



Teaching
Regulation
Agency

Mr Thomas Burrough: Professional conduct panel meeting outcome

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

October 2021

Contents

Introduction	3
Allegations	4
Summary of evidence	4
Documents	4
Statement of agreed facts	5
Decision and reasons	5
Findings of fact	5
Panel's recommendation to the Secretary of State	7

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

Teacher:	Mr Thomas Burrough
Teacher ref number:	1086138
Teacher date of birth:	28 July 1965
TRA reference:	19644
Date of determination:	12 October 2021
Former employer:	Darell Primary and Nursery School, Richmond

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 12 October 2021, to consider the case of Mr Thomas Burrough.

The panel members were Mr Stephen Chappell (lay panellist – in the chair), Mrs Shabana Robertson (lay panellist) and Mr Kamal Hanif (teacher panellist).

The legal adviser to the panel was Ms Surekha Gollapudi of Eversheds Sutherland (International) LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Burrough that the allegations be considered without a hearing. The teacher signed a statement of agreed facts dated 12 May 2021 and admitted each offence amounted to conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer Mr Jacob Rickett or Mr Burrough.

The meeting took place in private, save for the announcement of the panel's decision, which was announced in public and recorded.

Allegations

The panel considered the allegations set out in the notice of meeting dated 24 September 2021.

It was alleged that Mr Burrough was guilty of having been convicted of relevant offences:

Offence 1: Driving a motor vehicle with excess alcohol on 29/09/16. Road Traffic Act 1988 s5(1)(a). Disposal: Fine £120. Costs £85. Disqualification from driving reduced if course completed. Disqualified from driving – Obligatory 12 Months. Victim Surcharge £30. Date/Court: 17/10/16. Central London Magistrates' Court.

Offence 2: Destroy or damage property (value of damage £5000 or less – offence against only) on 25/05/20. Criminal Damage Act 1971 s.1(1). Disposal: No separate penalty. Date/Court: 27/08/20. Central London Magistrates' Court.

Offence 3: Battery on 23/05/20. Criminal Justice Act 1988 s.39. Disposal: Community Order. Rehabilitation Activity requirement 15 days. Programme requirement 10 days. Victim surcharge £95. Costs £85. Date/Court: 27/08/20. Central London Magistrates' Court.

The teacher admits the facts of the convictions and that they amount to conviction of relevant offences.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

Section 1: Chronology, list of key people and anonymity key – pages 3 to 5

Section 2: Notice of referral, response and notice of meeting – pages 6 to 18

Section 3: Statement of agreed facts and presenting officer representations – pages 19 to 22

Section 4: Teaching Regulation Agency documents – pages 23 to 171

The panel members confirmed that they had read all of the documents within the bundle in advance of the meeting.

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Burrough on 12 May 2021.

Decision and reasons

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mr Burrough for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

Mr Burrough was employed as a class teacher and Geography co-ordinator at Darell Primary and Nursery School, Richmond (“the School”) from April 2019. On 27 August 2020 Mr Burrough was convicted of 2 offences relating to a single incident in which he committed battery against one person and criminal damage. During the course of the investigation into these offences, the regulator noted that the teacher had a previous conviction for driving whilst under the influence of alcohol. The teacher had declared this conviction to the school when applying for the position of class teacher.

Findings of fact

The findings of fact are as follows:

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

Offence 1: Driving a motor vehicle with excess alcohol on 29/09/16. Road Traffic Act 1988 s5(1)(a). Disposal: Fine £120. Costs £85. Disqualification from driving reduced if course completed. Disqualified from driving – Obligatory 12 Months. Victim Surcharge £30. Date/Court: 17/10/16. Central London Magistrates’ Court.

Offence 2: Destroy or damage property (value of damage £5000 or less – offence against only) on 25/05/20. Criminal Damage Act 1971 s.1(1). Disposal: No separate penalty. Date/Court: 27/08/20. Central London Magistrates’ Court.

Offence 3: Battery on 23/05/20. Criminal Justice Act 1988 s.39. Disposal: Community Order. Rehabilitation Activity requirement 15 days. Programme requirement 10 days. Victim surcharge £95. Costs £85. Date/Court: 27/08/20. Central London Magistrates’ Court.

The panel noted the certified copy of the memorandum of entry into the register of the Central London Magistrates' Court which confirmed the teacher had been convicted of the three offences.

The teacher pleaded guilty to the offences at an early stage of the proceedings.

The panel found these allegations to be proven.

Findings as to conviction of a relevant offence

The panel was satisfied that the conduct of Mr Burrough in relation to the facts it found proved involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Burrough was 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 noted that the individual's actions in committing the offences were relevant to working in an education setting. The behaviour involved in committing the offences could have had an impact on the safety of pupils, teachers and members of the public.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that the teacher's behaviour in committing the offences could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.

The panel noted that the teacher's behaviours in committing the offences did not lead to sentences of imprisonment.

