



Teaching
Regulation
Agency

Mr Wayne Corbett: Professional conduct panel hearing

**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

Teacher: Mr Wayne Corbett

TRA reference: 22474

Date of determination: 19 December 2024

Former employer: Kingsmead School, Staffordshire

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 16 to 19 December 2024 by way of a virtual hearing, to consider the case of Mr Wayne Corbett.

The panel members were Mr Carl Lygo (lay panellist – in the chair), Mrs Michele Barlow-Ward (teacher panellist) and Ms Sarah Daniel (lay panellist).

The legal adviser to the panel was Miss Eleanor Bullen-Bell of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Lee Bridges, instructed by Kingsley Napley LLP solicitors.

Mr Corbett was present and was not represented.

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

Allegations

The panel considered the allegations set out in the notice of hearing dated 2 October 2024.

It was alleged that Mr Corbett was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst working as the Head of Computer Science at Kingsmead School ('the School'):

1. Between September 2022 and June 2023, he provided inappropriate levels of assistance to pupils in preparing them for examinations in that he:
 - a. Provided pupils with the exact and/or similar wording contained in upcoming examinations.
2. Between September 2022 and June 2023, he deliberately recorded examination results incorrectly on one or more occasions in that he:
 - a. Recorded different results on the examination paper to those recorded on GO 4 Schools software;
 - b. Recorded assessment data indicating 100% of assessments were completed; and
 - c. Recorded higher marks.
3. On or around 12 June 2023, he deliberately deleted assessment data recorded on Microsoft Forms when this information had been requested by Witness A.
4. His conduct at paragraph(s) 1 and/or 2 and/or 3:
 - a. Was dishonest;
 - b. Lacked integrity.

Mr Corbett made no admission of fact prior to the hearing.

Preliminary applications

Application to admit additional documents

The panel considered preliminary applications from the teacher and the presenting officer for the admission of additional documents. The panel heard representations from the presenting officer and the teacher in respect of each application.

The teacher's document comprised a timeline of events he had created in respect of the School's advertisement for a Director of Blended Learning.

The presenting officer did not object to the teacher's application for the admission of this document.

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

The panel considered the teacher's additional document as relevant to the case and in the interests of a fair hearing for this document to be admitted. Accordingly, this document was added to the bundle.

In the course of the hearing, the presenting officer made an application for the admission of an additional document to be admitted prior to Witness C's oral evidence. The presenting officer's document contained additional pages of computing records for marks exported from the School's Go 4 Schools software, which was accidentally omitted as part of an exhibit within the original bundle, and this exhibit was referenced in Witness C's witness statement.

The teacher did not object to the admission of this additional document.

The document subject to the application had not been served in accordance with the requirements of paragraph 5.37 of the 2020 Procedures. Therefore, the panel was required to decide whether the document should be admitted under paragraph 5.34 of the 2020 Procedures.

The panel considered the additional document as relevant to the case and in the interests of a fair hearing for this document to be admitted. Accordingly, the document was added to the bundle.

Application to amend an allegation

The presenting officer made an application to amend allegation 3 so the allegation identified Witness A, rather than referring to him as Colleague A.

The teacher did not object to the amendment.

The panel was advised that it had the power to amend allegations in accordance with paragraph 5.83 of the 2020 Procedures.

The panel considered that the proposed amendment would not change the nature and scope of the allegation in that it would still relate to the same examples of misconduct which had been addressed by Mr Corbett in his written statement. As such, the panel considered that the proposed amendment did not amount to a material change to the allegation.

The legal adviser drew the panel's attention to the case of Dr Bashir Ahmedsowida v General Medical Council [2021] EWHC 3466 (Admin), 2021 WL 06064095 which held that the lateness of amendments did not necessarily mean they were unjust, as acknowledged in the previous case of Professional Standards Authority v Health and Care Professions Council and Doree [2017] EWCA Civ 319 at [56].

Accordingly, the panel granted this application and considered the amended allegation, which is set out above.

Summary of evidence

Documents

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

- Section 1: Chronology, anonymised pupil list and list of key people– pages 5 to 8
- Section 2: Notice of hearing and response – pages 9 to 18
- Section 3: TRA witness statements – pages 19 to 36
- Section 4: TRA documents – pages 37 to 385
- Section 5: Teacher's documents – pages 386 to 388

In addition, the panel agreed to admit the additional documents referenced above.

