



National College for
Teaching & Leadership

Ms Karen Venita Castrey: Professional conduct panel outcome

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

April 2017

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

Teacher: Ms Karen Venita Castrey
Teacher ref number: 8776987
Teacher date of birth: 17 September 1964
NCTL case reference: 15169
Date of determination: 6 April 2017
Former employer: Sandon Business, Arts & Enterprise College

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 3 - 6 April 2017 at The Ramada Hotel, The Butts, Coventry CV1 3GG to consider the case of Ms Karen Venita Castrey and Mrs Diane Drew.

The panel members were Mr Martin Greenslade (lay panellist – in the chair), Mr Peter Cooper (teacher panellist) and Mr Maurice McBride (lay panellist).

The legal adviser to the panel was Mr Robin Havard of Blake Morgan LLP solicitors.

The presenting officer for the National College was Mr Ben Bentley of Browne Jacobson LLP.

Ms Castrey attended the hearing and was represented by Mr Andrew Faux.

Mrs Drew attended the hearing on 4 and 5 April 2017 and was represented by Mr Tim Glover.

The hearing took place in public and was recorded. The panel's decision was announced in public.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 2 February 2017. It was alleged that Ms Karen Venita Castrey was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

Whilst working as a teacher at Sandon Business, Arts & Enterprise College in the period 2009/10 to 2015 she:

1. Falsified the School's attendance records and/or requested and/or instructed staff members to make false representations on the school's attendance register;
2. Failed to effectively manage the administration of the school attendance register by failing to ensure its accuracy;
3. Knowingly caused, permitted or allowed inaccurate information relating to school attendance to be submitted to the Governing Body of the School and/or the Local Authority;
4. Her conduct as may be found to be proven at allegations 1 and/or 3 was dishonest and/or lacked integrity in that she caused a statutory document to be completed in a way in which she knew or ought to have known was false and/or misleading.

Ms Castrey denied the facts of the allegations.

Consequently, Ms Castrey did not admit that she was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

C. Preliminary applications

Amendment

With the agreement of the parties, the panel allowed an amendment to allegation 4 by the deletion of the words, "... and/or lacked integrity".

Late admission of documents

On 5 April 2017, Mr Faux applied on behalf of Ms Castrey to admit into evidence an email from Ms Castrey to Mr Faux's firm dated 6 March 2017 and an extract from the school's attendance register. There was no objection from the Presenting Officer and Mr Glover on the understanding that Mrs Drew, if advised, could be recalled to deal with any issues which arose.

On this basis, the panel exercised its discretion and allowed the documents into evidence.

D. Summary of evidence

Documents

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

Section 1: Chronology and anonymised people list – pages 2 to 5

Section 2: Notice of Proceedings and Response – pages 7 to 40

Section 3: NCTL witness statements – pages 42 to 96

Section 4: NCTL documents – pages 98 to 322

Section 5: Teacher documents – pages 361 to 460

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

Witnesses

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

- Witness A, Education Welfare Officer;
- Witness B, Administration Assistant at Sandon Business, Arts and Enterprise College;
- Witness C, headteacher at Bedlingtonshire Community High School and formerly of Sandon Business, Arts and Enterprise College;

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

- Witness D, formerly Chair of Governors at Longton High School;
- Witness E, Principal of the Co-operative Academy of Stoke-on-Trent;
- Mrs Drew gave evidence on her own account.
- Ms Castrey gave evidence on her own account.

Statement of agreed facts

The panel considered a statement of agreed and disputed facts which was signed by Ms Castrey and the presenting officer on 22 March 2017 and by Mrs Drew on 23 March 2017.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing.

Brief Summary

Ms Castrey and Mrs Drew started their teaching careers in 1988 and 1992 respectively.

In September 2009, Ms Castrey was appointed as headteacher of Sandon Business and Enterprise College ("Sandon") which had been placed in special measures in 2008.

In September 2010, Longton High School ("Longton") was amalgamated with Sandon and Ms Castrey became headteacher of the combined school. Whilst initially part of the school continued to operate from the Longton site at Box Lane, in September 2011, the Box Lane site was closed and the school operated from one site at Sandon.

Mrs Drew had taught at Longton from the outset of her teaching career and was appointed deputy headteacher in January 2005. Her responsibilities included the tracking and monitoring of attendance.

On the amalgamation with Sandon in September 2010, Mrs Drew continued as deputy headteacher and took on the responsibility of attendance at the combined school.

