



Teaching
Regulation
Agency

Mr Neil John Jinks: Professional conduct panel outcome

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

October 2019

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

Teacher: Mr Neil John Jinks

Teacher ref number: 8439430

Teacher date of birth: 24 June 1963

TRA reference: 16594

Date of determination: 3 October 2019

Former employer: Holy Rosary Catholic Primary School, Staffordshire

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 23 September 2019 to 03 October 2019 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr Neil John Jinks.

The panel members were Ms Jean Carter (lay panellist – in the chair), Mr Roger Woods (former teacher panellist) and Mr Peter Cooper (teacher panellist).

The legal adviser to the panel was Miss Claire Watson of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Mr Mark Millin of Kingsley Napley solicitors.

Mr Neil John Jinks was present and was represented by Mr Jonathan Storey of Counsel and Ms Avril Bailey of the National Education Union.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegation(s) set out in the Notice of Proceedings dated 24 July 2019.

It was alleged that Mr Neil John Jinks was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst working as the Head Teacher of Holy Rosary Catholic Primary School (“the School”):

1. He did not maintain a complete single central record and/or ensure that such a record was adequately completed by staff at the School.
2. He did not update the School’s policies to take into account the updated Statutory Guidance ‘Keeping Children Safe in Education’ (the Guidance) issued in September 2016.
3. He did not ensure that adequate training was provided to staff on safeguarding procedures following the publication of the Guidance in September 2016.
4. On or around 16 March 2017, he allowed one or more children to travel to a sporting activity in a taxi:
 - a. Unsupervised; and/or
 - b. Without obtaining and/or keeping a record of parental consent; and/or
 - c. Without completing a risk assessment.
5. [Intentionally removed]
6. He did not ensure that adequate pre-employment checks were conducted and/or documentary evidence of pre-employment checks was maintained on all staff personnel files.
7. As a consequence of his failure to implement safeguarding procedures as set out at paragraphs 1 – 6 above he unnecessarily placed at risk the safety of children at the School.
8. He stated to a Diocesan Canonical Inspector on or around 23 March 2017 that a headteacher of another school had provided a good/positive reference for his son, when this was not in fact the case.
9. His conduct at paragraph 8 was dishonest and/or displayed a lack of integrity.
10. He did not ensure that the fire risk assessment was adequately or accurately completed in or around 2016/2017.
11. His conduct in paragraph 10 was dishonest and/or displayed a lack of integrity.
12. He did not comply with a notice sent by Entrust in December 2016 to take immediate remedial action in respect of a water tank.

13. As a consequence of his failure to take the actions set out at paragraphs 10 and/or 12 above, he unnecessarily placed at risk the health and safety of children at the School.
14. He did not register Colleague A as a Newly Qualified (NQ) Teacher, despite the fact she was working as a NQ Teacher.
15. He did not ensure that the relevant reviews of Colleague A and/or Colleague B were completed adequately or at all.
16. He did not ensure that all overseas trips were appropriately notified on Evolve and/or that approval notifications had been received before they took place.
17. He did not ensure that accidents and/or incidents in or around 2015 were reported to Staffordshire County Council's Health and Safety Team, as required.

The teacher admitted the facts of allegations 1 to 4a, 6, 7 and 14 to 17. The teacher did not admit allegations 4b, 4c and 8 to 13. The teacher neither admitted or denied unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

C. Preliminary applications

Additional documents

During the course of the hearing, the panel admitted a number of additional documents into the bundle.

The presenting officer applied to admit a witness statement and supplementary page to a witness statement contained in the bundle. These documents were not served in accordance with the requirements of paragraph 4.20 of the Procedures, and as such the panel was required to decide whether these documents should be admitted under paragraph 4.25 of the Procedures at the discretion of the panel. The panel took into account the representations from the presenting officer and, relating to the witness statement, the objections raised by the teacher's representative to the admission of the document.

Under paragraph 4.18 of the Procedures, the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

The panel was satisfied that the witness statement was relevant to the case as the witness was interviewed during the school's investigation and the notes of the interview were provided at pages D32 to D35 of the bundle. There was additional information provided at pages D36 and D37, which was referenced in her statement and as such was not new information. The panel noted the late request to admit the document, but accepted the presenting officer's explanation for this. The witness would be in attendance

and the teacher would have the opportunity to question the witness. The panel afforded the teacher and his representatives sufficient time to review the witness statement before the witness gave evidence.

