



National College for  
Teaching & Leadership

# **Ms Kim Thomas-Lee: Professional conduct panel outcome**

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

**November 2016**

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

**Teacher:** Ms Kim Thomas-Lee

**Teacher ref number:** 0316379

**Teacher date of birth:** 12 November 1968

**NCTL case reference:** 14695

**Date of determination:** 9 November 2016

**Former employer:** Selston High School, Nottingham

### **A. Introduction**

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 7 to 9 November 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Ms Kim Thomas-Lee.

The panel members were Mr Steve Oliver (teacher panellist – in the chair), Ms Alison Platts (lay panellist) and Mr Mark Tweedle (teacher panellist).

The legal adviser to the panel was Mr Parminder Benning of Eversheds LLP.

The presenting officer for the National College was Ms Kayleigh Brooks of Browne Jacobson LLP.

Ms Kim Thomas-Lee was present and was represented by Mr George Smith of the NASUWT.

The hearing took place in public and was recorded.

## **B. Allegations**

The panel considered the allegation(s) set out in the Notice of Proceedings dated 30 June 2016.

It was alleged that Ms Kim Thomas-Lee was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as a teacher at Selston High School she:

- 1. Failed to comply with the guidelines as prescribed in relation to the Controlled Assessment for GCSE Statistics during the academic year 2014/2015 in that she:**
  - a. Failed to ensure assessments were completed in formal supervision conditions;**
  - b. Gave pupils excessive assistance and support during the assessment;**
  - c. Wrote on pupils assessment work and/or allowed pupils to directly copy whole sections of text into their assessment which was then submitted for marking;**
  - d. Inflated the scores when marking the assessments resulting in scores which fell well outside any tolerances that would be deemed to be acceptable of a teacher.**
  
- 2. Overinflated data entries on the school management information system (SIMS) which created a false impression of student performance.**

The above allegations are not admitted.

## **C. Preliminary applications**

### **Admission of Documents**

The presenting officer made an application to admit into the evidence two documents concerning the investigation undertaken by the examination board into the underlying facts of the allegations.

The presenting officer stated that the admission of the documents was both relevant and fair. It was averred that the documents provide probative evidence that will assist the panel in reaching its decision when determining the allegations. Furthermore, it will assist the panel with its determination in Stage 2, allowing the panel to gauge the impact upon the students. Therefore, the documents were relevant. Turning to fairness, it was submitted that the teacher has had an opportunity to review these documents prior to the hearing and therefore has had an opportunity to formulate her case in respect of them.

The teacher's representative objected to the inclusion of the documents. The objections raised were on the grounds that it would not be fair to admit the documents as Ms Thomas-Lee did not have an opportunity to respond to the initial decision of the examination board as she did not receive the letter of 12 October 2015.

The panel had regard to paragraph 4.18 of the Teacher Misconduct – Disciplinary Procedures which provides the “*panel may admit any evidence, where it is fair to do so, which may reasonably be considered relevant to the case*”. In view of the nature and seriousness of the allegations, the panel held that the documents were relevant and would assist in determining the allegations raised. Furthermore, the panel considered the need for fairness. The panel accept that Ms Thomas-Lee was not able to present her case to the examination board and will accordingly afford the documents the appropriate weight in due course. In any event, they will have the benefit of the oral testimony from the teacher herself who can present her case. The panel were minded to exercise its discretion and admit both documents.

The panel then heard submissions from the teacher's representative, who sought to admit a statement from Ms Thomas-Lee. The panel had regard to paragraph 4.18 of the Procedures which provides the “*panel may admit any evidence, where it is fair to do so, which may reasonably be considered relevant to the case*”. In view of the nature and seriousness of the allegations, the panel held that Ms Thomas-Lee's response to the allegations is relevant and would assist in determining the allegations raised. The panel considered this to be a substantive document, which ought to have been submitted in line with paragraph 4.20 of the Procedures, some four weeks prior to the hearing. Furthermore, the panel considered the need for fairness. The panel considers that it is in the fairness to all parties to admit this document at this stage rather than at a later stage as requested by the teacher's representative. Accordingly, the panel were minded to exercise its discretion and admit the document with page numbers 204 to 210.