The offences involved violence, serious offences involving alcohol and serious driving offences (particularly those involving alcohol or drugs), which the Advice states are likely to be considered relevant offences.

The panel took into account the written evidence that was adduced attesting to the teacher's previous good record as a teacher. The panel also took into consideration Mr Burrough's account of the emotional difficulties he described that he was suffering from at the time of the offences of battery and criminal damage. In his statement to the school, Mr Burrough described [REDACTED] to develop strategies to help him cope with challenges he faced leading up to the offences of battery and criminal damage. These challenges included remote working [REDACTED].

Although the panel found that the evidence of Mr Burrough's teaching proficiency to be of note, the panel also found that the seriousness of offences were relevant to his ongoing suitability to teach. The panel made a finding that the offences were relevant. This finding was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of conviction of relevant offences, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely the protection of other members of the public, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mr Burrough, public confidence in the profession could be seriously weakened if conduct such as that found against Mr Burrough were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel decided that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Burrough 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 Mr Burrough.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against prohibition as well as the interests of the teacher. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that are relevant in this case are:

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

- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures.

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

The panel noted that the teacher previously had a good history and that at the time of offences 2 and 3, he was [REDACTED]. The panel did not have any background to the commission of offence 1.

The panel was not provided with any formal character references but noted that there were no concerns raised by the school prior to the convictions of offences 2 and 3 and that he appeared to be an effective teacher. The panel further noted that the teacher disclosed his conviction for offence 1 to the school during his application process.

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

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

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Burrough. Accordingly, the panel made 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 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 proved, would militate against the recommendation of a review period. One of these behaviours is violence. The panel found that Mr Burrough was convicted of common assault against an individual. However, the panel carefully considered the circumstances of the assault, and noted that it involved a brief altercation in which he pushed an individual which resulted in them

falling and suffering an injury. The panel was satisfied that this was a rare case where a review period should still be considered.

The panel noted that the immediately following the commission of offences 2 and 3, the teacher started to attend [REDACTED]. Mr Burrough also attended [REDACTED]. The panel was satisfied that Mr Burrough demonstrated significant remorse about his actions and was taking steps to ensure he did not revert to that behaviour in the future.

The panel further noted that Mr Burrough pleaded guilty to all of the offences at an early opportunity.

The panel decided that 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 provision for a review period of 2 years. This would provide Mr Burrough with sufficient time to demonstrate his behaviour had changed, and that his coping mechanisms for dealing with his issues with alcohol, [REDACTED] and anger were effective. This period would also allow him sufficient time to demonstrate his commitment to teaching.

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 both sanction and review period.

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

In this case, the panel has found all of the allegations proven and found that those proven facts amount to a relevant conviction.

The panel has made a recommendation to the Secretary of State that Mr Thomas Burrough should be the subject of a prohibition order, with a review period of 2 years.

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

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures.

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

The findings of misconduct are particularly serious as they include convictions for criminal damage, violence and serious driving offences involving alcohol.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct 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 Burrough, and the impact that will have on him, is proportionate and in the public interest.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel was satisfied that Mr Burrough demonstrated significant remorse about his actions and was taking steps to ensure he did not revert to that behaviour in the future." I have noted that following the convictions Mr Burrough had attended [REDACTED] and [REDACTED].

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "The panel considered that the teacher's behaviour in committing the offences could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community." I am particularly mindful of the finding of serious offences involving alcohol and violence 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 the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an "ordinary intelligent and well-informed citizen."

I have considered whether the publication of a finding of unacceptable professional conduct, 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 Burrough himself and the panel comment "The panel noted that the teacher previously had a good history and that at the time of offences 2 and 3, he was [REDACTED]."

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

In this case, I have placed considerable weight on the panel's comments concerning violence in this case "Mr Burrough was convicted of common assault against an individual. However, the panel carefully considered the circumstances of the assault, and noted that it involved a brief altercation in which he pushed an individual which resulted in them falling and suffering an injury. The panel was satisfied that this was a rare case where a review period should still be considered."

I have also consider mitigating circumstances observed by the panel including "the teacher previously had a good history and that at the time of offences 2 and 3, he was [REDACTED]".

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Burrough 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, in light of the circumstances in this case, 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 intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended a 2 year review period.

I have considered the panel's comments "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 provision for a review period of 2 years. This would provide Mr Burrough with sufficient time to demonstrate his behaviour had changed, and that his coping mechanisms for dealing with his issues with alcohol, [REDACTED] and anger were effective. This period would also allow him sufficient time to demonstrate his commitment to teaching."

I have considered whether a 2 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 and in this case I have decided it does.

This means that Mr Thomas Burrough is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 20 October 2023, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Burrough remains prohibited from teaching indefinitely.

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

Mr Thomas Burrough 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.

A handwritten signature in black ink, appearing to read 'SABuxcey', with a horizontal line underneath.

Decision maker: Sarah Buxcey

Date: 14 October 2021

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