

NATIONAL COLLEGE FOR TEACHING AND LEADERSHIP

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Mr Gareth Robertshaw

Teacher ref no: 9753879

Teacher date of birth: 27 September 1975

TA Case ref no: 9656

Date of Determination: 12 April 2013

Former Employer: St Bartholomew's Church of England Primary School, Bolton

A. Introduction

A Professional Conduct Panel ("the Panel") of The National College for Teaching and Leadership convened on 12 April 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3HH to consider the case of Mr Gareth Robertshaw.

The Panel members were Mr Nicholas Andrew (Lay Panellist – in the Chair), Professor Judith Barton (Teacher Panellist) and Mr Kevin Nolan (Teacher Panellist).

The Legal Adviser to the Panel was Mr Christopher Alder of Blake Laphorn Solicitors.

The Presenting Officer for The National College for Teaching and Leadership was Mr Ben Bentley of Browne Jacobson Solicitors. Mr Bentley was not present.

Mr Gareth Robertshaw was not present and was not represented.

The meeting took place in private. The decision was announced in public and was recorded.

B. Allegations

The Panel considered the allegation set out in the Notice of Referral dated 26 November 2012.

It was alleged that Mr Robertshaw is guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as Head Teacher of St Bartholomew's School, during July 2012, he:

Accessed Year 6 SATS tests after their collation and made changes to pupils' scripts.

Mr Robertshaw admitted the allegation and admitted that those facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

C. Preliminary Applications

There were no preliminary applications.

D. Summary of Evidence

Documents

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

Section 1	Notice of Referral & Response	Pages 2 – 5b
Section 2	Statement of Agreed Facts/Representations	Pages 7 - 10
Section 3	Teaching Agency Documents	Pages 12 - 16
Section 4	Teacher's Documents	Pages 26 - 32

E. Decision and Reasons

The Panel announced decision as follows:

"We have now carefully considered the case before us and have reached a decision.

"We confirm that we have read all the documents provided in the bundle and in the additional representations which have been presented by the parties in advance of the meeting.

Summary

Mr Robertshaw, whose date of birth was 27 September 1975, was employed as Head Teacher at St Bartholomew's Church of England Primary School, Bolton. He had been employed at the school from September 2008 until August 2012. In May 2012 Year 6 pupils at the School were required to undertake their Key Stage 2 SATS examinations in both English and Maths. After the exams had been completed, the papers were removed and stored in the locked safe in the School's office, to which only Mr Robertshaw and one other colleague had access.

Prior to the papers being sealed and returned to the examinations centre, Mr Robertshaw made amendments to a number of the Year 6 pupils' exam scripts with a view to improving their attainment results.

Following a referral to the Standards and Testing Agency by script assessors, an investigation was undertaken in respect of the school's administration of the examinations. This confirmed that scripts had been altered. As a result of Mr Robertshaw's actions, the exam results for the Year 6 pupils in both Mathematics and English were annulled.

The Panel considered the allegation set out in the Notice of Referral dated 26 November 2012.

It was alleged that Mr Gareth Robertshaw is guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as Head Teacher of St Bartholomew's School, during July 2012, he:

Accessed Year 6 SATS tests after their collation and made changes to pupils' scripts.

Our findings of fact are as follows.

Particular 1

We have noted that Mr Robertshaw has admitted the facts of the allegation. We have considered the evidence presented within the meeting bundle. We have considered Mr Robertshaw's representations to the Teaching Agency and the National College for Teaching and Leadership.

On the basis of Mr Robertshaw's admission and the evidence contained within the bundle we find the facts of the particular proven.

Findings as to Unacceptable Professional Conduct and/or bringing the profession into disrepute

We have noted that Mr Robertshaw accepts that his conduct amounts to unacceptable professional conduct and has the potential to bring the profession into disrepute.

We have considered the current Teacher's Standards. Teachers are required to set high expectations which inspire, motivate and challenge pupils. Teachers must uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school. They must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

In changing pupils' examination scripts Mr Robertshaw has failed to uphold these expectations. His actions have the potential to undermine public confidence in the standards expected of the profession. Teachers have a responsibility to act in a manner which ensures and upholds the integrity of the examination and assessment process. It is fundamentally incompatible with such an expectation that Mr Robertshaw has accessed tests and then made changes to the scripts. Such actions have the potential to undermine the relationship of trust which must exist between a school and an examination body.

Accordingly, on the basis of the facts we have found proven, we find that Mr Robertshaw's conduct amounts to unacceptable professional conduct and is conduct which may bring the profession into disrepute."

Recommendation to Secretary of State

We have considered this case very carefully and have considered all of the mitigation and evidence presented by the Agency and Mr Robertshaw.

We note that Mr Robertshaw has accepted the allegations made against him and that he has assisted in the investigation of this matter. We have also noted that he acknowledged immediately that he had amended the examination scripts.

Given our findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it is necessary for us to go on to consider whether it would be appropriate to recommend the imposition of a Prohibition Order by the Secretary of State.

In making this judgment we have had at the forefront of our deliberations whether a Prohibition Order would be a proportionate and in the public interest.