Furthermore, the panel were minded to admit a letter from the teacher's GPs and a legible copy of page 96, as page 96a.

## **D. Summary of evidence**

### **Documents**

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

Section 1: Chronology and anonymised pupil list – pages 2 to 6

Section 2: Notice of Proceedings and response – pages 8 to 14

Section 3: NCTL witness statements – pages 16 to 29

Section 4: NCTL documents – pages 31 to 187

Section 5: Teacher documents – pages 189 to 192

In addition, as noted above, the panel agreed to exercise its discretion afforded by the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession and admit the following documents into the evidence:

Section 6: Letter from GP – page 193

Section 7: Documents relating to the examination board investigation – pages 194 to 203

Section 8: Ms Thomas-Lee's response to the allegations – pages 204 to 210

The panel members confirmed that they had read all of the documents.

## **Witnesses**

The panel heard oral evidence from:

Witness A, Deputy Headteacher at Selston High School – Witness for the NCTL

Witness B, former Mathematics teacher at Selston High School – Witness for the NCTL

Witness C, Mathematics teacher (unqualified) at Selston High School – Witness for the NCTL

Witness D, Mathematics teaching assistant at Selston High School – Witness for the NCTL

The panel also heard evidence from Ms Kim Thomas-Lee herself.

## **E. Decision and reasons**

The panel announced its decision and reasons as follows:

The panel has carefully considered the case before us and have reached a decision.

We confirm that we have read all the documents provided in the bundle in advance of the hearing.

Ms Thomas-Lee commenced employment at Selston High School “(the School)” in September 2013. It was in or around March/April 2015 that concerns were first raised regarding the results of the mock examinations of one of Ms Thomas-Lee's Year 11 groups. During May 2015, pre-investigation meetings took place with Ms Thomas-Lee, resulting in Ms Thomas-Lee being suspended from duty and the awarding body being notified of the alleged malpractice. A report on the moderation of Ms Thomas-Lee's Controlled Assessments was produced on 13 May 2015, following which investigatory

meetings took place in June 2015. Subsequently, a Disciplinary Hearing took place on 6 July 2015 to consider the allegations against Ms Thomas-Lee.

## **Findings of fact**

Our findings of fact are as follows:

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

- 1. Failed to comply with the guidelines as prescribed in relation to the Controlled Assessment for GCSE Statistics during the academic year 2014/2015 in that you:**
  - a. Failed to ensure assessments were completed in formal supervision conditions;**

This particular of the allegation is denied by Ms Thomas-Lee.

The panel had regard to the EdExcel GCSE Statistics Controlled Assessment guidance (the "Guidelines") which stated that Section 1, "Planning" and Section 4, "Conclusion", should be completed "under formal supervision". The panel noted the evidence of Witness B, Witness C and Witness D who said that all members of the Maths Department were informed of the conditions in which the Controlled Assessments should be conducted. This was confirmed by Ms Thomas-Lee during her oral evidence, who said that she was aware that Section 1, "Planning", and Section 4, "Conclusion", had to be completed under exam conditions, in other words under formal supervision.

The panel considered the written and oral evidence of Witness D, who was present during several of Ms Thomas-Lee's lessons when the Controlled Assessment was being completed. He said that Ms Thomas-Lee had failed to observe the formal supervision conditions required, for instance, "[i]n relation to Section 4, the 'Conclusion', [Witness D] recalls that some students had not got things right and Ms Thomas-Lee informed those students that their work was not correct ... Sometimes Ms Thomas-Lee wrote in Section 4 of the Controlled Assessment". Furthermore, "Ms Thomas-Lee wrote down things the pupils should include like 'do a histogram' or she would include a calculation for guidance. Ms Thomas-Lee would write it down and then tell the pupils to copy it into their own words". This account was consistent with the statement given by Witness D on 14 May 2015 and minutes of the investigatory meeting held on 9 June 2015. Witness D was consistent with his evidence throughout. The panel therefore found the evidence of Witness D to be credible. Furthermore, the evidence did not appear to be exaggerated in any way. In any event, Ms Thomas-Lee herself admitted in an investigatory meeting held on 6 May 2015 that Section 4, the "Conclusions", had not been completed in exam conditions.

