



Teaching
Regulation
Agency

Mr Alan John Stevens: Professional conduct panel meeting outcome

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

February 2019

Contents

A. Introduction	3
B. Allegations	4
C. Summary of evidence	4
Documents	4
Statement of agreed facts	4
D. Decision and reasons	5
Panel's recommendation to the Secretary of State	7
Decision and reasons on behalf of the Secretary of State	10

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

Teacher: Mr Alan John Stevens

TRA reference: 16950

Date of determination: 25 February 2019

Former employer: Sawtry Community College (now Sawtry Village Academy),
Cambridgeshire

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 25 February 2019 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT to consider the case of Mr Alan John Stevens.

The panel members were Mr Steve Woodhouse (teacher panellist – in the chair), Mrs Kathy Thomson (teacher panellist) and Mr Martin Pilkington (lay panellist).

The legal adviser to the panel was Mrs Charlotte Wood of Eversheds Sutherland (International) LLP.

In advance of the meeting, the TRA agreed to a request from Mr Stevens that the allegation be considered without a hearing after taking into consideration the public interest and the interests of justice. Mr Stevens provided a signed statement of agreed facts and admitted conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Stevens or his representative.

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

B. Allegations

The panel considered the allegations set out in the Notice of Meeting dated 8 February 2019. The panel recognised that the allegations contained in the Notice of Meeting were inconsistent with the allegation contained in the Statement of Agreed Facts. Having considered the interest of fairness and whether it is in the public interest to proceed, on balance, the panel decided to proceed with the meeting.

It was alleged that Mr Stevens was guilty of having been convicted of a relevant offence, in that:

1. On or around 4 August 2017 he was convicted in Peterborough Crown Court of two counts of the offence of Fraud by abuse of position, contrary to Fraud Act 2006 s.1 (2) (c) and s.4.

Mr Stevens admitted the alleged facts as set out in the Statement of Agreed Facts and that the conviction amounted to a conviction of a relevant offence.

C. Summary of evidence

Documents

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

Section 1: Chronology – page 1

Section 2: Notice of Referral, Response and Notice of Meeting – pages 4 to 11

Section 3: Statement of Agreed Facts and Presenting Officer's Representations – pages 13 to 17

Section 4: Teaching Regulation Agency documents – pages 19 to 62

Section 5: Teacher documents – pages 63 to 95

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

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Stevens on 18 December 2018.

D. 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 confirmed that it had read all of the documents provided in the bundle in advance of the meeting.

In advance of the meeting, the TRA agreed to a request from Mr Stevens that the allegation 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 Stevens was employed as the Vice Principal of Sawtry Community College, now Sawtry Village Academy (“the College”), until he tendered his resignation on 2 June 2015, having been suspended pending the outcome of an investigation on 14 April 2015.

In 2014, the Education Funding Agency carried out an investigation after concerns were raised by the Department of Education following an Ofsted inspection and subsequent whistle-blower complaint, alleging irregularities in the College’s budget. The investigation revealed that Mr Stevens had claimed expenses from a company linked to the College for purchase of personal items over a four year period.

Mr Stevens was prosecuted and subsequently pleaded guilty at Peterborough Crown Court where he was sentenced on 6 October 2017.

Mr Stevens had admitted the alleged facts and also signed a Statement of Agreed Facts on 18 December 2018.

Findings of fact

The panel’s findings of fact are as follows:

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

- 1. On or around 4 August 2017 in Peterborough Crown Court of two counts of the offence of Fraud by abuse of position, contrary to Fraud Act 2006 s.1 (2) (c) and s.4.**

The panel was presented with a memorandum of conviction from the Crown Court at Peterborough dated 3 September 2018. This confirmed that Mr Stevens had pleaded guilty to two counts of fraud by abuse of position under section 1 (2) (c) and section 4 of the Fraud Act 2006. He was sentenced at Peterborough Crown Court (sitting at Huntingdon) on 6 October 2017.

The panel carefully considered all of the evidence within the hearing bundle relating to the circumstances of this offence. This included the sentencing remarks of His Honour Judge Bridge at the sentencing hearing on 6 October 2017. The panel noted that Mr Stevens was sentenced to 24 weeks imprisonment suspended for 12 months and 80 hours of unpaid work.

The conviction was not appealed or challenged by Mr Stevens.

As there was a conviction of a criminal offence, the panel accepted this as having proved the facts of the case that relate to the conviction.

The panel also took into account that Mr Stevens admitted allegation 1 in his response to the Notice of Referral which was subsequently admitted in the Statement of Agreed Facts.

The panel accordingly found allegation 1 proven.

Findings as to conviction of a relevant offence

Having found the allegation to have been proven, the panel went on to consider whether the conviction was for a relevant criminal offence.

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

The panel noted from a number of documents, including his response to the Notice of Referral and Mitigation Submissions, that Mr Stevens admitted his conviction was for a relevant offence. The panel has, nevertheless, made its own determinations.

The panel was satisfied that the conduct of Mr Stevens, in relation to the facts it has found proved, involved breaches of the Teachers’ Standards. The panel considered that by reference to Part Two, Mr Stevens is in breach of the following standard:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school.

The panel noted that Mr Stevens’ actions were relevant to teaching given that the fraud took place in an education setting and involved depriving pupils of funds, which would otherwise have contributed to or been available for their education.

The panel did not consider that Mr Stevens’ actions had a potential impact on the safety or security of pupils or members of the public.