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

Witnesses

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

- Witness A, [REDACTED]
- Witness B, [REDACTED]
- Witness C, [REDACTED]

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Corbett commenced employment as a teacher of computer science at the School on 18 June 2018.

On 1 September 2020, Mr Corbett was appointed as subject lead/head of computer science and ICT at the School.

Between September 2022 to June 2023, Mr Corbett allegedly provided inappropriate levels of assistance to pupils in preparing them for mock examinations. In the same period, he also allegedly deliberately recorded mock examination results incorrectly.

On 22 May 2023, Witness A, [REDACTED], was instructed to undertake an investigation. During the course of this investigation, on 12 June 2023, Mr Corbett allegedly deliberately deleted mock assessment data recorded on Microsoft Forms when this information had been requested by Witness A.

On 5 July 2023, the investigation report was published, and a disciplinary hearing was held at the School on 6 September 2023.

On 11 September 2023, Mr Corbett was dismissed from his role at the School and a referral was made to the TRA.

Findings of fact

The findings of fact are as follows:

1. Between September 2022 and June 2023, you provided inappropriate levels of assistance to pupils in preparing them for examinations in that you:

a. Provided pupils with the exact and/or similar wording contained in upcoming examinations.

The panel was provided with a sample of notes taken by three students in key stage 5 (Student A, Student B and Student C) during two of Mr Corbett's lessons in March 2023. The panel considered notes taken by Student A in Mr Corbett's lesson, compared with the questions detailed on the mock examination paper for A Level students. The panel also considered the notes taken by Student B and Student C during Mr Corbett's lesson, compared with the questions detailed on the mock examination paper for AS Level students. The panel noted the clear similarities between the students' notes and the mock examination papers as each student had produced a list of topics and/or subtopics in the exact order that they arose on the mock examination papers.

The panel noted that this was consistent with the meeting notes from Witness B's meeting with Mr Corbett on or around 25 April 2023, which indicated that Mr Corbett had

stated: “Yes I went through a list telling them ‘this is coming up and...this is coming up’ as I do with all my classes. I’ve done similar with year 12 for the upcoming mocks.”

The panel also considered Mr Corbett’s oral evidence. Mr Corbett stated that “one week before the exams [he] opened the mock examination paper and listed the topics that the students needed to revise as [he] thought this was standard procedure”. Mr Corbett stated that he “wanted to give [students] a focused list to revise from before mock exams” and he thought this was “standard procedure”. Mr Corbett admitted to providing students with the precise topics in the order that they would appear on the mock examination papers, but not the exact wording or number of marks of the questions.

The panel considered the oral evidence and written statement of Witness B, who reported that she had been approached by Student A who told her that Mr Corbett had provided the class with a list of topics that would be featured on the next mock examination. She reported to the panel her subsequent investigation into the support given by Mr Corbett for mock examinations. She stated that although the School has no formal policy on mock examinations and how teachers should teach revision sessions, the School holds mock examinations to replicate final exams so they “represent a real exam”. Witness B stated that it is implicit that teachers should not provide students with the exact topics in the order which they would appear in the mock examination paper.

The panel also noted Witness A’s oral evidence that he was unaware of any formal policy on mock examinations and what information can be shared during mock revision sessions.

The panel accepted that Mr Corbett provided assistance to year 12 and year 13 classes in respect of the upcoming mock examinations in April 2023 by providing them with the exact topics that would be examined on in the order in which they were to appear. The panel considered that this amounted to inappropriate levels of assistance in preparing students for these mock examinations. The panel was not presented with any further evidence of Mr Corbett providing such assistance prior to or post March 2023 or in respect of formal external examinations.

The panel noted there was sufficient evidence that Mr Corbett had provided pupils with similar wording to that contained in upcoming mock examinations as he had provided a detailed and precise list of topics as they appeared in the mock examinations. The panel therefore found allegation 1(a) proven.

2. Between September 2022 and June 2023, you deliberately recorded examination results incorrectly on one or more occasions in that you:

a. Recorded different results on the examination paper to those recorded on GO4Schools software;

The panel considered Mr Corbett's written statement and oral evidence where he admitted that he did not mark mock examination papers properly in light of his [REDACTED].

Mr Corbett admitted during his oral evidence that his original explanation to the School, that these errors were clerical, was a lie. However, the panel noted that the allegation only concerned the recording of Mr Corbett's marking on the School's GO 4 School software, and not with Mr Corbett's original marking of the mock examination papers.