In addition to this, Ms Thomas-Lee prepared PowerPoint slides, which she stated arose from a group discussion where she “typed the words students were using verbatim onto smart presentation”. Witnesses confirmed that the slides pertain to the question to be answered in the Controlled Assessment. Witness D explained that the slides were displayed in the classroom on numerous occasions, usually at the beginning of the Controlled Assessment lesson but then taken down during the formal supervision element. This was affirmed by Ms Thomas-Lee in her oral evidence. In their oral evidence, Witness B and Witness C indicated that the slides contained too much information, for example, suggested hypotheses, and should not have been used during the Controlled Assessments.

When questioned about the use of these slides in her investigatory meeting on 6 May 2015, Ms Thomas-Lee admitted to preparing the slides and providing them to pupils stating that the “green sheets” were in their books and that the students “wrote the notes in their books as they were going along”. Having considered the evidence and the context in which the reference was made to the “green sheets” the panel considered them to be printout copies of the slides at page 96 of the hearing bundle. In the same meeting, Ms Thomas-Lee admitted that during Section 1, “Planning”, the students had their workbooks with them when compiling the plans. The panel observed this was contrary to the Guidelines. However, during her oral evidence, Ms Thomas-Lee provided an alternative explanation suggesting that her responses to the questions posed during the School investigation about the conditions in which Sections 1 and 4 were completed related to the mock examination that took place and not the actual Controlled Assessment.

In her written response to the allegations dated 8 November 2016, Ms Thomas-Lee stated that “[w]hen it came to starting the controlled assessment and writing the actual hypothesis ... we spent a lot of time doing discussions in groups and we talked jointly about possible scenarios ... and then students wrote their plan in exam conditions ... Once I felt the students were in a positive position to continue, the hypothesis section was all completed in the classroom, in silence, with no collaboration or any help”.

With regard to Section 4, “Conclusion”, during her oral evidence, Ms Thomas-Lee explained that she encouraged pupils to write elements of the conclusion as they completed their work in Sections 2 and 3. As a consequence, these elements would not have been conducted in formal supervision conditions. As noted above, the Guidelines provide that Section 4, “Conclusions”, should be conducted under formal supervision. Therefore, this practice of drawing conclusion during Sections 2 and 3 was contrary to the Guidelines. Ms Thomas-Lee accepted this when questioned by the panel.

It is accepted that as an experienced teacher, who held the post of lead teacher of Mathematics within the School, Ms Thomas-Lee was aware of the conditions in which the Controlled Assessment was required to have been conducted. The panel considered all of the evidence, and preferred the evidence of Witness D, Witness B and Witness C to

that of Ms Thomas-Lee. The panel felt that Ms Thomas-Lee's explanation that her responses during the investigatory meeting pertained to the mock examinations lacked credibility, particularly when considered in the context of the line of questioning during that meeting. Therefore, on the balance of probabilities the panel believed that Ms Thomas-Lee failed to comply with the Guidelines by not ensuring that Sections 1 and 4 of the Controlled Assessment were completed in formal supervision conditions. Consequently, the panel finds this particular of the allegation to be proved.

**b. Gave pupils excessive assistance and support during the assessment;**

This particular of the allegation is denied by Ms Thomas-Lee, who stated that "the assistance I gave was in line with those recommended by the examination board".

The panel had regard to the Guidelines which emphasise in Sections 1, 3 and 4 that "Students must complete all work independently" and that Sections 1 and 4 should be conducted in formal supervision conditions. No support from the teacher is permitted in these sections. In their evidence, Witness B and Witness C confirmed that it was their understanding that during Sections 1 and 4 the students could not speak to anyone nor ask staff for assistance and during Stages 2 and 3 staff should not respond directly to questions concerning the Controlled Assessment but rather refer to students back to the techniques used in a different context. This understanding was corroborated by Witness D.

