convicted at Worcestershire Magistrates Court of the following offences:
  - a. Using vehicle whilst uninsured, contrary to the Road Traffic Act 1988 s.143 (2)
  - b. Driving otherwise than in accordance with a license, contrary to the Road Traffic Act 1988 s. 87 (1)
  - c. Resist or obstruct a constable, contrary to the Police Act 1996 s. 89 (2)
  - d. Possess/control a false/improperly obtained another person's identity document, contrary to the Identity Documents Act 2010 s. 6
3. On or around 16 November 2021 she was convicted at Kidderminster Magistrates Court of the following offences:
  - a. Driving Whilst disqualified on 29 September 2021, contrary to the Road Traffic Act 1988 s. 103 (1) (b)
  - b. Using vehicle whilst uninsured on 29 September 2021, contrary to the Road Traffic Act 1988 s.143 (2)
4. On or around 9 March 2021 she was convicted at Leicester Crown Court of the following offences:
  - a. Bring/throw/otherwise convey a list A article into/out of prison on 9 February 2019, contrary to the Prison Act S. 40b (1) (a).
  - b. Bring/throw/otherwise convey a list B article into/out of prison on 9 February 2019, contrary to the Prison Act S. 40c (1) (a).

Miss Finch admitted the facts alleged, and admitted that they amounted to convictions of a relevant offence.

## **Preliminary applications**

The panel considered an application from Miss Finch that parts of the hearing [REDACTED] should be held in private. It decided that it was in the public interest for the hearing to be held in public but decided it would hear [REDACTED] limited parts in private. It was satisfied that this limited restriction on the general principle of open justice was proportionate and in the interests of justice.

## **Summary of evidence**

### **Documents**

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

Section 1: Chronology and list of key people – pages 4 to 6

Section 2: Notice of proceedings and response (placeholder) – pages 7 to 19

Section 3: Teaching Regulation Agency documents – pages 20 to 157

Section 4: Teacher documents - none

In addition, the panel agreed to accept the following:

- TRA skeleton submissions November 2024

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional document that the panel decided to admit.

### **Witnesses**

The panel heard oral evidence from Miss Finch.

## **Decision and reasons**

The panel announced its decision and reasons as follows:

In June 2015, Miss Finch pleaded guilty to a single offence of making off without payment. On 29 April 2015, she had filled her car with £20-worth of petrol and gone to pay but her payment card was declined. She was directed to a cash machine but did not return to pay with cash before driving away. She did not return to attempt to make payment later. Her sentence included a fine.

In November 2020, she pleaded guilty to driving otherwise than in accordance with a licence and without insurance, having a driving licence in another person's name to use

in the course of a fraud, and obstructing a police officer. On 3 November 2020, she drove a car without having a licence or insurance, and when stopped by police, she pretended to be someone else, using a bogus driving licence in an attempt to conceal her true identity. Her sentence included a fine and an order disqualifying her from driving for 12 months. Miss Finch told the panel that on this occasion, she was driving home from a family visit.

In November 2021, she pleaded guilty to driving while disqualified and with no insurance. On 29 September 2021, she was caught driving before the expiry of her driving ban. Miss Finch told the panel that she was driving between sites at the school where she was working at the time.

In January 2023, she was sentenced to 32 weeks' imprisonment for two offences of smuggling items into a prison. On 9 February 2019, she visited a prison inmate, and was seen to remove a number of packages from her hair and pass them to the prisoner. These packages were intercepted and found to contain prohibited drugs, seven mobile phones and SIM cards. There were 32 tablets of Buprenorphine, an opioid Class C controlled drug, and 2 tablets of Oxymetholone and Mestanolone, a steroid Class C controlled drug. The prison value of these items was at least £1,850. Miss Finch had pleaded guilty to the offences, but said that she had carried them out because of threats and pressure from [REDACTED]. The trial judge held a hearing to consider her account. Having received evidence, including evidence from her mobile phone messages, he rejected her account, finding that the offence was financially motivated. He also rejected her suggestion that she believed she was bringing in tobacco, finding she must have strongly suspected she was bringing in prohibited drugs. The trial judge concluded she did not plan or initiate the offences.