The panel also took account of how the teaching profession is viewed by others. The panel considered that Mr Stevens’ behaviour in committing the offence could affect the 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 Mr Stevens' behaviour had ultimately led to his receiving a sentence of imprisonment, albeit that it was suspended, which is indicative of the seriousness of the offences committed.

The panel considered representations made by Mr Stevens that this could be perceived as an isolated, minor case of theft. The panel was satisfied that this was a case involving an offence of fraud or serious dishonesty in which Mr Stevens held the senior position of Vice Principal and was in a position of trust; the Advice states it is likely to be considered a relevant offence.

The panel took into account all of the information before it relating to the circumstances of the offence. The panel noted that there were seven occasions spread over a period of several years which had been identified as contributing to the offences; the total amount was £364.59. The panel took into account the written evidence that had been adduced attesting to Mr Stevens' exemplary record as a teacher and his commitment to the profession. He was said to be a "role model" as well as a "pillar of the community".

Whilst not relevant to the circumstances of the offence, the panel noted the powerful character references provided. Mr Stevens' has suffered ill-health since 2014 but has continued to support local charities related to his illness, which is serious. The panel noted that in the report prepared for the purpose of sentence at Peterborough Crown Court that "*Mr Stevens has no previous history of similar behaviour and no criminogenic needs...[redacted] and taking into account the above, I assess that he presents a low risk of re-offending...*"

Although the panel found the evidence of Mr Stevens' teaching proficiency to be of note, the panel found the seriousness of the offending behaviour that led to the conviction was relevant to the teacher's ongoing suitability to teach. Mr Stevens had been convicted of committing two offences of fraud by abuse of position which had led to a term of imprisonment, albeit that it was suspended. The panel considered that its finding that the convictions were of relevant offences 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 convictions 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 considered whether it was an appropriate and proportionate measure, and whether it was 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 considered 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 maintenance of public confidence in the profession, and declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Stevens which involved fraud by abuse of position as a Vice Principal, there is a strong public interest consideration in respect of the maintenance of public confidence in the profession, and declaring and upholding proper standards of conduct.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Stevens were not treated with the utmost seriousness when regulating the conduct of the profession.

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

In carrying out the balancing exercise the panel considered the public interest considerations both in favour of, and against, prohibition, as well as the interests of Mr Stevens. 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;
- abuse of position or trust...;
- dishonesty...and it has been repeated...; and
- 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 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.

In the light of the panel's findings, and having carefully considered the evidence in this case, the panel considered the following mitigating factors;

- The teacher had a previously good record. As a teacher he was well regarded by his colleagues and former pupils as well as acting as an external ambassador for the College in the local community. Despite facing challenges with his health, he has shown commitment to continuing with his local charity work relevant to his illness.
- Mr Stevens co-operated with the investigation and pleaded guilty to the offences at Peterborough Crown Court.
- In his written representation, Mr Stevens admitted the allegation and that this was a conviction of a relevant offence. Whilst Mr Stevens lacked insight at the time the offences were committed, he has since expressed remorse and apologised to the College and acknowledged letting down its staff and pupils, and the wider community.

The panel also considered the aggravating factors:

- There was no evidence that the teacher was acting under duress. The panel found that the teacher's actions were intentional.
- The offence was serious. Mr Steven's conduct involved dishonesty and fraud and amounted to a breach of trust.
- The panel considered the sentencing remarks of His Honour Judge Bridge, dated 6 October 2017 which *stated* "you were aware of the lack of control that was being taken of the school finances and in due course you allowed yourself to take monies to which you were not entitled...". Additionally, the report prepared for the Court noted that the offences "*could however be considered to constitute a pattern in itself given the length of time over which it occurred...*".

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 is a sufficient sanction.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, recommending no prohibition order was a proportionate and appropriate response. Given that the nature and severity of the behaviour was at the less serious end of the possible spectrum, and, in the light of the mitigating factors that were present in this case, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher, as to the standards of behaviour that are not acceptable, and meets the public interest requirement of declaring proper standards of the profession.

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.

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 the single allegations proven and found that the proven fact amounts to a conviction of a relevant offence.

The panel has made a recommendation to the Secretary of State that the finding of a relevant conviction should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Mr Stevens 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.

The panel also noted that, “Mr Stevens’ actions were relevant to teaching given that the fraud took place in an education setting and involved depriving pupils of funds, which would otherwise have contributed to or been available for their education.”

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 a conviction of a relevant offence 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 Stevens, and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed that it, “did not consider that Mr Stevens’ actions had a potential impact on the safety or security of pupils..”

I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “he has since expressed remorse and apologised to the College and acknowledged letting down its staff and pupils, and the wider community.”

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, “Mr Stevens’ behaviour in committing

the offence could affect the 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 by the panel that, “ Mr Steven’s conduct involved dishonesty and fraud and amounted to a breach of trust,” 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 a conviction of a relevant offence, 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 Stevens himself. The panel comment, “The teacher had a previously good record. As a teacher he was well regarded by his colleagues and former pupils as well as acting as an external ambassador for the College in the local community. Despite facing challenges with his health, he has shown commitment to continuing with his local charity work relevant to his illness.”

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

I have also given weight to the panel’s comments, “that the nature and severity of the behaviour was at the less serious end of the possible spectrum, and, in the light of the mitigating factors that were present in this case, the panel determined that a recommendation for a prohibition order would not be appropriate in this case.”

For all these reasons, I have concluded that a prohibition order is not proportionate and not in the public interest. In my view a published finding of a conviction of a relevant offence is proportionate and in the public interest.



Decision maker: Alan Meyrick

Date: 28 February 2019

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