The panel was also satisfied that the supplementary page to a witness statement was relevant to the case as the document was not contested and was prepared with the intention of providing additional clarity to information already contained in the witness statement.

The teacher's representative applied to admit the first page of minutes of a governor's meeting and the 'Keeping Children Safe in Education' statutory guidance, July 2015. Again, these documents were not served in accordance with the requirements of paragraph 4.20 of the Procedures, and as such the panel was required to decide whether these documents should be admitted under paragraph 4.25 of the Procedures at the discretion of the panel. The panel took into account the representations from the teacher's representative and that no objections were raised by the presenting officer.

Under paragraph 4.18 of the Procedures, the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

The panel was satisfied that the documents were relevant to the case. Reference to governor's meetings and attendance at such meetings had been raised during the course of the hearing, and as such the panel considered it was fair to admit the minutes of the governor's meeting. In making this decision, the panel noted that the presenting officer was not deprived of the opportunity to question witnesses on the document. The panel considered that the 2015 guidance was relevant as the document outlined the guidance to be followed during a period of time of which some of the allegations related.

Under paragraph 4.68 of the Procedures, the panel may require any person to attend and give evidence or to produce documents or other material evidence at the hearing. The panel requested an organisation chart be produced and an email sent by Mr Jinks dated 19 August 2015 be found, as well as subsequent responses. Taking into account fairness to the parties, the panel was satisfied that the documents were relevant to the case and admitted each of the documents.

In relation to the organisation chart, the panel felt that it would be useful to understand the management structure and staffing resources at the School, as these were referred to during oral evidence.

During his oral evidence, in response to one of the allegations, Mr Jinks made reference to an email header he had found and that he had been denied access to the email account by the School to obtain this email. Mr Jinks offered to produce the email header for the panel. The panel felt that the teacher's case in relation to one of the allegations rested heavily on the content of this email. The panel considered that it was fair to direct that enquiries be made to find a copy of this email.

The panel was satisfied that the emails found were relevant to the case, as Mr Jinks had referred to these in his evidence and the content of the emails related to the registration and reviews of NQTs. The panel allowed sufficient time for the emails to be reviewed by Mr Jinks and his representative before questioning.

Anonymisation

The panel considered an application from the presenting officer that the names of a parent and two members of teaching staff should not be disclosed in the hearing, or at all.

Paragraph 4.60 of the Procedures allowed the panel, if it considered it to be in the interests of justice, to decide that the name and identity of a witness, either referred to in the hearing papers or present before the panel to give oral evidence, should not be disclosed during the hearing or at all.

The panel had taken into account the general rule that matters pertaining to these hearings should be held in public and took account of case law that stated: “It is necessary because the public nature of proceedings deters inappropriate behaviour on the part of the court. It also maintains the public’s confidence in the administration of justice. It enables the public to know that justice is being administered impartially. It can result in evidence becoming available which would not become available if the proceedings were conducted behind closed doors or with one or more of the parties’ or witnesses’ identity concealed. It makes uninformed and inaccurate comment about the proceedings less likely”.

The panel had regard to whether the request for anonymity of the individuals ran contrary to the public interest. The panel also had regard to the principle that limited interference with the public nature of the proceedings was preferable to a permanent exclusion of the public.

The panel decided that, in the circumstances of this case, it was appropriate to anonymise the names of the individuals as no objections were received to the application, the panel accepted that a pupil could be identified should the parent have been named, and that naming the two members of teaching staff had the potential to affect their reputation and career.

Amending the allegations

A suggestion was made by the presenting officer to amend the Notice of Proceedings by deleting allegation 5. The panel had the power to, in the interests of justice, amend an allegation or the particulars of an allegation, at any stage before making its decision about whether the facts of the case had been proved.

Before making an amendment, the panel was required to consider any representations by the presenting officer and by the teacher, and the parties were afforded that

opportunity. The presenting officer and teacher's representative consented to the amendment.

At the outset of the hearing, the presenting officer made an application to discontinue allegation 5 on the basis that no evidence would be called in support of that allegation. The panel agreed to the deletion of allegation 5.

