



National College for
Teaching & Leadership

Paul Prescott: Professional conduct panel outcome

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

August 2017

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

Teacher: Mr Paul Prescott

Teacher ref number: 0242780

Teacher date of birth: 07 April 1976

NCTL case reference: 15623

Date of determination: 1 August 2017

Former employer: Brookdale Primary School, Greasby (the “School”)

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 31 July to 2 August 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Paul Prescott.

The panel members were Dr Robert Cawley (teacher panellist – chair), Ms Nicolé Jackson (lay panellist), and Dr Melvyn Kershaw (teacher panellist).

The legal adviser to the panel was Miss Laura Ellis of Eversheds Sutherland (International) LLP.

The presenting officer for the National College was Mr Ian Perkins, of Browne Jacobson LLP.

Mr Prescott was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 9 May 2017.

It was alleged that Paul Prescott was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that: whilst employed as headteacher of Brookdale Primary School in Greasby in May 2015, he:

1. Failed to ensure that the completed 2015 Key Stage 2 Mental Maths SAT scripts were not:
 - a. left with a lone individual before they were packaged and sealed ready for dispatch and marking;
 - b. reviewed and/or amended after the test;
2. In doing 1(a) and/or 1(b) were in breach of the Administrators Guide for the Key Stage 2 national curriculum assessments;
3. Made changes to the completed Key Stage 2 Mental Maths SAT test script of one or more pupils;
4. In doing (3) above, he was dishonest, in that he intended to improve the mark that would be awarded to one or more pupils.

Mr Prescott does not admit the allegations.

C. Preliminary applications

Proceeding in absence:

The panel has considered whether this hearing should continue in the absence of Mr Prescott.

The panel is satisfied that NCTL has complied with the service requirements of paragraph 19 a to c of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations").

The panel is also satisfied that the Notice of Proceedings complies with paragraphs 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession, (the "Procedures").

The panel has determined to exercise its discretion under Paragraph 4.29 of the Procedures, to proceed with the hearing in the absence of Mr Prescott.

The panel understands that its discretion to commence a hearing in the absence of Mr Prescott has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one.

In making its decision, the panel has noted that Mr Prescott may waive his right to participate in the hearing. The panel has taken account of the various factors drawn to its attention from the case of *R v Jones [2003] 1 AC1*. The panel is satisfied that Mr Prescott is aware of the proceedings as he has responded to the presenting officer in response to correspondence that has previously been sent to him, and since the Notice of Proceedings was sent to him. Mr Prescott recently provided a detailed witness statement that sets out his account of events, dated 12 December 2016 (which was previously written to be used in an employment tribunal). Furthermore, he recently provided a letter to the NCTL dated 19 July 2017, which contains further representations and explains that he does not intend to attend this NCTL hearing. The panel therefore considers that Mr Prescott has waived his right to be present at the hearing, in the knowledge of when and where the hearing is taking place.

The panel has had regard to the requirement that it is only in rare and exceptional circumstances that a decision should be taken in favour of the hearing taking place. In this case, there is no indication that an adjournment might result in Mr Prescott attending the hearing.

The panel has had regard to the extent of the disadvantage to Mr Prescott in not being able to give his account of events, having regard to the nature of the evidence against him. The panel has the benefit of written representations made by Mr Prescott and is able to ascertain his lines of defence. The panel also notes that all witnesses relied upon are to be called to give evidence, and the panel can test that evidence in questioning those witnesses, considering such points as are favourable to Mr Prescott, as are reasonably available on the evidence. The panel is also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard Mr Prescott's verbal account of events.

The panel also notes that there are three witnesses present at the hearing, who are prepared to give evidence, and that it would be inconvenient and possibly distressing for them to return again.

The panel notes that the documents submitted in the bundle on behalf of Mr Prescott contain annotations that are not helpful to Mr Prescott, which are likely to have been made by the person who undertook the School's internal investigation into the alleged misconduct. The panel understands from the presenting officer that these documents were provided by the School and that they are the only copies of the documents that have been provided to him. Mr Prescott requested these documents to be submitted on his behalf, he

has not provided clean copies and he has not objected to the annotations. It is very difficult to redact these comments from the documents due to the way that they have been written. The panel considers that these documents should remain in the bundle as Mr Prescott has specifically requested them to be included. However, in the interests of ensuring fairness to Mr Prescott, the panel will ensure that it puts the annotations out of its mind and does not place any weight on them when making its deliberations.