In September 2014, anomalies were discovered with regard to Sandon's attendance registers. This led to an investigation being undertaken which discovered that, over a period of years, the school's attendance records had been falsified repeatedly and very substantially. This meant that inaccurate information relating to school attendance was submitted to the governing body of Sandon and the Local Authority.

Mrs Drew has accepted that she was responsible for attendance at the school and was directly involved in the falsification of the school's attendance records. She accepts that she knew that inaccurate information was being submitted to the governing body and the Local Authority.

Ms Castrey denies any knowledge of the activities of Mrs Drew and other members of staff involved in the falsification of the records.

From September 2014, Ms Castrey was absent from work through illness.

In April 2015, both Ms Castrey and Mrs Drew ceased being employed at Sandon.

Findings of fact

Our findings of fact are as follows:

The panel has found the following particulars of the allegations against Ms Castrey and Mrs Drew proven, for these reasons:

Whilst working as a teacher at Sandon Business, Arts & Enterprise College in the period 2009/10 to 2015 you:

- 1. Falsified the School's attendance records and/or requested and/or instructed staff members to make false representations on the school's attendance register;**

It is not disputed by either Ms Castrey or Mrs Drew that the attendance records of Sandon had been falsified and that false representations had been made on the school's attendance register.

Indeed, the panel sets out below the relevant extract from the Statement of Agreed and Disputed Facts ("the Statement") :

- "2. Both Ms Karen Castrey and Mrs Diane Drew admit that the School's attendance register was falsified over a substantial period of time, from the period May 2012 until the time of the Local Authority investigation in October 2014.*
- 3. Both teachers admit that attendance at the School as submitted to the Department for Education via the Pupil Level Annual School Census ("PLASC") during the academic years 2010 to 2015, was as follows:*
 - a. 2010 / 11 – Attendance 91.2%*
 - b. 2011 / 12 – Attendance 91.4%*
 - c. 2012 / 13 – Attendance 94.1%*
 - d. 2013 / 14 – Attendance 94.3%*
 - e. 2014 / 15 – Attendance 90.3%*
- 4. Both teachers agree that the number of overall absences recorded, compared with the total sessions possible during the academic years 2010 to 2015, was as follows:*
 - f. 2010 / 11 – 22,180 absences out of a possible 252,186*
 - g. 2011 / 12 – 20,002 absences out of a possible 232,802*
 - h. 2012 / 13 – 13,147 absences out of a possible 221,226*
 - i. 2013 / 14 – 12,626 absences out of a possible 222,271*
 - j. 2014 / 15 – 19,783 absences out of a possible 203,315*
- 5. It is agreed by both teachers that the fall in the number of reported absences in the academic years 2012 – 2014, compared with the 3 academic years in which*

attendance was not falsified, represents the manipulation of at least 5000 pupil records in each year, and that around 1 in 4 pupil absences in those two academic years was falsely stated."

At paragraph 6 of the Statement, Mrs Drew admits that she herself made false amendments to the school's attendance register. In the Statement, in her written statement of 6 March 2017 and in her oral evidence, Mrs Drew also confirmed that she requested and instructed others, such as Individual A, Witness B and Individual C, to make amendments to the school's attendance register which she knew to be false.

Consequently, as against Mrs Drew, the panel finds the facts of allegation 1 proven.

However, Mrs Drew admits this allegation on the basis that she falsified the school's attendance records and instructed other staff members to make false representations on the school's attendance register at the instruction of the headteacher, Ms Castrey.

Ms Castrey not only denies instructing anyone, including Mrs Drew, to do so but also denies any knowledge of the fact that the school's attendance records were being falsified or that false representations were being made in the school's attendance register.

At Sandon, teachers would take an electronic register of pupil attendance, once in the morning and once in the afternoon. There are certain codes which would inform the status of any particular pupil. If a pupil was present, he or she would be marked as such. If the register was marked "N", this meant that the pupil was absent but the reason for such absence was unknown. "R" would indicate that the pupil was absent for religious purposes. "B" would signify that a pupil was being educated off-site and therefore this would count as the pupil being present. "O" represented an unauthorised absence and "G" would be inserted if the pupil was on an unauthorised holiday.

Once the teacher has electronically recorded on the register the status of the pupils, this data would be uploaded to the School's Information Management System ("SIMS").

Administrative staff in "Student Services" would then manage the information relating to pupil attendance on SIMS. This would include Witness B and Individual A. They formed part of a team for which Mrs Drew was responsible as she was in overall control of school attendance.