We had particular and specific reference to the Advice in respect of the public interest considerations that should be taken into account. Having done so we considered that a number of these matters were relevant, namely, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

We have carefully considered Mr Robertshaw's representations to the Teaching Agency in which he sets out and explains the pressures upon him and the leadership team to develop the school. Within his representations he sets out the scope of what appears to have been an overwhelming workload which he was trying to manage. He also refers to his diagnosis of cancer, for which he was being treated at the time in question.

Mr Robertshaw explains that the school continued to progress and improve during his headship. In his representations, Mr Robertshaw gives an explanation that he was aware that the examination results would be vital in gaining the necessary trend of improvement to allow it to be assessed as outstanding. He explains that two of the Year 6 pupils would not be available for the SATS and that this would have an impact upon the school's overall assessment. This explanation has provided us with an insight into his motivation for altering examination scripts.

Mr Robertshaw has acknowledged, and regrets, that he let the school community, colleagues, family and himself down by his actions. He resigned from his post on 14 August 2012. We have carefully considered the testimonials which Mr Robertshaw has presented which suggest that he was a well-respected Teacher and Head Teacher.

It is clear that Mr Robertshaw's actions in altering the examination scripts were deliberate and he was not acting under duress.

Having considered the case carefully, we are clear that Mr Robertshaw's actions represent a serious departure from the personal and professional conduct elements of the latest Teachers' Standards and that his misconduct seriously affected the education of pupils given that the Year 6 results were annulled.

The integrity of the examination system is reliant upon the relationship of trust which exists between schools, individual teachers and the examination bodies. It is a fundamental aspect of the teaching profession that teachers who are involved in the examination and assessment process must act with absolute integrity and professionalism – and especially so when the individual involved is the Head Teacher. Such an expectation is necessary to uphold public confidence in the reputation of the profession as well as to ensure the maintenance of confidence which stakeholders have in the examination process. Mr Robertshaw has failed to uphold such expectations. His actions represent an abuse of the position of trust in which he, as a Head Teacher, had been placed.

In weighing up the competing public interest considerations against Mr Robertshaw's interests, 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 proven. In the list of such behaviours are abuse of position of trust; misconduct which may affect the education of pupils; and a serious departure from the personal and professional conduct elements of the teacher standards.

We considered whether to conclude this case without imposing a sanction. We reminded ourselves that a sanction is not intended to act punitively, but is imposed to reflect the seriousness of behaviour; to uphold public confidence in the standards expected of the profession; and to protect the public and/or pupils. We have decided that the issues raised in this case are so serious that a sanction is necessary and appropriate.

Having considered all of these matters carefully we decided that it would be both appropriate and proportionate to recommend to the Secretary of State that a Prohibition Order be imposed on Mr Robertshaw with immediate effect. A Prohibition Order is necessary in this case in order to reflect the seriousness of Mr Robertshaw's behaviour and to uphold public trust and confidence in the standards of conduct expected of the profession.

We went on to consider whether or not it would be appropriate to recommend that a review period of the order should be considered. We are aware that a Prohibition Order applies for life, but that there may be circumstances in any given case which might make it appropriate for a review period to be recommended. We have carefully considered these circumstances.

As set out above, we are clear that Mr Robertshaw's failures are serious and significant. His representations indicate that his conduct and professional judgment may have been affected by his workload and ill health. We have seen limited evidence which relates to how Mr Robertshaw was viewed as the school's leader,

but it appears that the Local Authority had tangible confidence in his leadership capabilities. We have not been able to establish fully the extent of his ill health. We have noted that no previous concerns appear to have been raised about his teaching, or about his leadership or management of an improving school. No allegation is raised by the Agency that Mr Robertshaw acted dishonestly. Having considered the case very carefully and especially having focused on these areas of mitigation which we believe are significant, we have decided that it would be proportionate to recommend that Mr Robertshaw be given the opportunity to apply for a review of the Prohibition Order after a period of two years has elapsed.

Secretary of State's decision and reasons

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

Mr Robertshaw has been found guilty of making amendments to exam scripts. He has admitted this, and also admitted that his behaviour amounts to unacceptable professional conduct.

The panel are clear that this behaviour represents a serious departure from the conduct expected of a teacher. The public must be able to have trust and confidence in the examination system, and by his behaviour, Mr Robertshaw has seriously damaged that trust. He has failed to act with integrity and professionalism.

I have given careful consideration to the public interest and the need to uphold standards of trust and confidence in the teaching profession. I support the view that Mr Robertshaw should be prohibited from teaching. I have also given careful consideration to the representations of the panel concerning a review period. Taking into account the various elements, I support a review period of two years.

This means that Mr Gareth Robertshaw is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the Prohibition Order to be set aside, **but not until 22 April 2015, 2 years from the date of this order at the earliest**. If he does apply, a panel will meet to consider whether the Prohibition Order should be set aside. Without a successful application, Mr Gareth Robertshaw remains barred from teaching indefinitely.

This Order takes effect from the date on which it is served on the Teacher.

Mr Gareth Robertshaw has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this Order.

NAME OF DECISION MAKER: Alan Meyrick

Date: 15 April 2012