As noted above, slides were provided to the students, which Ms Thomas-Lee described as a "scaffold of questions". Students had access to the slides throughout the Controlled Assessment, since there were copies in their workbooks. Witness D explained that the slides were also displayed in the classroom on numerous occasions, at the beginning of the Controlled Assessment lesson but then taken down during the formal supervision elements of the session. This was affirmed by Ms Thomas-Lee in her oral evidence where she asserted that the scaffold was permissible under the Guidelines. In their oral evidence, Witness B and Witness C indicated that the slides contained too much information and should not have been provided to students. The panel scrutinised the slides, and noted that they referred directly to the task set by the examination board, contained sample hypotheses, methods for selecting data and how to prove the hypothesis. Consequently, the panel did not consider these slides to be a "scaffold of questions" as suggested by Ms Thomas-Lee.

The panel considered the evidence of Witness D who described various other instances when Ms Thomas-Lee would provide assistance and support to students. In particular, Witness D saw Ms Thomas-Lee "writing on a number of pupils' Controlled Assessments ... [noting] down things the pupils should include like 'do a histogram' or she would include a calculation. Ms Thomas-Lee would write it down and then tell the pupils to copy it into their own words". Furthermore, and as noted in Allegation 1(a), some of this assistance was provided to students during Section 4, which ought to have been conducted under formal supervision.

In the investigatory meeting dated 5 May 2015, Ms Thomas-Lee admitted that “she had advised students where they could ignore ... outliers” and thought she was allowed to tell the students what to do and that each student had a copy of the slides in their workbooks, use of the workbooks being permitted in Sections 2 and 3 of the Controlled Assessment.

The panel also had regard to the initial moderation of four papers, where three of the papers contained a near-identical wording for the hypothesis, indicating that these pupils had been provided with assistance. The teacher’s representative suggested that these were written by the same pupil, as the handwriting was identical. However, upon detailed review, the panel did not agree with this and considered it is clear that the work at pages 65, 67 and 69 is that of different pupils.

Having considered all the evidence, the panel finds that through the provision of the slides, combined with writing instructions on students’ assessments, Ms Thomas-Lee gave the pupils excessive assistance and support during the assessment in breach of the Guidelines. Consequently, the panel find this particular of the allegation to be proved.

**c. Wrote on pupils assessment work and/or allowed pupils to directly copy whole sections of text into their assessment which was then submitted for marking;**

This particular of the allegation is denied by Ms Thomas-Lee.

The panel considered all the evidence and in particular noted the fact that Witness B and Witness C had found evidence of Ms Thomas-Lee’s writing on the Controlled Assessments they moderated. They saw “evidence in nearly all pieces of controlled assessment of [Ms Thomas-Lee’s] writing, either labelling diagrams or writing notes” and they found evidence of a student copying directly from material written by Ms Thomas-Lee. This was corroborated by the evidence of Witness D who said that he “saw Ms Thomas-Lee writing on a number of pupils’ Controlled Assessments. Sometimes she would write in the margins in pencil and sometimes she would rip out a piece of paper and write on that ... Ms Thomas-Lee would write it down and then tell the pupils to copy it into their own words”. These accounts are consistent with the minutes of the investigatory meetings held on 9 June 2015 and the Moderation Report prepared. These witnesses were consistent with their evidence throughout. The panel therefore found the evidence of Witness D, Witness B and Witness C to be credible. Furthermore, the evidence did not appear to be exaggerated in any way.

During the investigatory meeting on 6 May 2015, it was put to Ms Thomas-Lee that there was evidence of her handwriting on the Controlled Assessments. When this was explored further, a specific example from the Controlled Assessment of Pupil R was put to Ms Thomas-Lee and she accepted writing on his assessment “ignore these in my data” as the figures were outliers.

In a further investigatory meeting held on 5 June 2015, Ms Thomas-Lee denied writing on the students' Controlled Assessments, stating that she had simply been assisting the students with the wording acting as a "walking thesaurus". Furthermore, in her written response to the allegations dated 8 November 2016 and in her oral evidence to the panel, Ms Thomas-Lee explained that she acted as a scribe for "those students who were allowed access to readers or scribes". She elaborated stating that "I would ... ask [them] questions noting down the student's answer". She explained that once she had written down the student's answer, she would show this to the students and who would then transcribe the same in their own handwriting. In contrast, Witness C was clear in her evidence stating that a class teacher could not act as a scribe for their own students; the only time you would expect to see a teacher's handwriting is in the form of annotations justifying the marks awarded. This was corroborated by Witness B and Witness D. Under questioning, Ms Thomas-Lee accepted that a teacher could not scribe or act as a reader for their own students.