## **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 9 June 2015 you were convicted at Birmingham and Solihull Magistrates Court of the following offence:**
  - a. Making off without paying on 29/04/2015, contrary to the Theft Act 1978 s.3**

Miss Finch admitted this allegation, and it was proved by the memorandum of conviction.

- 2. On or around 3 November 2020 you were convicted at Worcestershire Magistrates Court of the following offences:**

- a. **Using vehicle whilst uninsured, contrary to the Road Traffic Act 1988 s.143 (2)**
- b. **Driving otherwise than in accordance with a license, contrary to the Road Traffic Act 1988 s. 87 (1)**
- c. **Resist or obstruct a constable, contrary to the Police Act 1996 s. 89 (2)**
- d. **Possess/control a false/improperly obtained another person's identity document, contrary to the Identity Documents Act 2010 s. 6**

Miss Finch admitted this allegation, and it was proved by the memorandum of conviction.

**3. On or around 16 November 2021 you were convicted at Kidderminster Magistrates Court of the following offences:**

- a. **Driving Whilst disqualified on 29 September 2021, contrary to the Road Traffic Act 1988 s. 103 (1) (b)**
- b. **Using vehicle whilst uninsured on 29 September 2021, contrary to the Road Traffic Act 1988 s.143 (2)**

Miss Finch admitted this allegation, and it was proved by the memorandum of conviction.

**4. On or around 9 March 2021 you were convicted at Leicester Crown Court of the following offences:**

- a. **Bring/throw/otherwise convey a list A article into/out of prison on 9 February 2019, contrary to the Prison Act S. 40b (1) (a).**
- b. **Bring/throw/otherwise convey a list B article into/out of prison on 9 February 2019, contrary to the Prison Act S. 40c (1) (a).**

Miss Finch admitted this allegation, and it was proved by the certificate of conviction.

## **Findings as to conviction of a relevant offence**

Having found a number of the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to convictions of a relevant offence.

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 considered each conviction individually, and for the reasons below, it was satisfied that each amounted to a conviction for a relevant offence.

The panel was satisfied that the conduct of Miss Finch involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Miss Finch was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs

The panel noted that although most of Miss Finch's convictions occurred outside the education setting, she had told the panel that the November 2021 convictions for driving whilst disqualified and without insurance occurred when she was driving between school sites in the course of her work.

The panel considered that her behaviour involved in committing the offences could have had an impact on the safety and security of members of the public. It considered that driving unaccompanied when not lawfully allowed to and without insurance was reckless and posed a real threat to public safety. Also, taking prohibited substances into a prison posed a significant risk of harm to the safety and security of prisoners and those working with them.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Miss Finch's behaviour in committing all of the offences could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community. In respect of each offence:

- Her offence of making off without payment was entirely dishonest. The public is entitled to expect that teachers will act with honesty and integrity within and outside the education setting and Miss Finch failed to do that. Before the panel, Miss Finch suggested that she had returned to make payment within a couple of weeks, but was too late. The panel rejected this account, because it was inconsistent with what she had said in her police interview in 2015, and she could offer no explanation to the panel for that inconsistency. This was not an isolated minor offence of dishonesty, because she went on to commit further offences, including a fraud offence in 2020.
- When sentencing Miss Finch for other offences in 2023, the trial judge referred to her 2020 offences in these terms:

*In 2020 she was convicted of a number of offences, the labels of which do not reflect the seriousness of what she had done. In the shortest possible compass, she was stopped and embarked on a determined and long-running attempt to*



*pass herself off as someone else when she was caught driving. That included the possession of a bogus driving licence...*

The panel noted that Miss Finch suggested that the offence of obstructing a constable was in some way related to her request to change footwear when arrested. Given the description of the offences in her 2023 sentencing hearing, the panel concluded that this suggestion was an attempt to minimise the seriousness of what had happened.