If a pupil was marked as "N", student services would then make enquiries of that pupil or his or her parents, for example by text, to find out the reason for the pupil's absence. It was perfectly legitimate for the attendance register to be changed once the actual reason for the pupil's absence became known or if an error had been made. The aim was for the register to be amended within 14 days to reflect the actual reason for a pupil's absence.

Individual C was the SIMS manager at Sandon. She also reported to Mrs Drew. Part of her role was to produce and submit a document called Pupil Level Annual School Census ("PLASC"). This would contain a range of information including, for example, details of pupils eligible for free school meals or those who had come on or off the role. Of relevance to this case, it would include detailed information in relation to school attendance. It would be submitted to the Department of Education, Governors and the Local Authority. It is a statutory requirement to maintain accurate attendance records. The PLASC would have to be signed off as approved by the headteacher which, during the material time, was Ms Castrey.

Following the merger of Longton and Sandon in September 2010, attendance at Sandon for the academic years 2010/11 and 2011/12 was 91.2% and 91.4% respectively. These percentages were drawn from the average figures contained within the PLASCs which are produced each term. For example, the PLASC for Autumn 2012 would contain information relating to pupil attendance in the Summer Term 2012. It states: "*Overall (Authorised or Unauthorised) absence as percentage of total possible sessions*" as 9.03%. This leads to attendance for that period of 90.97% which is well below the national average. The PLASC for that period was signed, and thereby approved, by Ms Castrey on 4 October 2012.

The information kept on SIMS and contained in PLASC is critical data. It is accepted by both Ms Castrey and Mrs Drew that it plays an important part in safeguarding and ensuring clarity as to a child's attendance at school. It also provides the necessary evidence for Education Welfare Officers to enable them to fulfil their roles.

The school would receive support from an Education Welfare Officer ("EWO"), Witness A, who attended one day per week on behalf of the Local Authority and was then, "traded in" for a second day following the merger to support the school. Witness A would concentrate on cases of persistent absence by individual pupils and would work with a group of schools. She would have access to SIMS and would extract information about the attendance of a particular pupil. She would meet with the attendance team and discuss ideas and plans to incentivise increased attendance. She would also present cases in court in relation to parents of children who were persistently absent. Witness A stated that there was a concern with regard to marks being changed but they were rectified and, having discussed the matter with her line manager, Individual D, no further action was taken. Witness A could not comment on the staff at the school as she did not attend the staff room nor did she have any contact with Ms Castrey.

In May 2012, Ofsted carried out an inspection of Sandon. Amongst the areas for improvement identified, Ofsted stated that there was a need to improve attendance so that it was at least in line with the national average. The panel has been informed that the national average was 93%.

Following the Ofsted visit on 23 and 24 May 2012, two Senior Leadership Team ("SLT") meetings were held on 25 and 29 May 2012.

Mrs Drew states that, in front of the SLT, Ms Castrey instructed her to change the marks in the attendance registers to improve the data and that it was unforgivable that the attendance was below the national average. Mrs Drew stated that Ms Castrey indicated that she had changed the marks when she was deputy head at another school. Witness C gave evidence in support of Mrs Drew. Whilst he supported Mrs Drew's version to the extent that he maintained that Mrs Drew had told him that Ms Castrey gave her the direction to change the marks in the attendance registers, his written statement was shown to be incorrect and the panel found his recollection of events unreliable.

However, the panel heard evidence from Witness B who is, and was at the material time, an Administration Assistant at Sandon. When interviewed in January 2015, Witness B confirmed that Ms Castrey telephoned her directly to say that the attendance figures were not good enough and to, "... *get them up as soon as possible*". Witness B maintained that Ms Castrey rang her directly and was aggressive on the phone. When asked what she understood by that instruction, she said that she believed that she was required to change the marks and so she went through and changed them. At this time, her colleague in Student Services, Individual A was away at a funeral. However, Individual A confirmed in her interview that she telephoned Witness B later that day and Witness B had told her that Ms Castrey had screamed at her with regard to attendance levels. Witness B remained firm in her oral evidence, describing Ms Castrey as, "*sharp*" in her tone. Witness B did not challenge Ms Castrey. When cross-examined, Witness B confirmed that Ms Castrey said the attendance was not good enough and that she wanted them higher and she wanted it done immediately. Her tone was that she wanted it done, "*today*". It was accepted by Witness B that it was ordinarily Mrs Drew who would give her instructions to change the marks but she definitely remembered the telephone call with Ms Castrey.

Both Witness B and Individual A confirm in their interviews that they spoke to the Business Manager at the school, Individual B, and expressed their concern that they were being asked to make adjustments to the attendance record. This is confirmed by Individual B.