The panel also considered the oral evidence and written statement of Witness B. Witness B stated that an external provider had reported on the accuracy of the marking of mock examinations in December 2022. The scores provided by the external provider were very different to those Mr Corbett had reported on the School's GO 4 Schools software. Witness B also stated that she had further concerns about Mr Corbett's marking after reviewing the papers, including that the marking was inaccurate, overly generous, the addition of marks was incorrect and there were different results on the front of the test paper compared to the scores input into the GO 4 Schools software. The panel reviewed two examples contained within the bundle from Witness B's investigation involving a comparison of Student E and Student F's mock examination marks. The panel accepted Witness B's evidence that Mr Corbett had recorded different results on the mock examination paper when compared to those recorded on the GO 4 Schools software.

Witness B stated that when she spoke to Mr Corbett regarding the mock examination marking in January 2023 he said, "I've effed up", apologised, and asked what he could do to correct the situation. She further stated that having inflated scores recorded on the GO 4 Schools software would prevent the School, which is very results driven, from identifying appropriate interventions. She indicated that Mr Corbett's conduct may have also resulted in students and their parents not knowing how they were actually performing.

The panel also considered the meeting notes from the investigation meeting with Mr Corbett on 23 May 2023, conducted by Witness A, where Mr Corbett stated, in the presence of his union representative, "They were marked wrong, and I completely messed up. Agreed action was I would re-mark and upload to [GO 4 Schools]."

The panel considered there was sufficient evidence to find that Mr Corbett had deliberately recorded different results on mock examination papers to those recorded on the GO 4 Schools software. The panel therefore found allegation 2(a) proven.

b. Recorded assessment data indicating 100% of assessments were completed;

The panel considered the oral evidence and written statement of Witness C, who stated that the completion rate of assessments for some computer science classes had been 100%. He stated that it was very unusual for there to be a 100% completion rate, as it is rare for every student to complete an assessment.

The panel considered the computing records for marks exported from the School's GO 4 Schools software, as well as Witness B's summarised report of the computer science assessments. The panel noted that there were three occasions in this evidence where Mr Corbett had uploaded on or near to a 100% assessment completion rate for different key stage 3 year groups.

Mr Corbett admitted he uploaded data for his students and believed this to be a clerical error in his spreadsheet formulas as he used the same method of upload for all key stage 3 year groups. The panel accepted Witness C's oral evidence that whilst errors can occur in relation to assessment data, it is unlikely that they would occur to this extent and frequency. Witness C confirmed that Mr Corbett had previously used the GO 4 Schools software successfully to upload assessment data.

When considering whether Mr Corbett's actions were deliberate, the panel further considered Mr Corbett's written statement and oral evidence, where he stated that he "was not doing [his] due diligence with the uploads" on GO 4 Schools due to his [REDACTED]. However, the panel concluded from the evidence that, despite his [REDACTED], Mr Corbett's actions in this regard were deliberate.

The panel accepted that based on the documentary evidence available, Mr Corbett deliberately recorded assessment data indicating that 100% of assessments were completed on more than one occasion. The panel considered that Mr Corbett had failed to check the accuracy of results prior to uploading them to the School's system. The panel therefore found allegation 2(b) proven.

c. Recorded higher marks

The panel considered Witness B's review of the computer science assessments and noted that after a check of the written score was compared with the score entered on the GO 4 Schools software:

- in one class of 30 students, 23 had data entered. 19 students had an inflated score on GO 4 Schools, compared to the actual mark written on the front of their end of year assessment papers. The inflation varied from 2 to 6 marks; and
- in another class of 29 students, 27 had data entered. 16 students had an inflated score on GO 4 Schools, compared to the actual mark written on the front of their

end of year assessments papers. The inflation in this class varied from 1 to 13 marks.

The panel accepted Witness B's report which set out that the marking was inflated on all occasions, rather than reduced.

In Mr Corbett's oral evidence, he asserted that the students in these classes completed a peer review of their assessments. Mr Corbett explained that when the students were asked about their marks, they must have misled him, which was why the data input into the GO 4 Schools software was inflated and incorrect. Mr Corbett confirmed that he relied on the students reading out their marks in class and accepted that he failed to check the accuracy of these peer assessments, as he had intended. The panel considered Mr Corbett's oral evidence to be implausible and, as this explanation had not previously been provided by Mr Corbett, unconvincing.