The panel considered that her conduct during the 2020 offences would seriously undermine confidence in the teaching profession.

- Her 2021 offences were further examples of Miss Finch driving when she was not lawfully allowed to, and without insurance. The panel concluded that this pattern of offending showed a serious disregard for the rule of law. On both occasions, there was no emergency or crisis that led to her deciding to drive. The circumstances were routine. The panel concluded that this blatant disregard for the rule of law would seriously undermine confidence in the teaching profession.
- The offences for which she was imprisoned in 2023 were serious, as reflected by the sentence of immediate imprisonment.

This was a case concerning a series of offences of fraud and serious dishonesty, supply of illegal substances by taking them into a prison, and serious driving offences, which the Advice states are likely to be considered relevant offences.

The panel considered that a finding that these convictions were for relevant offences was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

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

Given the panel's findings in respect of convictions of relevant offences, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

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

In the light of the panel's findings against Miss Finch, which involved findings that she had a criminal record involving serious dishonesty, the supply of prohibited items to a prisoner, and a general disregard for the rule of law, there was a strong public interest consideration in declaring proper standards of conduct in the profession. The conduct found proved was outside that which could reasonably be tolerated.

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

The panel recognised Miss Finch's strong belief that she had a valuable contribution to make, particularly to vulnerable pupils. However, it received no evidence from any colleagues who had worked with her and who could attest to her abilities as a teacher or as a role model.

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

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Miss Finch. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of the Police Act 1997 and criminal record disclosures;
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

In the light of the panel's finding that it accepted the trial judge's conclusion that Miss Finch's 2019 offences were financially motivated, and given the other evidence it received about her other offences, the panel was satisfied that:

- Miss Finch's actions were deliberate;
- Miss Finch was not acting under duress [REDACTED].

The panel recognised that Miss Finch has no previous regulatory findings. But she has a criminal record involving a series of criminal offences committed between 2015 and 2021. Accordingly, her offending behaviour cannot be described as out of character.

The panel also considered the extent to which she had shown insight and remorse. It recognised that she admitted the allegations and expressed remorse. However, it considered that her insight was limited. In her evidence and submissions to the panel, Miss Finch spoke mainly about the impact of her actions on her. She did not reflect more widely on the impact they might have on pupils, parents, colleagues, and wider public confidence. Although Miss Finch considered herself to be a good role model because of her previous life experience, the panel was concerned that there was no independent evidence from anyone who had worked with her that confirmed that she was able to use her experience to make a positive difference.

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, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Miss Finch of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Miss Finch. The seriousness of her offending history, and her lack of insight into the consequences of that offending history for her as a teacher, public servant and role model was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. The panel concluded that none of those behaviours was present in this case.

The panel decided that its findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period.

It went on to consider what recommendation to make about the length of time that should pass before a review may be considered.

The Advice indicates that where a case involved any of the following, it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate:

- possession with intent to supply another person, supply (selling, dealing or sharing) and production of any class A, B, C or unclassified drugs;
- fraud or serious dishonesty;

The panel considered that Miss Finch's 2019 offending included her supplying a prohibited class C drug to a prisoner, and in 2015 and 2020 she was convicted of offences involving serious dishonesty and fraud.

Miss Finch has demonstrated remorse and said that she has changed her ways. However, the panel noted that her insight into her offending, and the impact it has on her as a teacher and role model, was limited. Her offending took place over a long period, and the most recent offence was in 2021. The panel considered that public confidence would only be satisfied when she has demonstrated that she does not pose any risk of reoffending, and given her current lack of insight, the panel considered that a longer period of rehabilitation is required.

Accordingly, the panel considered that this was a case in which it would be appropriate to recommend that Miss Finch should be entitled to seek a review of the prohibition order after five years.