On balance, whilst denied by Ms Castrey, the panel finds that she did telephone Witness B, told her that the attendance figures were not good enough and instructed her to, "... *get them up as soon as possible*". From that finding of fact, the panel finds that this was an instruction to change the marks in the attendance records to show a higher level of attendance than the correct level. Indeed, Witness B was in no position in isolation to generate higher attendances by legitimate means in a short space of time of a magnitude which would have made a difference to the attendance percentage.

In responses given in her interview, the PA to Ms Castrey, Individual D, outlined how she was aware of Ms Castrey being unhappy with the census (the PLASC) and had asked Mrs Drew to come to her office. Individual D states that Ms Castrey told Mrs Drew that

she was not happy with the figures, that Mrs Drew needed to look at them and that Mrs Drew "...was unhappy with the headteacher's request" .

As stated, Individual C was the SIMS manager at Sandon. She was not able to attend this hearing due to ill health. In her interview, she confirmed that she was responsible for preparing the PLASC, otherwise described as the Census. Individual C confirms that she would present the Census to Ms Castrey but she would refuse to sign it, "...unless the figures were what she wanted to read". It was suggested by Individual C that Ms Castrey indicated that if she was not prepared to change the figures, her job was at risk. Individual C confirms that she would change the figures as she had been told to do so by the headteacher and also by Mrs Drew.

Indeed, Individual D supports Individual C's account, saying that Individual C had confided in her to say that she was not happy with the accuracy of the information contained in the census and was concerned at the issue of, "improving" the school attendance figures".

Individual D then confirms that she knew that Mrs Drew had been directed to make changes by Ms Castrey who, "...had come up with the attendance figures required."

Individual B also says that, "...around the Census day or the day after", although she could not say which one, she saw Individual C coming out of Ms Castrey's office and said, "The Head is not happy, I've got to fix it, I don't know how I am going to do it."

Mrs Drew maintained that she had been directed by Ms Castrey to change the marks in the attendance registers to improve the attendance records of Sandon, so that they met or exceeded the national average. She did not feel that she had any alternative but to do so as she feared for her job. When challenged that the information with regard to pupils' attendance was critical with regard to safeguarding and child protection, and why had she not whistle blown, Mrs Drew stated that the marks would be changed in advance of the submission of PLASC and then would be changed back immediately following the submission of the PLASC to reflect the correct position. In this way, child welfare was not put at risk. The changing back of the data is supported by the written accounts of Individual A and Individual C.

Mrs Drew also gave evidence that, on a day when the school had to be closed due to snowy conditions, she was unable to drive home and so Ms Castrey gave her a lift. During that journey, Ms Castrey again insisted that attendance had to be above 94%.

Whilst Ms Castrey did not wish to say that Mrs Drew, Witness C, Witness B, Individual A, Individual D and Individual C were not telling the truth, she denies that any of the conversations as outlined by those individuals relating to attendance, whether on the telephone or face-to-face, had taken place. She maintains that she has never instructed anyone to make false representations on the school's attendance register. Ms Castrey could offer no explanation why the members of staff should say that she did. She does

not allege that this is, in effect, a conspiracy between the members of staff and Mrs Drew to blame Ms Castrey.

Ms Castrey denies that she instilled fear into any member of staff. Indeed, Ms Castrey states that, following Individual C suffering a family bereavement, she offered Individual C a great deal of support, assuring her that if she took time away, "*she would not lose her job*". She apologises if Individual C felt that she had been bullied and that Ms Castrey would never intentionally bully her.

In reaching its findings of fact, the panel has taken full account of the fact that Ms Castrey is a person of good character and has considered the character references supplied. It has also borne in mind that Mrs Drew's evidence has to be assessed in the knowledge that she has admitted that she has acted dishonestly. The panel acknowledges that neither Individual C nor Individual A nor Individual D had attended to give evidence. Therefore their written evidence was hearsay and the panel approaches the amount of weight to be placed on such evidence with considerable caution. Also, save for her account of the telephone conversation with Ms Castrey about which she was very clear, Witness B's memory of events was incomplete. Finally, as stated, the evidence of Witness C was not consistent.

However, there is a common thread which ran through their evidence which is consistent. They all state that Ms Castrey was a formidable person who expected her instructions to be followed. Indeed, the panel notes that Ms Castrey had reflected on the accounts provided by the members of staff and how she had been perceived. The likes of Witness B, Individual C and Mrs Drew all talk of how they felt intimidated by Ms Castrey and that it was not possible to challenge her.