D. Summary of evidence

Documents

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

Section 1: Chronology and anonymised individual list – pages A1 to A2

Section 2: Notice of Proceedings and Response – pages B1 to B11

Section 3: Teaching Regulation Agency witness statements – pages C1 to C60

Section 4: Teaching Regulation Agency documents – pages D1 to D989

Section 5: Teacher documents – pages E1 to E197

In addition, the panel agreed to accept the following:

- Supplementary page to witness statement – page C49a
- Witness statement – Pages C61 to C65
- Keeping Children Safe in Education, September 2015 – pages D72a to D132a
- Organisation chart – pages D990 to D993
- Minutes of governor's meeting – page E198
- Email correspondence – pages E199 to E206

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

Witnesses

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

- Witness A, [Redacted]
- Witness B, [Redacted]
- Witness C, [Redacted]
- Witness D, Chair of Governors

- Witness E, [Redacted]
- Witness F, Colleague A
- Witness G, former school bursar

The panel heard oral evidence from the following witnesses, called by the teacher:

- Witness H, former volunteer at the School

The teacher also gave evidence.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

The panel confirmed it had read all of the documents provided in the bundle in advance of the hearing.

Mr Neil John Jinks had been employed since 1 January 2005 as headteacher at the School. A consultant, employed by the Nottingham Roman Catholic Diocesan Education Service (“NRCDES”), was asked by the Director of Education at NRCDES to carry out a performance review of Mr Jinks and in advance of this performance review, the consultant conducted an audit of the School. This audit was sent to the School on or around 24 March 2017, and raised issues including a lack of a single central record, risk assessments and pre-employment checks. As a result of the report, Mr Jinks was suspended with a view to disciplinary action.

Findings of fact

The findings of fact are as follows:

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

- 1. You did not maintain a complete single central record and/or ensure that such a record was adequately completed by staff at the School.**

This allegation was admitted.

The panel had sight of a copy of the School’s single central record. It was accepted that this was not the version in place at the time of Mr Jinks’ suspension, as the document had been overwritten. The panel heard from Witness G that it was her job to maintain the single central record, and she described the content of the initial single central record and the columns in the table. The panel heard contradictory evidence to this from Witness D as to additional columns that had since been placed in the single central record following

Mr Jinks' suspension, and preferred the evidence of Witness G, as she was more familiar with the record.

As such, the panel found that the single central record did not adequately contain all information as required under 'Keeping Children Safe in Education' (the "Guidance") for July 2015 and September 2016 whilst Mr Jinks was headteacher. The panel heard evidence from Witness G that not all entries in the single central record were completed, such as some qualifications for teachers being missing from the record, and the lack of a "prohibition checks" column. The panel noted that, whilst described as good practice, both versions of the Guidance did not require "disqualification by association" to be included in the single central record. However, the panel found that the single central record did not include information on a prohibition from teaching check, as required in the Guidance. The panel was not provided with guidance for completing the single central record prior to July 2015, and as such considered the facts of the allegation from July 2015 onwards.

Therefore, the panel found allegation 1 to be proven, in that Mr Jinks did not ensure that a single central record was adequately completed by staff at the School.

2. You did not update the School's policies to take into account the updated Statutory Guidance 'Keeping Children Safe in Education' (the Guidance) issued in September 2016.

This allegation was admitted.

The panel had sight of two safeguarding policies in the bundle, dated November 2014 and December 2015 respectively. The panel did not have sight of an updated policy in 2016, following the Guidance in September 2016. In his written and oral evidence, Mr Jinks accepted that he did not act immediately to update the School's policies in light of the Guidance in September 2016, and had intended to do so at some point during the following school year.

Therefore, the panel found allegation 2 proven.

3. You did not ensure that adequate training was provided to staff on safeguarding procedures following the publication of the Guidance in September 2016.

This allegation was admitted.

The panel heard evidence from staff at the School that they could not recall when they received safeguarding training, or if this related to the Guidance in September 2016. In his oral evidence, Mr Jinks stated that, with the possible exception of one teacher, all staff had current Level 1 safeguarding training. He accepted that he did not ensure that staff received immediate training on safeguarding matters in light of the Guidance in September 2016. The panel had sight of emails in the bundle in which Mr Jinks asked staff if anyone required Level 1 safeguarding training and forwarded on the September

2016 Guidance. The panel did not consider that this amount to providing adequate training on the Guidance.

The panel noted that some staff had some safeguarding training, but adequate training to staff on safeguarding procedures following the publication of the Guidance in September 2016 was not provided.

Therefore, the panel found allegation 3 proven.

4. On or around 16 March 2017, you allowed one or more children to travel to a sporting activity in a taxi:

a. Unsupervised; and/or

This allegation was admitted.

The panel heard evidence that two parents had complained to the School, after children had travelled unsupervised to a sporting activity in a taxi. Mr Jinks admitted that children had travelled unsupervised in a taxi, whilst he followed it.