## **Decision and reasons on behalf of the Secretary of State**

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

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

In this case, the panel has found all of the allegations proven and found that those proven facts amount to a relevant conviction.

The panel has made a recommendation to the Secretary of State that Miss Nicole Finch should be the subject of a prohibition order, with a review period of five years.

In particular, the panel has found that Miss Finch is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs

The panel finds that the conduct of Miss Finch fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include a finding of a series of offences of fraud and serious dishonesty, supply of illegal substances by taking them into a prison, and serious driving offences.

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 a relevant conviction, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Miss Finch, 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/safeguard pupils.

The panel has observed, “The panel noted that although most of Miss Finch’s convictions occurred outside the education setting, she had told the panel that the November 2021 convictions for driving whilst disqualified and without insurance occurred when she was driving between school sites in the course of her work.”

“The panel considered that her behaviour involved in committing the offences could have had an impact on the safety and security of members of the public. It considered that driving unaccompanied when not lawfully allowed to and without insurance was reckless and posed a real threat to public safety.” A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel also considered the extent to which she had shown insight and remorse. It recognised that she admitted the allegations and expressed remorse. However, it considered that her insight was limited. In her evidence and submissions to the panel, Miss Finch spoke mainly about the impact of her actions on her. She did not reflect more widely on the impact they might have on pupils, parents, colleagues, and wider public confidence." In my judgement, the lack of full insight means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "The panel also took account of the way the teaching profession is viewed by others. The panel considered that Miss Finch's behaviour in committing all of the offences could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community." I am particularly mindful of the finding of serious dishonesty and supplying illegal substances 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 a relevant conviction, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Miss Finch herself and the panel comment "The panel recognised Miss Finch's strong belief that she had a valuable contribution to make, particularly to vulnerable pupils. However, it received no evidence from any colleagues who had worked with her and who could attest to her abilities as a teacher or as a role model."

A prohibition order would prevent Miss Finch 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 "Her 2021 offences were further examples of Miss Finch driving when she was not lawfully allowed to, and without insurance. The panel concluded that this pattern of offending showed a serious disregard for the rule of law. On both occasions, there was no emergency or

crisis that led to her deciding to drive. The circumstances were routine. The panel concluded that this blatant disregard for the rule of law would seriously undermine confidence in the teaching profession.”

I have placed considerable weight on the finding “The panel recognised that Miss Finch has no previous regulatory findings. But she has a criminal record involving a series of criminal offences committed between 2015 and 2021. Accordingly, her offending behaviour cannot be described as out of character.”

I have also placed considerable weight on the finding that “The panel decided that the public interest considerations outweighed the interests of Miss Finch. The seriousness of her offending history, and her lack of insight into the consequences of that offending history for her as a teacher, public servant and role model was a significant factor in forming that opinion.”

I have given less weight in my consideration of sanction therefore, to the contribution that Miss Finch has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by full insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended a 5 year review period.

I have considered the panel’s comments “Miss Finch has demonstrated remorse and said that she has changed her ways. However, the panel noted that her insight into her offending, and the impact it has on her as a teacher and role model, was limited. Her offending took place over a long period, and the most recent offence was in 2021. The panel considered that public confidence would only be satisfied when she has demonstrated that she does not pose any risk of reoffending, and given her current lack of insight, the panel considered that a longer period of rehabilitation is required.”

In this case, factors mean that allowing a lesser review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the offences, and the lack of full insight.

I consider therefore that a five year review period is required to satisfy the maintenance of public confidence in the profession.

**This means that Miss Nicole Finch is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or**

**children's home in England.** She may apply for the prohibition order to be set aside, but not until 12 December 2029, 5 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Miss Finch remains prohibited from teaching indefinitely.

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

Miss Finch has a right of appeal to the King's Bench Division of the High Court within 28 days from the date she is given notice of this order.

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

**Decision maker:** Sarah Buxcey

**Date:** 9 December 2024

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