Mrs Drew, Witness B and Individual C confirm, and the panel finds, that they received direct instruction from Ms Castrey to increase the attendance levels which could only be achieved by changing the marks in the registers. In addition, staff changed marks on the register on the instruction of Mrs Drew who in turn had been instructed by Ms Castrey to change the attendance register to ensure that the attendance of pupils at the school was at or above the national average.

The panel considered whether any of those members of staff had a motive to fabricate their evidence. Witness B stated that there was no reason for her to do so. As for Individual C if, as Ms Castrey suggested, she offered Individual C such support at the time of her family bereavement, the panel found it unrealistic to suggest that Individual C would then provide an entirely false account of being instructed to change the data which was included in the PLASC.

In reaching its findings, the panel considered very carefully the account provided by Ms Castrey and finds it to be implausible. As headteacher, she had overall responsibility for the accuracy of the information submitted in respect of attendance at the school. Indeed, in her capacity as headteacher, she had to sign the PLASC. Whilst she stated that she had no idea that the attendance registers were being altered to present a false picture, and that it was Maths, as opposed to attendance, which was her priority, her evidence

suggests that she had a firm grasp on the detail. In her statement, she refers to her knowledge of the attendance percentages and the fact that she would be monitoring the attendance trackers which she believed to show the attendance at 93% or 94%.

The panel notes that the PLASC's signed by Ms Castrey would have revealed to her that, in the academic years 2010/2011 and 2011/2012, the attendance levels were 91.2% and 91.4% respectively, well below the national average.

Indeed, the last PLASC signed by her for the year 2011/2012 shows an attendance level of 90.97%.

However, when Ms Castrey signed the next PLASC on 1 February 2013, for the period September 2012 to Christmas 2012, the attendance level was 94.06%, in excess of the national average.

Notwithstanding the dramatic improvement, there appears to have been no acknowledgment or recognition or, indeed, celebration of such an achievement. Therefore the panel does not accept Ms Castrey's evidence that this can all be attributed to greater efforts being made by staff to incentivise pupils to attend, or other legitimate measures of a similar type. The scale of the turnaround in attendance over such a short period of time supports the allegation that it was achieved through a manipulation of the data through the falsification of the marks in the attendance registers. The panel finds that Ms Castrey was fully aware that this was being done as she had instructed staff to do it.

On the third day of the hearing, Ms Castrey requested the panel to allow into evidence a document which she alleged proved that, even after Ms Castrey's absence from the school from September 2014, Mrs Drew was still changing the register and making false entries. However, on closer analysis, the panel concludes that, if anything, this new piece of evidence supports the conclusion that, at a time when Ms Castrey was present, the registers were being changed in order to mislead and that the changes which were made after her departure were in order to correct the false entries.

The schedule, which the panel allowed into evidence, related to the attendance record of Pupil A in the period from 30 June 2014 to 17 July 2014. For a number of sessions, it shows that, on 21 July 2014, when Ms Castrey was still at the school, the register had been changed from G (unauthorised holiday) to B (educated off-site which counts as present). This would therefore mislead someone looking at the register into thinking that Pupil A was present when in fact he was not.

The marks in the register are then changed again on 9 October 2014 (Ms Castrey having been absent since September 2014) but on this occasion from B to O (unauthorised absence). This change would therefore be detrimental to the attendance percentage. The panel accepts Mrs Drew's evidence and finds that this was to correct the earlier incorrect entries.

Taking account of the cumulative effect of the evidence, both oral and written, presented by the NCTL, and the implausibility of Ms Castrey's account, the panel finds Ms Castrey

did instruct Mrs Drew to change the school's attendance records knowing that this would lead to false entries being made. The panel also finds that Ms Castrey instructed Witness B and Individual C to change the data knowing that it meant that the data would then be false.

The panel therefore finds that, on the balance of probabilities, whilst there is no evidence that Ms Castrey herself falsified the school's attendance records, she did instruct staff members to make false representations on the school's attendance register.

Consequently, as against Ms Castrey, the panel finds the facts of allegation 1 proven.

2. Failed to effectively manage the administration of the school attendance register by failing to ensure its accuracy;

The panel sets out below the relevant extract from the Statement of Agreed and Disputed Facts:

"8. Ms Karen Castrey accepts that as headteacher of the School, she held responsibilities for managing the administration of the attendance register pursuant to the duties under Section 434 of the Education Act 1996 and The Education (Pupil Registration) (England) Regulations 2006 but denies that she failed to effectively manage the administration of the school attendance register by failing to ensure its accuracy.