The panel found that there was sufficient evidence to show that Mr Corbett had deliberately recorded higher marks on several occasions. The panel therefore found allegation 2(c) proven.

3. On or around 12 June 2023, you deliberately deleted assessment data recorded on Microsoft Forms when this information had been requested by Witness A

The panel had sight of the report that showed numerous deletions of data by Mr Corbett on 12 June 2023.

The panel considered the oral evidence and written statement of Witness A, who had asked Mr Corbett to produce assessment data from Microsoft Forms on multiple occasions. However, other than a follow up email to Mr Corbett on 13 June 2023, Witness A's requests for his internal investigation into assessment anomalies were not recorded. Witness A stated that he made two final requests on 12 June 2023 and 13 June 2023. Witness A reported that Individual A, [REDACTED], informed him that Mr Corbett had deleted Microsoft Forms data on 12 June 2023. When Witness A was referred to Mr Corbett's access activity on Microsoft Forms, he confirmed in oral evidence that it was "unlikely to have been sufficient access to make up the missing assessments" he had requested.

The panel accepted from Witness A's oral evidence that it was unlikely that Mr Corbett deliberately deleted the information that had been requested by Witness A. Witness A further confirmed in oral evidence that there was no way of determining with certainty that this was assessment data for the academic year he requested for his investigation. Witness A accepted in oral evidence that it was likely that Mr Corbett had deleted academic years that were not relevant to his investigation. The panel could not find any

evidence to suggest that the assessment data Mr Corbett deleted was in fact the information requested by Witness A.

The panel considered the contemporaneous evidence from Witness A's investigation meeting notes on 23 June 2023, where Mr Corbett confirmed that he did not believe they were the assessments Witness A was looking for. Further, in oral evidence, Mr Corbett confirmed that he deliberately deleted the assessment data as part of an exercise to remove historic assessment data. He admitted that he did not check every entry and assumed, after reviewing some of the entries, that all the data was outdated and irrelevant to the investigation.

The panel considered the proximity in time between Witness A's requests for information and Mr Corbett's deletion of assessment data. The panel accepted Mr Corbett's account that the data deletion was due to the information not being relevant to the investigation. The panel considered that the data was deleted by Mr Corbett in an effort to remove historic assessment data, rather than to deliberately delete the information that had been requested by Witness A.

The panel noted that whilst there was evidence that Mr Corbett had deliberately deleted assessment data recorded on Microsoft Forms, it was unlikely that this was the information requested by Witness A. The panel therefore found allegation 3 not proven.

4. Your conduct at paragraph(s) 1 and/or 2 and/or 3:

a. Was dishonest;

Regarding this allegation, the panel considered Mr Corbett's conduct at allegations 1 and 2, as both were found to be factually proven. It did not consider Mr Corbett's conduct at allegation 3 on the basis that this allegation was not proven.

The panel considered whether Mr Corbett had acted dishonestly in relation to allegations 1 and 2. In reaching its decision on this, the panel considered the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockford* and the two-part subjective and objective dishonesty test.

In respect of allegation 1, the panel firstly sought to ascertain the actual state of Mr Corbett's knowledge or belief as to the facts. Although the panel considered Mr Corbett to be disorganised in his methods for preparing students for mock examinations, the panel found that Mr Corbett did not know that revealing the topics on a mock examination was inappropriate. Instead, the panel accepted that Mr Corbett believed that he was acting in the best interests of his students for the following reasons: (a) the students in question had not undertaken a formal GCSE, AS or A Level examination due to the COVID-19 pandemic; (b) the students had not been taught the whole computer science syllabus, for reasons outside of his control; and (c) the students were therefore anxious and nervous for their upcoming mock examinations. The panel considered Mr Corbett's good character in this regard when considering his evidence on dishonesty. The panel

noted that the School did not provide any evidence of guidance to teachers on mock examination revision classes. The panel accepted that Mr Corbett understood this level of information to be the standard practice of other teachers.

Having considered Mr Corbett's knowledge or belief as to the facts, the panel considered whether his conduct was dishonest according to the standards of ordinary decent people, the panel did not find that Mr Corbett's conduct as set out at allegation 1 was dishonest. The panel accepted that Mr Corbett did not appreciate that it was inappropriate to share mock examination topics with his students and it accepted that he believed he was acting in their best interests.