It was brought to the panel's attention that Ms Thomas-Lee's explanations had not been raised during the three investigatory meetings nor the disciplinary hearing held at the School when these issues were first put to Ms Thomas-Lee. When questioned, Ms Thomas-Lee said she was unaware of the School policy concerning SEND pupils and additional support during examinations.

The panel considered all of the evidence, and preferred the evidence of Witness C, Witness B and Witness D who had been consistent in their account. Ms Thomas-Lee's explanation for writing on students' assessments lacked credibility. Therefore, on the balance of probabilities the panel believed that Ms Thomas-Lee was more likely than not to have written on pupils' Controlled Assessments and allowed pupils to directly copy whole sections of text into their assessment. The panel considered the Guidelines, noting that students must complete Sections 1, 3 and 4 independently. Therefore, the panel finds that Ms Thomas-Lee's actions amounted to a failure to comply with the Guidelines. Consequently, the panel find this particular to be proved.

**d. Inflated the scores when marking the assessments resulting in scores which fell well outside any tolerances that would be deemed to be acceptable of a teacher.**

This particular of the allegation is denied by Ms Thomas-Lee. In her written response to the allegations, she states that "[d]uring Controlled Assessment, we regularly internally verified each other's marking", during staff meetings. Ms Thomas-Lee stated that she had no reason to suspect that her marking of the Controlled Assessment was incorrect.

Witness C confirmed that sometime in January / February 2015 she, together with Mr Lee Tomlinson, had initially reviewed some of the Controlled Assessments marked by Ms Thomas-Lee. She only looked at one assessment, belonging to Pupil M, and raised concerns with Ms Thomas-Lee regarding over marking as a result of a missing

hypothesis. The panel noted there was no follow up to this and this informal process lacked the rigour expected.

The panel considered the evidence of Witness B who stated that once all marks had been submitted to the Head of Department it became clear Ms Thomas-Lee's class had achieved significantly higher results than expected. This led to the Head of Department looking at the papers and directing Witness B and Witness C to undertake an in-depth moderation of all Controlled Assessments marked by Ms Thomas-Lee. The results of the moderation exercise saw a substantial reduction (in the region of 50%) in the marks awarded in each case, and in some instances a reduction from the equivalent of an A grade to an E grade. The average mark for the class awarded by Ms Thomas-Lee was 27.3/40 (a grade B) and this was reduced to 15.5/40 (a grade E) following the moderation. It should be noted that these scores included the marks awarded for Section 1, the "Planning" section, which were subsequently nullified. Witness B explained that the "normal tolerance level for the whole paper is usually 2-3 marks". This was corroborated by Witness C. It was their evidence that the marks were significantly different and beyond the tolerances that would be deemed acceptable by a teacher.

The panel heard evidence that one of the reasons for the substantial reduction was that in some instances marks had been awarded for sections that did not exist, for example, the "conclusion" section. This was corroborated by the report produced by Witness B and Ms Morrell following the moderation of four papers. In response to this, Ms Thomas-Lee explained that she had informed students to draw conclusions throughout the Controlled Assessment rather than at the end. The panel did not find this explanation credible and in any event, as previously noted, this practice would have been in breach of the Guidelines.

As noted above, slides were provided to assist the students. In her oral evidence, Ms Thomas-Lee explained that the slides would have been submitted to the examination board, for their consideration had she not been suspended by the School. Ms Thomas-Lee informed the panel that she would have reduced the final marks awarded by 20% in light of the assistance the students had received.

The panel note that this explanation was only provided during the course of the oral evidence provided to this panel; Ms Thomas-Lee has not made reference to this in the previous investigatory meetings, disciplinary hearing nor in the written response to the allegation provided to this panel. Furthermore, the panel note that there was no documentary evidence advanced, in the form of annotations, minutes from team meetings or e-mails to the Head of Department, suggesting that Ms Thomas-Lee had planned to reduce the marks. Therefore, the panel found this explanation to lack credibility. Even though the panel did not find this explanation plausible, it noted that a reduction of 20% would have still resulted in considerable over-inflation of marks which would be beyond any tolerance acceptable to a teacher. In addition, the Guidelines made

no reference to the teacher's ability to reduce marks on the basis of assistance being provided to students.