The panel also notes that pages are missing from some of the documents provided by the School from the internal investigation, submitted by the presenting officer. The presenting officer has explained that these are only provided to assist the panel with background chronology and context to the allegations. He said that he intends to place very little, if any, reliance upon them as better evidence is provided elsewhere (i.e. from the witnesses that are to be called). The panel will therefore place no reliance upon these documents when making its deliberations, in the interest of ensuring fairness to Mr Prescott.

The panel has had regard to the seriousness of this case, the potential consequences for Mr Prescott, and has accepted that fairness to Mr Prescott is of prime importance. However, it considers that in light of Mr Prescott's waiver of his right to appear; by taking such measures referred to above to address that unfairness insofar as is possible; and taking account of the inconvenience an adjournment would cause to the witnesses; that on balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time is in favour of this hearing continuing today.

D. Summary of evidence

Documents

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

Section 1: Chronology and list of key people – pages 2-3

Section 2: Notice of Proceedings and response – pages 5-9

Section 3: NCTL witness statements – pages 11-21

Section 4: NCTL documents – pages 23-162

Section 5: Teacher documents – pages 164-212

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

Witnesses

The panel heard oral evidence from

Witness A – Year 6 teacher at the School

Witness B – Deputy headteacher of the School

Witness C – Administrator at the School

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

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

Mr Prescott began employment as the headteacher of the School from September 2012. On 13 May 2015 year 6 students at the School sat a key stage 2 SATs mental mathematics examination (the “Exam”). Mr Prescott invigilated the Exam in the School hall. After the Exam was complete, he took the papers from the School hall to his office. Other invigilators gave him the papers from the other two rooms in which the Exam had been sat. Mr Prescott says that in his office, he sorted the papers into alphabetical order, sealed them in a plastic bag and that he then locked them in an electrical Cupboard by his office that was used for secure storage (the “Cupboard”). The papers were subsequently collected by a delivery company according to the exam board schedule and sent to external examiners to be marked.

A few months later, the Standards and Testing Agency (the “STA”) undertook a random forensic review of the papers for the Exam from several selected schools, one of which was the School. It found evidence that amendments had been made to the papers after the Exam had ended. The STA informed the School of this in November 2015 and Mr Prescott visited the STA’s premises to view the results of the forensic review. The School undertook an investigation into the allegation that Mr Prescott had amended the papers and Mr Prescott was subsequently dismissed.

Findings of fact

Our findings of fact are as follows:

The panel has found the following particulars of the allegations against you proven, for these reasons:

It is alleged that you, Paul Prescott, are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that: whilst employed as headteacher of Brookdale Primary School in Greasby in May 2015, you:

1. Failed to ensure that the completed 2015 Key Stage 2 Mental Maths SAT scripts were not:

a. left with a lone individual before they were packaged and sealed ready for dispatch and marking;

Mr Prescott states in his witness statement that after the Exam was complete, he took the Exam papers from the School hall to his office, received the papers from the other rooms in which the Exam had been sat, and that he was alone in his office with the papers whilst he then arranged them into alphabetical order and sealed them in a plastic bag. This is partly corroborated by Witness A who invigilated the Exam with Mr Prescott in the School hall and stated in her evidence that he took the completed papers to his office.

The facts of this allegation are therefore found proven.

b. reviewed and/or amended after the test;

The panel has seen the correspondence from the STA to the School which explained that the results of its forensic review of the Exam papers showed that the papers had been amended outside of test conditions. The panel has also seen the detailed results of the STA's review, which show the papers that were amended and how the STA came to this conclusion. Mr Prescott acknowledges that the results of the STA's forensic review shows that the Exam papers had been amended.

The facts of this allegation are therefore found proven.

2. In doing 1(a) and/or 1(b) were in breach of the Administrators Guide for the Key Stage 2 national curriculum assessments;

The Government guidance document published by the STA entitled 'Key Stage 2 tests: headteachers' responsibilities' (part of 'Key Stage 2 tests: test administration guidance (TAG) and results') states as follows:

"Any individual left alone with test materials is vulnerable to allegations of maladministration. Make sure that test scripts:

- *are collected and collated by more than one person*
- *aren't left with an individual at any point.*

... You are responsible for ensuring that pupils' answers are their own and that they are not amended after the tests."

Mr Prescott did not follow this guidance as he was alone in his office with the Exam papers after the Exam was complete and failed to ensure that the papers were not amended after the Exam was complete. Mr Prescott accepts that he did not follow this guidance in his witness statement.

The facts of this allegation are therefore found proven.