In respect of allegation 2, the panel again firstly sought to ascertain the actual state of Mr Corbett's knowledge or belief as to the facts. The panel was not compelled by Mr Corbett's explanations in respect of allegation 2. It did not consider that he had inflated the marks in error or that the majority of students lied when giving their peer on peer assessment marks. The panel considered that Mr Corbett was deliberately inflating marks as shown by the pattern of elevated marks according to the assessment data available. The panel further considered that Mr Corbett was deliberately taking inappropriate shortcuts. The panel established that Mr Corbett knew that his actions were dishonest as, with a dishonest state of mind, he had deliberately recorded higher results on more than one occasion and failed to carry out accurate checks in respect of marking.

The panel was assisted by guidance from the case of *Wingate & Anor v The Solicitors Regulation Authority*, which states "honesty is a basic moral quality which is expected of all members of society. It involves being truthful about important matters [...] Telling lies about things that matter [...] [is] generally regarded as dishonest conduct [...] The legal concept of dishonesty is grounded upon the shared values of our multi-cultural society. Because dishonesty is grounded upon basic shared values, there is no undue difficulty in identifying what is or is not dishonest."

In light of the above, the panel assessed that Mr Corbett's conduct at allegation 2 was dishonest according to the standards of ordinary decent people. The panel found that Mr Corbett had deliberately inflated marks on multiple occasions and had not meticulously recorded marking in line with the results-driven ethos and practices of the School.

The panel concluded that Mr Corbett had acted dishonestly, both subjectively and objectively. The panel therefore found allegation 4(a) proven in relation to Mr Corbett's conduct at allegation 2 only.

b. Lacked integrity

Again, for this allegation, the panel considered Mr Corbett's conduct at allegations 1 and 2, as found proven. It did not consider Mr Corbett's conduct at allegation 3 on the basis that this allegation was not proven.

The panel considered whether Mr Corbett had failed to act with integrity. The panel considered the case of *Wingate & Anor v The Solicitors Regulation Authority*.

The panel noted that Mr Corbett held a trusted and managerial role within the School. The panel considered that a key part of this role was to ensure that mock and end of year examinations were completed properly, and the results were recorded accurately, in order to ensure the School's mock and end of year examinations could be used to assess the progress of pupils. The panel took into account Mr Corbett's general character and considered that he could have received greater support from the School as a result of the [REDACTED] he was experiencing at the time.

The panel was mindful that professionals are not expected to be "paragons of virtue". However, on examination of the documents, the panel was satisfied that Mr Corbett had failed to act within the higher standards expected of a teacher in respect of the conduct found proven at allegations 1 and 2. The panel was therefore satisfied that Mr Corbett's conduct for allegations 1 and 2, as found proven, lacked integrity.

The panel therefore found allegation 4(b) proven in relation to Mr Corbett's conduct at allegations 1 and 2.

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

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

In doing so, the panel had regard to the document *Teacher misconduct: The prohibition of teachers*, which is referred to as 'the Advice'.

The panel was satisfied that the conduct of Mr Corbett, in relation to the facts found proved, involved breaches of the Teachers' Standards and guidance. The panel considered that, by reference to Part 2: Personal and Professional Conduct, Mr Corbett was in breach of the following standards:

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel considered whether Mr Corbett's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice. The panel found that none of these offences were relevant. Whilst the panel found that Mr Corbett's conduct at allegation 2 was dishonest, it did not consider that his conduct amounted to 'serious dishonesty'.

The panel was satisfied that Mr Corbett's conduct fell short of the standards expected of the profession. The panel was mindful of its finding that Mr Corbett's conduct at allegation 2 was dishonest and that his conduct at allegations 1 and 2 lacked integrity. The panel appreciated that these were both serious matters.

In respect of allegation 1, the panel concluded that this conduct was at the lower end of the scale of severity on the basis that: (a) this conduct related to mock or end of year examinations and not formal external examinations; and (b) the panel accepted that Mr Corbett did not appreciate it was inappropriate to share a list of exact topics for the upcoming mock examination. The panel also accepted that he did so with good intentions to act in what he thought to be the best interests of the students.