The panel considered all of the evidence, and on the balance of probabilities the panel believed that Ms Thomas-Lee was more likely than not to have inflated the scores when marking the assessments. The panel considered the Guidelines and the usual tolerances deemed to be acceptable. Therefore, the panel finds that Ms Thomas-Lee's actions amount to a failure to comply with the Guidelines. Consequently, the panel find this particular to be proved.

## **2. Overinflated data entries on the school management information system (SIMS) which created a false impression of student performance.**

This allegation is denied by Ms Thomas-Lee.

The panel considered the evidence of Witness A and the charts at pages 122 to 123 of the hearing bundle. Witness A explained that concerns were raised in March 2015 when the results of the pre-public mock examinations for the class taught by Ms Thomas-Lee were significantly lower than those expected based on the data entries on SIMS. This led to an investigation into the data entered onto SIMS. The results of that investigation showed that in the class in question "there was a significant deterioration" in the results. In March 2015, the 'working at' grade was three GCSE grades below the target grade and three grades below the professional prediction made by Ms Thomas-Lee in the Autumn term. The false impression of student performance created by the over-prediction in the Autumn term, led the Senior Leadership Team within the School to conclude that pupils were on track. The impact of this was that no formal intervention was instigated to address the underperformance of the class until much later in the year, shortly before the start of the public examinations.

Ms Thomas-Lee accepted that as an experienced teacher and senior member of the Maths Department she was familiar with entering data onto SIMS and was fully aware of the importance of entering accurate data onto the system. She explained that her predictions were based on her professional judgment and experience of the students having taught this class since Year 10. She cited their good attendance, their positive attitudes and also their response to the "walking talking mock". This account was consistent with her explanation provided during the investigatory meeting and disciplinary hearing. In the view of the panel, the assessment practice as described by Ms Thomas-Lee lacked rigour. The panel also noted the coincidence that the average grade predicted by Ms Thomas-Lee was almost identical to the average target grade for the class.

The panel considered all of the possible explanations for the decline in the performance of the class between the Autumn and Spring terms. The panel took into account that Ms Thomas-Lee was an experienced teacher who held the position of lead teacher of Mathematics and was therefore unlikely to be unable to accurately predict student performance. The panel further noted that Ms Thomas-Lee had inflated the marks

awarded for the Controlled Assessments (Allegation 1(d)) and that the true level of performance for the class on this task was significantly below the target grade.

Having considered all the evidence, the panel finds that on the balance of probabilities Ms Thomas-Lee did overinflate data entries on SIMS which inevitably created a false impression of student performance. Consequently, the panel find this allegation to be proved.

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

Having found the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel has had regard to the document Teacher Misconduct: The Prohibition of Teachers, which the panel refers to as “the Advice”.

The panel is satisfied that the conduct of Ms Thomas-Lee in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Ms Thomas-Lee is in breach of the following standards:

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

Ms Thomas-Lee’s failure to comply with the Guidelines for Controlled Assessments resulted in the students achieving a lower grade than predicted in GCSE Statistics, potentially impacting their future education and career choices. By her actions, she undermined the integrity of the national examination system, and jeopardised the reputation of the School and her department. Her actions constituted serious misconduct.

The panel is satisfied that the conduct of Ms Thomas-Lee fell significantly short of the standards expected of the profession.

The panel has also considered whether Ms Thomas-Lee conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and the panel has found that none of these offences are relevant.

Accordingly, the panel is satisfied that Ms Thomas-Lee is guilty of unacceptable professional conduct.

The panel has taken into account how 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 has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave. Her actions, when viewed by the public, would undermine their confidence in the examination system and also the integrity of the teaching profession.