3. Made changes to the completed Key Stage 2 Mental Maths SAT test script of one or more pupils;

The examination timetable shows that the Exam took place from 9:45am to 10:10am. This was corroborated by Witness A, who said that at the end of the Exam, Mr Prescott took the papers from the hall to his office.

The results of the STA's forensic review show that the Exam papers were amended after they had all been brought together from the different rooms in which the Exam took place, but before they were arranged into alphabetical order. Mr Prescott was the only person who received all of the papers from the different rooms in which the Exam took place; the other invigilators only had possession of the papers from the room that they invigilated, so they did not have the opportunity to make the amendments. Witness A stated that Mr Prescott returned to the School hall to invigilate the next maths examination with her no later than 10:45am, as that was the start time of that exam. This is also corroborated by the exam timetable. Therefore Mr Prescott had a window of opportunity from approximately 10:10am to 10:45am when he was alone in his office with the Exam papers. Mr Prescott said that in his office during this time, he sorted the papers into alphabetical order, sealed them in a plastic bag and locked them in the Cupboard. Given that the STA's forensic review showed that the papers were amended after they had been brought together from the different exam rooms but before they were put into alphabetical order, this is therefore the most likely window of time when they were amended.

Mr Prescott said that during that time, his office door was open and that he was in full view of people passing by in the corridor. However, a map of the School shows that Mr Prescott's office was near the end of a corridor and Witness C (whose office was next door to Mr Prescott's) explained that their offices were in a fairly quiet part of the School so that few people passed by in the corridor outside. Witness C could not see from her office whether Mr Prescott's office door was open or closed, and she said that even if she had seen him with the Exam papers, she would not have thought that it was unusual during the exam season. If other staff had seen him with them, they would have been unlikely to question him about it given that it was the SATs exam period. Therefore the panel does not accept Mr Prescott's contention that he did not have the opportunity to amend the papers. Mr Prescott also had access to the papers until they were collected by the courier, as he knew where they were during that time and had a key to the Cupboard in which he says they were stored.

The panel considered the alternative scenario that Mr Prescott proposed. If any other member of staff had amended the papers after Mr Prescott had put them in the Cupboard, they would have had to have done the following: 1) access the Cupboard, 2) unseal the bag, 3) put the papers back into the order in which they had been collected from the exam rooms, 4) amend the papers without anyone (including Mr Prescott)

noticing, 5) arrange the papers back into alphabetical order, 6) re-seal the papers in a new bag (which would only have been possible if a spare STA bag was available), and 7) lock the papers away again. This would have taken time, required planning and specific knowledge of the way that the Exam scripts had been collected in that day. Furthermore, Witness C did not recall seeing any spare STA bags in the Cupboard or anywhere else at any time. The panel considered that the unlikelihood of this scenario is further increased by the fact that the scripts from one of the rooms happened to have been collected in reverse alphabetical order.

Witness C stated that other than Mr Prescott, she was the only other person to have a key to the Cupboard, in addition to the cook and a temporary caretaker. Witness C categorically stated that she did not amend the papers (contrary to Mr Prescott's assertion) and that she saw no one access the Cupboard on that day. The panel found her to be a credible witness who had no motive for amending the papers as she was the School administrator and had a good working relationship with Mr Prescott. Witness C stated that the temporary caretaker did not know that he had a key to the Cupboard as the key was given to him amongst a set of a large number of other keys, all of which were unlabelled. He also had no reason to access the Cupboard and was only instructed to use his keys to open and lock the School. The cook had a key to the Cupboard so that he could put money in the safe contained in it, but Witness C stated that he did not use it at the time. The panel considers it highly unlikely that the cook would have had a motive to alter Exam papers.

Witnesses A and B also appear to have had no motive or opportunity to amend the papers, contrary to Mr Prescott's assertion. Both stated categorically that they did not amend the papers and neither had a key to the Cupboard. Witness B stated that if a member of staff wanted to access the Cupboard, they would need to request access from Mr Prescott or Witness C. As with Witness C, the panel found both Witnesses A and B to be credible. Witness B taught key stage 1 and had no involvement with the key stage 2 SATs. She stated that she had only recently been appointed to the post of deputy headteacher by Mr Prescott, that it had taken confidence to apply for that position and that she was looking forward to working under him in that role with his support. She stated that she had no desire to become headteacher at that time and had no motive for amending the papers. In relation to Witness A, the papers that were amended were not just those of pupils in her class, she had no access to the papers once they were collated after the Exam and she spoke with conviction about how she took pride in helping her pupils to achieve their results through their own hard work (rather than exam maladministration). None of the witnesses appeared to have any opportunity or motive whatsoever for amending the papers and/or framing Mr Prescott. Based on the evidence before the panel, no other members of staff appear to have had an opportunity and/or motive to do this. All three witnesses stated that staff generally got on well with Mr Prescott and that they did not see any evidence of unprofessionalism from staff towards Mr Prescott (contrary to his assertion).