9. Mrs Diane Drew admits that where such duties were delegated to her, she failed to effectively manage the administration of the school attendance register by failing to ensure its accuracy and by knowingly instructing that this be falsified.

10. Both teachers admit that the accuracy of school registers is of particular importance in matters of safeguarding and ensuring clarity as to a child's attendance at school."

In respect of both Ms Castrey and Mrs Drew, the panel relies on its findings of fact in respect of allegation 1 above.

On the basis of such facts and her admission, the panel finds the facts of allegation 2, as against Mrs Drew, proven.

With regard to Ms Castrey, who denies the allegation, the panel repeats its finding that ultimate responsibility for the management and accuracy of the school's attendance register rests with her.

In acting in the way that she did, the panel finds that she failed to manage the administration of the school's attendance register by ensuring its accuracy and the panel

finds the facts of allegation 2, as against Ms Castrey, proven.

3. Knowingly caused, permitted or allowed inaccurate information relating to school attendance to be submitted to the Governing Body of the School and/or the Local Authority;

The panel sets out below the relevant extract from the Statement of Agreed and Disputed Facts:

"11. Both Ms Karen Castrey and Mrs Diane Drew admit that the falsified data contained within the School's attendance registers was used to submit information to the school Governing Body, and the Local Authority, and as part of the Pupil Level and School Census data, to report on the attendance at the School.

12. Mrs Diane Drew admits that she knowingly caused, permitted and allowed inaccurate information about school attendance to be provided to third parties, in that she knew that the attendance figures were falsely stated and misrepresented the true position.

13. Ms Karen Castrey denies knowingly causing, permitting or allowing inaccurate information to be submitted to the Governing Body, and the Local Authority, and as part of the Pupil Level and School Census data".

In respect of both Ms Castrey and Mrs Drew, the panel relies on its findings of fact in respect of allegation 1 above.

In addition, in respect of Mrs Drew, the panel relies on her admission and therefore finds the facts of allegation 3 proven.

As for Ms Castrey, she denies the allegation but it was Ms Castrey who, in her capacity as headteacher, had the responsibility to sign the PLASC. Before doing so, there was a duty on her to ensure that its content was accurate and capable of being relied upon. In the light of the panel's findings, not only was the PLASC not accurate, but also Ms Castrey knew, when signing it, that it was not accurate.

Consequently, in respect of Ms Castrey, the panel finds the facts of allegation 3 proven.

4. Your conduct as may be found to be proven at allegations 1 and/or 3 was dishonest in that you caused a statutory document to be completed in a way in which you knew or ought to have known was false and/or misleading.

The panel sets out below the relevant extract from the Statement of Agreed and Disputed Facts:

"14. Mrs Diane Drew admits that her conduct as admitted in respect to allegations 1 and 3 was dishonest in that by the standards of ordinary and honest people, including members of the teaching profession, it would be considered dishonest to make false entries on a school register and to submit these falsified entries to a statutory body, and that she appreciated at the time that her conduct was dishonest by those standards.

15. Ms Castrey denies falsifying registers, or instructing or requesting others to do so, and therefore denies that her conduct was dishonest".

In respect of both Ms Castrey and Mrs Drew, the panel relies on its findings of fact in respect of allegation 1 above.

In addition, in respect of Mrs Drew, the panel relies on her admission and therefore finds allegation 4 proven.

The panel takes account of its findings in respect of the facts of allegations 1 and 3 as against Ms Castrey and the fact that it is accepted that the facts of allegations 1 and 3 would, if found proven, amount to dishonest behaviour. Therefore, the panel finds the facts of allegation 4 as against Ms Castrey proven and that she acted dishonestly in causing a statutory document to be completed in a way which she knew to be false and misleading.

Findings in respect of unacceptable professional conduct and/or conduct that may bring the profession into disrepute

Having found the allegations to have been proven, the panel has concluded that the facts of those allegations amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel is satisfied that the conduct of Ms Castrey in relation to the facts found proven, involves breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Ms Castrey is in breach of the following standards:

Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;

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 Ms Castrey fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of dishonesty on the part of a headteacher and also involves a course of conduct designed to mislead the statutory authorities and the governing body with regard to an important element of the school's performance. It also involves the provision of instructions to her deputy head and other, more junior, members of staff to conduct themselves in a way which Ms Castrey and they knew to be wrong.

Whilst it is maintained that the data was subsequently corrected, the panel is also concerned that one of the primary purposes of maintaining an accurate record of attendance is for safeguarding reasons. An accurate attendance register is necessary to ensure that pupils' whereabouts are known or, if they are not, appropriate child protection measures can then be taken. Conduct of this sort has the potential to damage the public's perception of, and trust in, the profession.