The panel therefore finds that Ms Thomas-Lee's actions constitute 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 is 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 has to consider whether it is an appropriate and proportionate measure, and whether it is 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 has considered the particular public interest considerations set out in the Advice and having done so has found a number of them to be relevant in this case, namely the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

The panel's findings against Ms Thomas-Lee, involved a failure to adhere to the Guidelines of the examination board and a conscious over-inflation of marks and grade both for the Controlled Assessments and the School's pupil progress tracking system. The panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Thomas-Lee was not treated with the utmost seriousness when regulating the conduct of the profession. Furthermore, the panel considered that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as Ms Thomas-Lee's conduct was outside that which could reasonably be tolerated. In particular, the panel noted that the underlying facts giving rise to the allegations found proven were not isolated incidents. The allegations involved multiple incidents where Ms Thomas-Lee, an experienced teacher who was lead teacher of Mathematics at her school, failed to adhere to the examination board guidelines and overinflated marks.

Notwithstanding 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 Ms Thomas-Lee.

In carrying out the balancing exercise the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Ms Thomas-Lee. 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, those that are relevant in this case are:

- Serious departure from the personal and professional conduct elements of the Teachers' Standards.

The panel has found that Ms Thomas-Lee's conduct involved serious departures from the personal and professional conduct elements of the Teachers' Standards, as the panel has already detailed.

- Misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk.

The panel considered that Ms Thomas-Lee's conduct seriously affected the education and well-being of the pupils concerned. As noted above, the underlying incidents giving rise to the allegations were not isolated incidents and involved several events over a period of time; this is a repeated pattern of behaviour. The panel note that Ms Thomas-Lee's actions resulted in the students achieving a lower grade than predicted in GCSE Statistics, potentially impacting on their future education and career.

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case.

The panel has found that due to her position as lead teacher for Mathematics and her previous experience and knowledge, Ms Thomas-Lee's actions have been deliberate, and has seen no evidence to suggest that she was acting under duress. However, the panel had regard to the context of the period leading up to Ms Thomas-Lee's actions. The panel noted that it was a difficult time for Ms Thomas-Lee, and that she was dealing with personal and health issues including family bereavements.

The panel noted that, in her role as a teacher, Ms Thomas-Lee had not been subject to any formal disciplinary proceedings, prior to the events underlying these allegations. The panel has also noted the evidence provided in support of Ms Thomas-Lee's good character, her abilities as a teacher and her professionalism. In particular, the panel heard evidence from Witness B, a former colleague in the Maths department, that he found Ms Thomas-Lee to be, "a good role model," who had "a good relationship with

pupils". The panel also had regard to the written references at pages 189 to 192 from former colleagues at Melior Academy attesting to Ms Thomas-Lee's good character and abilities as a teacher during a period of employment following the incidents forming the basis of these allegations.

Nevertheless, it is the panel's view that the public interest considerations outweigh the interests of Ms Thomas-Lee. Maintaining the integrity of public examination is of fundamental importance both to the nation and the profession. Ms Thomas-Lee's actions, in seeking to give her pupils an unfair advantage, undermined confidence in teacher assessments and the examination system. Furthermore, her actions in overinflating grades on the School information management system misled the management of the School and prevented her pupils from receiving additional support at a stage when it would have had impact. As a direct result of her actions the outcomes for the pupils in her class were lower than they should have been. This not only had an adverse impact on the individual pupils concerned, but also affected the results and reputation of the School. Whilst Ms Thomas-Lee expressed regret for the impact on pupils, in the view of the panel, she did not demonstrate any meaningful insight into her actions.

In the circumstances the panel is of the view that prohibition is both proportionate and appropriate, and sees no reason to depart from the guidance set out in the Advice. Accordingly, the panel makes 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 them to decide to recommend that a review period of the order should be considered. The panel were mindful that the Advice advises 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 two years.

Ms Thomas-Lee has denied the allegations raised, and the panel notes she has not demonstrated any insight into her inappropriate conduct or the impact on the pupils, albeit she has expressed remorse for the resultant consequences of her actions.

The panel notes the substantial oral and written evidence that Ms Thomas-Lee is an effective classroom teacher of Mathematics. The panel is mindful that a prohibition order is not intended to be punitive and considers that Ms Thomas-Lee should be given the opportunity to re-enter the profession in the future should she wish to do so, having reflected on her actions and demonstrated an insight into their consequences.

The panel felt the 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 of two years.