For the reasons above, the panel considers it fanciful that another member of staff could have altered the papers after Mr Prescott collated them into alphabetical order and placed them in the Cupboard. Mr Prescott alleges that the STA may have made the amendments, and the panel considers that this is even more unlikely. The panel also notes that the STA did not report that it did not receive the papers in alphabetical order, which it is likely to have done if it had as this would have been unusual.

Witnesses A and B did report that Mr Prescott had previously voiced concern that the key stage 1 SATs results were high, which meant that it was more difficult to show a good level of progress in key stage 2. Not only does Mr Prescott appear to have been the person with the most opportunity to amend the papers (for the reasons explained above), he also had a motive to increase the key stage 2 results as the headteacher of the School. The panel notes that as the amendments were relatively small in number, they only resulted in a very small percentage increase in the School's results for that year. However, the panel does not consider that this means that Mr Prescott is less likely to have made them (contrary to his assertion), as fewer amendments are harder to detect and any increase in results is beneficial to the School.

Ultimately the panel prefers the evidence of Witnesses A, B and C to Mr Prescott's evidence and therefore considers that on the balance of probabilities, the facts of the allegation are proven.

4. In doing (3) above, you were dishonest, in that you intended to improve the mark that would be awarded to one or more pupils.

Following advice from the legal adviser, the panel has considered the two stage test for establishing dishonesty in proceedings such as these (which consists of both the objective and subjective limbs). The panel is satisfied that in relation to allegation 3, Mr Prescott 1) acted dishonestly by the standards of ordinary and honest members of the teaching profession / reasonable and honest people, and 2) it is more likely that not that Mr Prescott realised that what he was doing was, by those standards, dishonest.

The allegation is therefore found proven.

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

The panel is satisfied that the conduct of Mr Prescott in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Prescott 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.

The panel is satisfied that the conduct of Mr Prescott fell significantly short of the standards expected of the profession. The maladministration had an adverse impact on the pupils whose results had been amended, as the STA annulled their result for the Exam so that they did not receive an overall level for mathematics that year. This would have been upsetting for them, after their hard work in preparation for the mathematics exams that year. Furthermore, it would have meant that the secondary school/s at which those pupils subsequently enrolled would not have been able to use the result to gauge the pupils' ability when commencing key stage 3. The maladministration also would have adversely affected the reputation of the School and trust in and integrity of the examination system. By way of example, Witness B stated that one parent withdrew her child from the School as a result of the incident, as that parent felt that she could no longer trust the headteacher.

The panel has also considered whether Mr Prescott's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel has found that the offence of serious dishonesty is relevant. The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

Accordingly, the panel is satisfied that Mr Prescott 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.

The findings of misconduct are serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

The panel therefore finds that Mr Prescott's actions constitute conduct that may bring the profession into disrepute.

In summary, having found the facts of the allegations proved, the panel further finds that Mr Prescott's conduct amounts to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it 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 a 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 protection of pupils (this relates to their education and best interests rather than safeguarding in this case), the maintenance of public confidence in the teaching profession, and declaring and upholding proper standards of conduct in the profession.

In light of the panel's findings against Mr Prescott, which involved falsifying exam results and blaming other members of staff for doing so, there is a strong public interest consideration in upholding the integrity of the exam system and ensuring that pupils and parents can have trust in teachers. This is particularly the case in relation to headteachers such as Mr Prescott, who are role models within their school and in a position of considerable responsibility over pupils and other staff. The panel therefore considers that public confidence in the profession would be seriously weakened if conduct such as that found against Mr Prescott were not treated with the utmost seriousness when regulating the conduct of the profession. The panel has also considered the public interest in retaining Mr Prescott in the profession, as it understands that he previously had a good professional history and Witnesses A, B and C stated that he was a well-liked role model at the School before the maladministration.

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

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 Mr Prescott. 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:

- a serious departure from the personal and professional conduct elements of the Teachers' Standards;

- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up;
- ...deliberate behaviour that undermines pupils, the profession, the school or colleagues.