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 document entitled Teacher misconduct: the prohibition of teachers ("the Advice") and, having done so, has 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.

The panel also acknowledged that there is a public interest in a teacher who is able to make a valuable contribution to the profession being able to continue in that profession,

as outlined in the judgment in *Wallace v Secretary of State for Education* [2017] EWHC 109 (Admin). The Wallace judgement also stated that a finding of unacceptable professional conduct and dishonesty and the formal publication of the findings of misconduct are of themselves detrimental and illustrate that such misconduct is wholly unacceptable.

In light of the panel's findings against Ms Castrey, which involved dishonesty in the fabrication of highly important statutory information designed to mislead, and which had persisted over a substantial period, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found were not treated with the utmost seriousness when regulating the conduct of the profession.

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

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 Castrey. In considering the issue of proportionality, the panel applied the following test, namely whether a less intrusive measure could be used without unacceptably compromising the achievement of the relevant objective and whether, having regard to these matters and the severity of the consequences for Ms Castrey, a fair balance can be struck between the rights of Ms Castrey and the interests of the public.

In carrying out the balancing exercise the panel has considered the public interest considerations both in favour of and against prohibition. 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;
- dishonesty, especially where it has been repeated.

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 heard evidence relating to Ms Castrey's situation at the relevant time. In the panel's view, whilst it does not in any way excuse her conduct, the circumstances in which Ms Castrey found herself when she was a headteacher at Sandon may explain why, wrongly, she decided to behave dishonestly.

The panel recognised that Ms Castrey was operating at the time under significant pressure. She presided over the merger of two schools. There were staffing and performance issues. Staff were transferred over to Sandon from Longton. Ms Castrey had to deal with a number of Longton staff who had been promised by others that their jobs were secure and those promises were then broken, but not by Ms Castrey. However, it was Ms Castrey who had to contend with the fall-out of that situation. It appeared to the panel that Ms Castrey had not received the level of support she may have been entitled to expect in the funding and management of the amalgamation of the two schools. Throughout this period, Ms Castrey had to lead the school in developing high standards of performance and meeting the expectations of the Ofsted.

The panel is also prepared to accept that Ms Castrey is driven, passionate and hard-working, although, as she now appears to recognise, this manifested itself in a management style which members of staff found intimidating and oppressive, and which meant that members of staff found it extremely difficult to challenge or question what was being asked of them.

The panel noted that Ms Castrey is a person of previous good character. The panel had read carefully the five testimonials which had been submitted on her behalf. Each one of them is highly supportive and relevant. They speak of Ms Castrey's ability as a teacher and as a leader. The person who was Chair of Governors at Sanford for four years from July 2009 confirms how challenging the period was following the amalgamation of Longton and Sanford and the pressure, both financial and personal, under which Ms Castrey was operating.

The panel also paid careful attention to the reference from her current employer. Ms Castrey has been working at the College since September 2015, initially on a temporary fixed-term contract and then was appointed on a permanent basis. It is clear from not only reading that reference but also listening to Ms Castrey that she is a capable class room teacher and she is thoroughly enjoying her new role in teaching a class where a number of the pupils are challenging. The reference concludes by saying that Ms Castrey's contribution over the last 18 months has been substantial and extremely valuable.

Ms Castrey's professional reputation has already been adversely affected by these proceedings. In the particular circumstances of this case, the public findings of unacceptable professional conduct and conduct that may bring the profession into disrepute is a sanction in itself and will be with Ms Castrey throughout her career as a teacher.

However, the panel had to weigh in the balance that Ms Castrey had denied the allegations throughout. In the circumstances, it is not submitted on her behalf that she has shown insight into the seriousness of her conduct. For the same reason, Ms Castrey had also shown no remorse.

The acts of dishonesty were deliberate and sustained over a substantial period. The acts of dishonesty related to the collection of data, which is a statutory requirement which was then systematically and deliberately falsified. It is essential that such data is accurately and honestly recorded so that those who need to receive that data can rely on it. As stated, whilst there is no evidence that pupils were placed at risk, there is a need for attendance records to be accurate from a safeguarding perspective.

The panel had found that Ms Castrey had directed members of her staff to act dishonestly, putting them in a totally unacceptable, and highly distressing, predicament. She had then denied any involvement.