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

I have considered very carefully the findings and recommendations of the panel in this case. The panel has found all of the allegations proven.

The panel is satisfied that Ms Thomas-Lee is guilty of unacceptable professional conduct and conduct that may bring the profession into disrepute.

I note that the panel is satisfied that the conduct of Ms Thomas-Lee fell significantly short of the standards expected of the profession. I agree with the panel's view that Ms Thomas Lee is in breach of the following Teachers' Standards:

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

I have noted the panel's consideration of the public interest in this case, and I agree with the panel that public confidence in the profession could be seriously weakened if the conduct found proved in this case were not treated with the utmost seriousness. The panel found that Ms Thomas-Lee's conduct was outside of that which could be reasonably tolerated. The panel noted that the underlying facts giving rise to the allegations found proven were not isolated incidents. The allegations involved multiple incidents where Ms Thomas-Lee, an experienced teacher who was lead teacher of Mathematics at her school, failed to adhere to the examination board guidelines and overinflated marks.

The panel has considered the particular public interest considerations set out in the Advice and having done so has found the following to be relevant: the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

I note the panel considered that Ms Thomas-Lee's conduct seriously affected the education and well-being of the pupils concerned. The underlying incidents giving rise to the allegations were not isolated incidents and involved several events over a period of time; this is a repeated pattern of behaviour. I note the panel considered that Ms Thomas-Lee's actions resulted in the students achieving a lower grade than predicted in GCSE Statistics, potentially impacting on their future education and career.

I have considered the public interest considerations both in favour of and against prohibition as well as the interests of Ms Thomas-Lee.

I note the panel considered the mitigating factors in this case, and found that due to Ms Thomas-Lee's position as lead teacher for Mathematics and her previous experience and knowledge, her actions have been deliberate. I note the panel has seen no evidence to suggest that Ms Thomas-Lee was acting under duress. However, the panel had regard to the context of the period leading up to Ms Thomas-Lee's actions, and noted that it was a difficult time for her. She was dealing with personal and health issues including family bereavements.

I see that the panel noted that, in her role as a teacher, Ms Thomas-Lee had not been subject to any formal disciplinary proceedings, prior to the events underlying these allegations. The panel has also noted the evidence provided in support of Ms Thomas-Lee's good character, her abilities as a teacher and her professionalism.

However, I note it is the panel's view that the public interest considerations outweigh the interests of Ms Thomas-Lee.

I agree with the panel's view. Maintaining the integrity of public examination is of fundamental importance both to the nation and the profession.

As a direct result of Ms Thomas-Lee's actions, the outcomes for the pupils in her class were lower than they should have been. This not only had an adverse impact on the individual pupils concerned, but also affected the results and reputation of the School. I note that whilst Ms Thomas-Lee expressed regret for the impact on pupils, in the view of the panel, she did not demonstrate any meaningful insight into her actions.

The panel is of the view that prohibition is both proportionate and appropriate. I agree with that view. The guidance published by the Secretary of State sets out where a prohibition order is appropriate. The guidance says that a prohibition order aims to maintain public confidence in the profession. The public rightly expect the examination system to operate in a fair and transparent way.

I now turn to the matter of a review period. The panel has recommended a two year review period. I agree with the panel's recommendations. Ms Thomas-Lee has denied the allegations raised, and the panel note she has not demonstrated any insight into her inappropriate conduct or the impact on the pupils, albeit she has expressed remorse for the resultant consequences of her actions.

I am mindful that the panel has noted the substantial oral and written evidence that Ms Thomas-Lee is an effective classroom teacher of Mathematics. The panel considers that Ms Thomas-Lee should be given the opportunity to re-enter the profession in the future should she wish to do so, having reflected on her actions and demonstrated an insight into their consequences.

For the reasons set out above, I agree with the panel's recommendation.

**This means that Ms Kim Thomas-Lee 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 18 November 2018, 2 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 Thomas-Lee remains prohibited from teaching indefinitely.

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

Ms Thomas-Lee has a right of appeal to the Queen'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 'J. Millions', with a small dot at the end of the signature.

**NAME OF DECISION MAKER: Jayne Millions**

**Date: 14 November 2016**

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