The panel therefore accepted that Mr Corbett's conduct fell short of the standards expected of the profession but found that his conduct was at the lower end of the scale of severity and did not fall significantly short of the standards expected of teachers. The panel was not satisfied that Mr Corbett's conduct as outlined at allegation 1 was sufficiently serious so as to amount to conduct that fell significantly short of the standards expected of a teacher. Accordingly, the panel was not satisfied that Mr Corbett was guilty of unacceptable professional conduct in respect of allegation 1.

Despite this, the panel did consider that Mr Corbett's conduct as outlined at allegation 1, although not sufficiently serious so as to amount to unacceptable professional conduct, would be likely to have a negative impact on his status as a teacher, potentially damaging the public perception.

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

The panel therefore found that Mr Corbett's actions for allegation 1 constituted conduct that may bring the profession into disrepute.

Regarding allegation 2, although the panel considered that Mr Corbett's conduct was limited in scope to a relatively short period of time during which Mr Corbett was [REDACTED] with limited support, the panel found that his dishonest conduct was

conduct of a serious nature falling significantly short of the standard of behaviour expected of a teacher, so as to amount to unacceptable professional conduct.

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

The panel considered that Mr Corbett's dishonest conduct, was sufficiently serious and would be likely to have a negative impact on his status as a teacher, potentially damaging the public perception. The panel therefore found that Mr Corbett's conduct as set out at allegation 2 constituted both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

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

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

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found two 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 Corbett, which involved providing inappropriate levels of assistance to students in preparing for mock examinations and deliberately recording mock or end of year examination results incorrectly, there was a strong public interest consideration in declaring and upholding proper standards of conduct.

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

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Corbett was outside that which could reasonably be tolerated.

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Corbett. The panel was mindful of the need to strike the right balance between the rights of the teacher and the public interest.

With the case of *Wallace v Secretary of State for Education* in mind, the panel critically considered proportionality. The panel concluded that the misconduct, although serious, fell at the very lower end of the scale of severity. The panel noted that the allegations did not relate to external examinations or assessments. The panel accepted that Mr Corbett was committed to acting in the best interests of his students. The panel also accepted he thought he was following the standard practice of other teachers within the School. The panel was advised that the School did not have a formal policy on mock examinations in place. Further, the panel crucially observed that past examination papers (which were used as the School's mock examination papers) along with the mark scheme and examiners report were publicly available for students to access.

The panel also concluded that Mr Corbett had shown considerable regret in respect of his actions. The panel considered that there was significant insight including his admission of wrongdoing at the outset of the hearing, and his frankness throughout the hearing.

The panel accepted that Mr Corbett was remorseful and reflective when he spoke about his actions. The panel found Mr Corbett's apologetic submissions compelling. The panel accepted that Mr Corbett had tried to keep [REDACTED] separate from work, but these had built up considerably over time and negatively impacted upon him. Mr Corbett accepted that, with hindsight, he should have taken absence from his duties at work. The panel was satisfied that Mr Corbett would recognise similar issues in the future and be able to ask for support to avoid a situation like this arising again. The panel therefore identified that there was unlikely to be a risk of repetition as it was confident that Mr Corbett had genuinely learnt from his actions. The panel particularly noted that this was an isolated series of events that took place over a short period of time and there was a lack of support for Mr Corbett at the School during this time.

Further, the panel did not consider that prohibition would produce any material change or serve any useful purpose in the circumstances. The panel considered that Mr Corbett could continue to make a valuable contribution to the teaching profession.

In carrying out the careful balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Corbett. The panel took further account of the Advice, which suggests that a prohibition

order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- dishonesty or a lack of integrity...; and
- knowingly manipulating a school's attendance or admission registers, or data to benefit and/or enhance a school's attendance and/or exam results.

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

Based on all of the evidence available, the panel considered that Mr Corbett's actions relating to allegation 2 were deliberate. However, the panel accepted that Mr Corbett's actions were neither intended to harm others or motivated by malice. Further, the panel acknowledged that Mr Corbett made no attempt to conceal issues when they were identified by Witness B and, subsequently, Witness A. The panel considered Mr Corbett to be cooperative during the School's investigation, albeit disorganised.

[REDACTED]. The panel noted that, aside from the incidents in this matter, the School had no prior concerns of Mr Corbett and he was quickly promoted to subject leader/head of computer science and ICT.

There was no evidence to suggest that Mr Corbett was acting under extreme duress. However, the panel drew particular attention to Mr Corbett's oral submissions that he was [REDACTED].