The panel considered whether the public announcement of the panel's findings of unacceptable professional conduct and conduct that may bring the profession into disrepute would unacceptably compromise the achievement of the relevant objective (namely, the protection of the public interest) having regard to the severity of the consequences for Ms Castrey. However, this case involves dishonesty, a lack of insight, and conduct which included placing pressure on other junior members of staff to act dishonestly. This, in the panel's view, compromises the integrity of the profession.

Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect. Indeed, in fairness to her, Ms Castrey had conceded that this was inevitable taking account of the panel's findings.

The panel went on to consider whether or not it would be appropriate to recommend that a review period of the order should be considered. The panel was 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 2 years.

The panel had considered the Advice which indicates that there are behaviours that, if proven, would militate against a review period being recommended. This includes cases of fraud and serious dishonesty. However, the panel has taken a step back and considered the overall circumstances of this case. Whilst serious, the dishonesty does not include acts of financial impropriety with the aim of personal enrichment and the panel is prepared to accept the motives for Ms Castrey behaving in this way was as a means, however misguided and completely inappropriate, of improving the school's performance.

In its judgment, having considered this case over four days, and listened carefully to the evidence, 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 Ms Castrey entitled to apply for a review after a period of three years. This would adequately and sufficiently mark to the public the seriousness of the panel's findings.

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 and review period.

In considering this case I have given very careful attention to the advice that is published by the Secretary of State concerning the prohibition of teachers.

In this case the panel has found the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel has made a recommendation to the Secretary of State that Ms Castrey should be the subject of a prohibition order, with a review period of three years.

In particular the panel has found that Ms Castrey is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
- 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 Ms Castrey fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of dishonesty on the part of a headteacher and also involves a course of conduct designed to mislead the statutory authorities and the governing body with regard to an important element of the school's performance. It also involves the provision of instructions to her deputy head and other, more junior, members of staff to conduct themselves in a way which Ms Castrey and they knew to be wrong.

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 or not a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Ms Castrey, and the impact that will have on her, is proportionate.

In this case I have considered the extent to which a prohibition order would protect children. The panel has observed "*An accurate attendance register is necessary to*

ensure that pupils' whereabouts are known or, if they are not, appropriate child protection measures can then be taken". A prohibition order would therefore prevent such a risk from being present. I have also taken into account the panel's comments on insight and remorse which the panel sets out as follows, "The panel had found that Ms Castrey had directed members of her staff to act dishonestly, putting them in a totally unacceptable, and highly distressing, predicament. She had then denied any involvement."*The panel has also commented that Ms Castrey showed "a lack of insight"*. In my judgement the lack of insight means that there is some risk of the repetition of this behaviour and this risks future pupils' whereabouts not being properly recorded. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "*Conduct of this sort has the potential to damage the public's perception of, and trust in, the profession*". I am particularly mindful of the finding of dishonesty in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that failure to impose a prohibition order might be regarded by the public 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, 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 Ms Castrey herself. She has subsequently secured work teaching and the panel comment "*she is a capable class room teacher and she is thoroughly enjoying her new role in teaching a class where a number of the pupils are challenging. The reference concludes by saying that Ms Castrey's contribution over the last 18 months has been substantial and extremely valuable*".

A prohibition order would prevent Ms Castrey from continuing that work. A prohibition order would also clearly deprive the public of her contribution to the profession for the period that it is in force.

In this case I have placed considerable weight on the panel's comments concerning the lack of insight or remorse. The panel has said, "*this case involves dishonesty, a lack of insight, and conduct which included placing pressure on other junior members of staff to act dishonestly. This, in the panel's view, compromises the integrity of the profession*".

I have also placed considerable weight on the finding of the panel that Ms Castrey placed pressure on other junior members of staff to act dishonestly.

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Castrey has made and is making to the profession. In my view it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision that is not backed up by remorse or insight does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

I have gone on to consider the matter of a review period. In this case the panel has recommended a 3 year review period.

I have considered the panel's comments *"the dishonesty does not include acts of financial impropriety with the aim of personal enrichment and the panel is prepared to accept the motives for Ms Castrey behaving in this way was as a means, however misguided and completely inappropriate, of improving the school's performance"*.

The panel has also said that a 3 year review period would *"adequately and sufficiently mark to the public the seriousness of the panel's findings"*.

I have considered whether a 3 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, there are three factors that in my view mean that a two year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the dishonesty found, the lack of either insight or remorse, and the pressure placed on other junior members of staff to act dishonestly.

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

This means that Ms Karen Castrey 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 21 April 2020, 3 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, Ms Karen Castrey remains prohibited from teaching indefinitely.

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

Ms Karen Castrey 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.

Alan Meyrick

Decision maker: Alan Meyrick

Date: 13 April 2017

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