Therefore, the panel found allegation 4a to be proven.

b. Without obtaining and/or keeping a record of parental consent; and/or

The panel noted that the bundle contained an example of a parental consent form, although heard that this was an outdated version. In his oral and written evidence, Mr Jinks stated that parental consent forms were produced and obtained for the event. He detailed the procedure for obtaining parental consent and Witness G spoke of parental consent forms in general. The panel therefore found that parental consent forms were obtained for children to attend the sporting activity.

However, in his oral evidence, Mr Jinks stated that the parental consent form included that the parent consented for the School to organise transportation to the event. The panel did not consider this to give permission for the School to put children in a taxi unsupervised and as such found that parental consent was not obtained for this activity.

No evidence was presented to the panel that there was a requirement for parental consent forms to be kept.

Therefore, this allegation was found proven, on the basis that Mr Jinks allowed one or more children to travel to a sporting activity in a taxi unsupervised, without obtaining parental consent.

c. Without completing a risk assessment.

The panel heard evidence from Mr Jinks that he had prepared a generic risk assessment which covered outside sporting events and the use of a DBS-cleared taxi firm. In his oral evidence, Mr Jinks asserted that such a generic risk assessment was acceptable.

The panel noted that the bundle contained a number of risk assessments, which were not relevant to the specific sporting activity on 16 March 2017. However, the panel considered that there were a number of generic risk assessments in the bundle that covered transportation to and from activities. These risk assessments indicated that a 'generic risk assessment' form was used as a template and a copy of this form was amended for each activity, rather than a cluster of activities. Therefore, the panel considered that it was not common practice to use a single generic risk assessment form to cover a number of sporting activities.

Therefore, the panel found allegation 4c to be proven.

6. You did not ensure that adequate pre-employment checks were conducted and/or documentary evidence of pre-employment checks was maintained on all staff personnel files.

This allegation was admitted.

The panel had sight of a safer recruitment policy for the School dated 6 March 2015, but did not consider that this adequately covered the pre-employment checks to be conducted.

The panel heard evidence from Witness G that she had to "chase" staff for documents such as their qualification certificates following their employment at the School, as these were not always provided. The panel also heard evidence from Witness D that she had reviewed the personnel files, and not one file was complete in accordance with the September 2016 Guidance. The panel found Witness D and Witness G to be credible when giving this evidence.

On questioning, Mr Jinks stated in his evidence that it was the School's policy to have two references from candidates as part of the recruitment process. He also stated that it was a practice, under instruction from a previous Chair of Governors, for references to be destroyed following recruitment for data protection purposes. The panel noted that the September 2016 and July 2015 Guidance did not include a requirement for references to be kept on the personnel file. However, the panel noted that it was a requirement for documents used to verify the successful candidate's identity, right to work and required qualifications to be kept on the personnel file. The panel found that these documents were not maintained on all staff personnel files as a matter of course.

Therefore, the panel found allegation 6 to be proven.

7. As a consequence of your failure to implement safeguarding procedures as set out at paragraphs 1 – 6 above you unnecessarily placed at risk the safety of children at the School.

This allegation was admitted.

The panel considered that failure to update the School's policies and provide training following the publication of the Guidance issued in September 2016 unnecessarily placed at risk the safety of children at the School. It is essential that all school staff are provided with the most up-to-date information on safeguarding.

In addition, failure to conduct adequate pre-employment checks has the potential to compromise the safety of children in School, as it gives rise to the risk that an inappropriate adult has access to unsupervised contact with children.

The panel considered that placing children in a taxi unsupervised, without parental consent and without risk assessment presented a potential risk to the safety of the children at the School.

The panel considered that however faint the danger or unlikely the risk arising from the circumstances in paragraphs 1 to 6 above found proven, these were all potential risks which could have serious outcomes.

8. You stated to a Diocesan Canonical Inspector on or around 23 March 2017 that a headteacher of another school had provided a good/positive reference for your son, when this was not in fact the case.

The panel heard evidence that the [Redacted] was asked to attend the School to undertake a performance review of the headteacher. Prior to the performance review, she visited the School to conduct an audit, and during this was looking at the School's recruitment practices and made enquiries about the employment of Mr Jinks' son at the School.