Even though there were behaviours that would point to the appropriateness of a prohibition order, the panel went on to consider whether or not there were sufficient mitigating factors to militate against the appropriateness and proportionality of the imposition of a prohibition order, particularly taking into account the nature and severity of the behaviour in this case. In light of the panel's findings, Mr Prescott's actions were deliberate and did not take place under duress. As explained above, the panel understands that Mr Prescott previously had a good professional record. The panel has had regard to the character reference that he provided from a previous employer and other supporting statements.

The panel first considered whether it would be proportionate to conclude this case with no recommendation for prohibition, considering whether the publication of the findings that it has made is sufficient.

The panel is of the view that applying the standard of the ordinary intelligent citizen, recommending no prohibition order is not a proportionate and appropriate response. Recommending that the publication of adverse findings is sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of consequences for Mr Prescott of prohibition.

The panel is of the view that prohibition is both proportionate and appropriate, as it has decided that the public interest considerations outweigh the interests of Mr Prescott. The need to uphold the integrity of the exam system and Mr Prescott's continued dishonesty regarding his actions were significant factors in forming that opinion. 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 to decide to recommend that a review period of the order should be considered. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances in any given case that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. Those behaviours include serious dishonesty. The panel considers that Mr Prescott's actions regarding allegations 3 and 4 constituted serious dishonesty, and therefore this part of the Advice is relevant.

Mr Prescott has continued to deny the allegations since they arose, which have been found proven for the reasons detailed above. The panel considers that Mr Prescott has shown no insight or remorse into the impact of his actions upon the pupils who were affected, which is concerning. He has also shown no insight or remorse into the impact of his behaviour upon the School. He sought to repeatedly place blame upon other members of staff at the School (and even the STA) for amending the papers by proposing scenarios that are fanciful, as there was no evidence that those people had the opportunity or motive to do so. This undermined those members of staff and damaged the reputation of the School.

Mr Prescott stated in mitigation that he had inadequate formal training in relation to exam procedures. In relation to allegations 1 and 2, the panel considers that it was incumbent upon Mr Prescott as a professional person of his status to ensure that he understood the correct exam procedures and put in place appropriate arrangements to ensure the integrity of the exams. Training is also irrelevant in relation to allegation 3 and 4, as any teacher, let alone a headteacher, should not require this to know not to amend exam papers.

The panel therefore felt that the findings indicated a situation in which a review period would not be appropriate, and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provision for a review period.

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 Mr Prescott should be the subject of a prohibition order, with a no provision for a review period.

In particular the panel has found that Mr Prescott 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.

The findings of misconduct are particularly serious as they include a finding of dishonesty on the part of a headteacher and involves a course of conduct designed to undermine the public examination system.

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 Mr Prescott, and the impact that will have on him, is proportionate.

In this case I have considered the extent to which a prohibition order would protect children. The panel has observed "The maladministration had an adverse impact on the pupils whose results had been amended, as the STA annulled their result for the Exam so that they did not receive an overall level for mathematics that year. This would have been upsetting for them, after their hard work in preparation for the mathematics exams that year. Furthermore, it would have meant that the secondary school/s at which those pupils subsequently enrolled would not have been able to use the result to gauge the pupils' ability when commencing key stage 3."

A prohibition order would therefore prevent such a risk of future harm 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 considers that Mr Prescott has shown no insight or remorse into the impact of his actions upon the pupils who were affected, which is concerning. He has also shown no insight or remorse into the impact of his behaviour upon the School. He sought to repeatedly place blame upon other members of staff at the School (and even the STA) for amending the papers by proposing scenarios that are fanciful, as there was no evidence that those people had the opportunity or motive to do so. This undermined those members of staff and damaged the reputation of the School."

In my judgement the lack of insight means that there is some considerable risk of the repetition of this behaviour and this risks future pupils' examination results being annulled. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "The findings of misconduct are serious

and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception." 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 Mr Prescott himself. I have noted the panel's comments "it understands that he previously had a good professional history and Witnesses A, B and C stated that he was a well-liked role model at the School before the maladministration."

A prohibition order would prevent Mr Prescott from continuing his work as a headteacher and would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case I have placed considerable weight on the panel's comments concerning the lack of insight or remorse.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Prescott has made to the profession. In my view it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision 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 that there should be no provision for a review period.

I have considered the panel's comments concerning serious dishonesty and lack of insight.

The panel has also said that a review period would not be appropriate.

I have considered whether allowing for no 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 allowing for no review period is necessary 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 attempt to attribute blame on others.

I consider therefore that allowing for the provision of no review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Paul Prescott is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Paul Prescott shall not be entitled to apply for restoration of his eligibility to teach.

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

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



Decision maker: Alan Meyrick

Date: 11 August 2017

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