The panel considered Mr Corbett's significant mitigating [REDACTED], which explained and justified why his behaviour and decision making at the time was adversely impacted. The panel noted that Mr Corbett's misconduct was limited in scope to a relatively short period of time during which Mr Corbett [REDACTED] with limited support, which contributed to his actions. [REDACTED]. The panel accepted that this was an incredibly [REDACTED], alongside pressures in his professional role. The panel was conscious that the wider context of this one-off series of events could not be underestimated.

There was no evidence that Mr Corbett demonstrated exceptionally high standards in both personal and professional conduct, but the panel noted that he had made a positive contribution to the education sector.

The panel 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 was 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 carefully considered public interest and prohibition and concluded that a public finding of unacceptable professional conduct and conduct that brought the profession into disrepute would be sufficient. The panel did not consider that it would be proportionate to recommend a prohibition order in this case. The panel carefully considered that retaining Mr Corbett in the profession weighed against prohibition.

In the view of the panel, prohibition was not proportionate and the publication of these adverse findings alone was a serious, but less intrusive measure available. The panel further considered that Mr Corbett had already suffered serious punishment from his dismissal from the School. The panel noted that Mr Corbett has a duty to disclose the publication of adverse findings to future employers.

The panel considered that the publication of the adverse findings it has made would be sufficient to send an appropriate message to Mr Corbett as to the standards of behaviour that are not acceptable, and publication would meet the public interest requirement of declaring proper standards of the profession.

Decision and reasons on behalf of the Secretary of State

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

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

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

The panel has made a recommendation to the Secretary of State that Mr Wayne Corbett should not be the subject of a prohibition order. The panel has recommended that the findings of unacceptable professional conduct and conduct likely to bring the profession into disrepute, should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Mr Corbett is in breach of the following standards:

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel finds that the conduct of Mr Corbett fell significantly short of the standards expected of the profession.

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

In this case, I have considered the extent to which a prohibition order would protect pupils. The panel has observed;

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

“The panel considered that Mr Corbett’s dishonest conduct, was sufficiently serious and would be likely to have a negative impact on his status as a teacher, potentially damaging the public perception.”

A prohibition order would therefore prevent such a risk.

I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “The panel also concluded that Mr Corbett had shown considerable regret in respect of his actions. The panel considered that there was significant insight including his admission of wrongdoing at the outset of the hearing, and his frankness throughout the hearing.” I have therefore given this element some weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Corbett was not treated with the utmost seriousness when regulating the conduct of the profession.”

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

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

I have also considered the impact of a prohibition order on Mr Corbett himself and the panel comment “The panel noted that, aside from the incidents in this matter, the School had no prior concerns of Mr Corbett and he was quickly promoted to subject leader/head of computer science and ICT.” The panel went on to say “There was no evidence that Mr Corbett demonstrated exceptionally high standards in both personal and professional conduct, but the panel noted that he had made a positive contribution to the education sector.”

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

In this case, I have placed considerable weight on the panel’s comments concerning the level of insight or remorse. The panel has said, “The panel accepted that Mr Corbett was remorseful and reflective when he spoke about his actions. The panel found Mr Corbett’s apologetic submissions compelling. The panel accepted that Mr Corbett had tried to keep [REDACTED] separate from work, but these had built up considerably over time and negatively impacted upon him. Mr Corbett accepted that, with hindsight, he should have taken absence from his duties at work. The panel was satisfied that Mr Corbett would recognise similar issues in the future and be able to ask for support to avoid a situation like this arising again. The panel therefore identified that there was unlikely to be a risk of repetition as it was confident that Mr Corbett had genuinely learnt from his actions. The panel particularly noted that this was an isolated series of events that took place over a short period of time and there was a lack of support for Mr Corbett at the School during this time.”

I have also placed considerable weight on the finding that “The panel carefully considered public interest and prohibition and concluded that a public finding of unacceptable professional conduct and conduct that brought the profession into disrepute would be sufficient. The panel did not consider that it would be proportionate to recommend a prohibition order in this case. The panel carefully considered that retaining Mr Corbett in the profession weighed against prohibition.”

I have given weight in my consideration of sanction therefore, to the contribution that Mr Corbett has made to the profession.

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

A handwritten signature in black ink, appearing to read 'S Buxcey', with a stylized, cursive script.

Decision maker: Sarah Buxcey

Date: 23 December 2024

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