In her written and oral evidence, Witness A stated that Mr Jinks had named a headteacher who had provided a good reference for his son. In contrast to this, the panel heard evidence from Mr Jinks that he had stated to Witness A that a headteacher (whom he did not name) had provided a reference for his son and that another headteacher (who he had named during this conversation) had observed a lesson and deemed it, "outstanding". Mr Jinks further stated that he believed that Witness A had inferred the named headteacher as being the headteacher who had provided a reference.

The panel considered all of the evidence available and preferred the evidence of Witness A. The panel noted that Witness A was clear and unequivocal in her evidence and considered her to be a credible witness. At the disciplinary investigation stage, further clarification was sought from Witness A in relation to the conversation that had taken place and the two different version of events. In response to this, Witness A stated that, "Mr Jinks unambiguously stated that the headteacher in question had provided a good reference". Mr Jinks was consistent in his position in relation to the allegation, but the panel considered that, when speaking to Witness A, he was attempting to provide a rationale for the limited references on the personnel file.

Therefore, the panel found this allegation proven.

9. Your conduct at paragraph 8 was dishonest and/or displayed a lack of integrity.

Having found that Mr Jinks had stated that he had a good/positive reference from a headteacher of another School when this was not the case, the panel went on to consider whether this conduct was dishonest and/or lacked integrity.

The panel found that Mr Jinks was aware that the named headteacher in question had not provided a good/positive reference for his son. As such, in intentionally stating that this was the case to Witness A during the conversation on 23 March 2017, the panel found that Mr Jinks was dishonest by the standards of the ordinary honest person.

The panel received and accepted legal advice that dishonesty and want of integrity are separate and distinct concepts. The panel found that Mr Jinks' behaviour fell below the ethical standards expected of a member of the teaching profession and therefore lacked integrity.

10. You did not ensure that the fire risk assessment was adequately or accurately completed in or around 2016/2017.

In his oral and written evidence, Mr Jinks stated that the fire risk assessment contained in the bundle was a practice risk assessment completed by the clerk to the governors, as part of a training exercise. It was not finalised or approved. He stated that the live fire risk assessment was completed by him and distributed to all staff and governors by email in September 2016.

The panel heard evidence from Witness C and Witness D as to the steps they took to locate a live fire risk assessment. The fire risk assessment contained in the bundle was found on Mr Jinks' computer. The panel also heard evidence from Witness D that she had reviewed the minutes of governors meetings and had not found approval of any fire risk assessment in 2016. In response to this, Mr Jinks stated in his evidence that the fire risk assessment would have been approved as part of a governor's sub-committee meeting. The panel considered all of the evidence, and preferred the evidence of Witnesses C and D that an accurate and adequate fire risk assessment could not be found. The panel considered that Witness C and Witness D had spent time looking for another fire risk assessment, and that there was no reasonable explanation for Witness C and Witness D to have completed a further fire risk assessment and commissioned a fire survey, had an adequate fire risk assessment been in place.

The panel found that the fire risk assessment, completed by the clerk to the governors, was inaccurate and inadequate. The panel heard evidence as to the fire risks in the School, such as gas in the kitchens, which contradicted information contained in the fire risk assessment. The panel did not consider that there was any other fire risk assessment completed for the academic year prior to this.

Therefore, the panel found this allegation proven.

11. Your conduct in paragraph 10 was dishonest and/or displayed a lack of integrity.

The panel received and accepted the legal advice that it must first ascertain the actual state of Mr Jink's knowledge or belief as to the facts and once this is established, go on to consider whether this conduct was honest or dishonest by the standards of the ordinary honest person. The panel found that allegation 10 did not meet the test for dishonesty.

However, the panel considered that Mr Jinks' behaviour in not having an accurate and adequate fire risk assessment fell below the ethical standards expected of the teaching profession as it placed children at the School at unnecessary risk. The panel noted that this was as a result of inadequate procedures within the School, rather than dishonesty.

Therefore the panel found this allegation to be proven, in that Mr Jinks' conduct displayed a lack of integrity for the reasons given above.

12. You did not comply with a notice sent by Entrust in December 2016 to take immediate remedial action in respect of a water tank.

Mr Jinks was headteacher at the time that the notice from Entrust was sent out. The panel also heard evidence that Mr Jinks was the premises manager in December 2016. As headteacher and premises manager, irrespective of whether the notice was received by him, the panel considered that processes should have been in place to ensure that the notice was complied with and remedial action taken urgently.

Mr Jinks stated that he did not receive the email. In contrast to this, in oral evidence, Witness G indicated that she would have forwarded the email directly to the headteacher's email address. The panel also heard evidence from Witness C which corroborated this. In addition to this, the panel noted that the notice made reference to the issue being reported to the caretaker of the School, at the time of the water safety engineer's visit. Therefore, the panel found that Mr Jinks would and should have known about the defect, and failed to act upon the notification. The panel found that the defect was still outstanding in June 2017.

Therefore, the panel found this allegation to be proven.

13. As a consequence of your failure to take the actions set out at paragraphs 10 and/or 12 above, you unnecessarily placed at risk the health and safety of children at the School.

The panel considered that failure to have an adequate and accurate fire risk assessment and failure to comply with a notice to take immediate remedial action in respect of a water tank did unnecessarily place at risk the health and safety of children at the School. The panel noted that Witness C and Witness D, on a walk round the School, had found, for example, that all fire escape signs were not in place and some fire alarms did not

work. The panel considered that this placed the safety of the children at the School at risk as fire detection and escape routes were not effective.

The notice sent by Entrust raised health and safety concerns in respect of the water tank. The panel heard evidence from Mr Jinks that a previous water inspection had highlighted some sediment in the tank, which might have required some action in the future, but that this had not been raised in subsequent inspections and that the risk to the health of the children was minimal. However, the panel had sight of the notice dated 6 December 2016, completed by a water safety engineer, which had stated that the items enclosed in the notice posed an immediate risk to health and safety.

The panel found that, having found allegation 10 and 12 proven, allegation 13 was also proven.

14. You did not register Colleague A as a Newly Qualified (NQ) Teacher, despite the fact she was working as a NQ Teacher.

The teacher initially denied allegation 14, on his belief that he had registered Colleague A via email. He was confident that he would have registered Colleague A and offered to provide a screenshot of a subject header to an email of 19 August 2016 in which Mr Jinks believed he had registered Colleague A.

The panel had sight of the full email and on seeing this email, Mr Jinks admitted that he had not registered Colleague A as he had previously believed. The panel heard evidence from a number of witnesses that enquiries had been made with the appropriate body to ascertain whether Colleague A had been registered. Colleague A had been required to repeat her Newly Qualified Teacher (NQT) induction year, as no record of her registration had been found. The panel heard evidence from Colleague A that she was unaware of the registration process, and was under the belief that she was registered with an appropriate body.

Therefore, the panel found this allegation proven.

15. You did not ensure that the relevant reviews of Colleague A and/or Colleague B were completed adequately or at all.

This allegation was admitted.

Witness D stated in her oral evidence that it was the responsibility of the headteacher to ensure that relevant reviews of NQTs were completed.

The panel saw and heard evidence that Colleague B had not passed her NQT year as her reviews had been inadequately completed. The panel also heard that Colleague A had no reviews.

Therefore, the panel found this allegation proven.

16. You did not ensure that all overseas trips were appropriately notified on Evolve and/or that approval notifications had been received before they took place.

This allegation was admitted.

The panel heard evidence from Witness E that forms for an overseas trip had been recalled on the Evolve system and had not been fully completed. Witness E explained the procedure required for notification, as contained in Staffordshire County Council's Educational Visits Policy. In his oral evidence, Mr Jinks admitted that he became aware that visit forms had not been appropriately notified for an overseas trip whilst on that trip.

Therefore, the panel found this allegation proven.

17. You did not ensure that accidents and/or incidents in or around 2015 were reported to Staffordshire County Council's Health and Safety Team, as required.

This allegation was admitted.

The panel heard evidence from Mr Jinks that he had not reported accidents and/or incidents to Staffordshire County Council's health and safety team, on the advice of a governor, who was a health and safety professional. The panel also had sight of email correspondence between the School and Staffordshire County Council's health and safety team which confirmed that there had been no accidents reported to the health and safety department since 2010. The panel noted that Witness C stated that there had been two incidents in the past 6 months prior to June 2017.

Therefore, the panel found this allegation to be proven.

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

Having found all of the allegations proven, the panel went on to consider whether the facts of those proven allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as "the Advice".

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

- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Jinks amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel noted that 14 of the 16 allegations involved safeguarding and the other allegations involved the registration and support of NQTs, at a vital stage of their career where support and advice was required. This support was not adequately provided or arranged by Mr Jinks, which had a serious impact on the teachers at the time. It is the headteacher's responsibility to register an NQT, and ensure that appropriate advice, support and development is provided to teachers entering the profession, in line with established frameworks.

The panel also considered whether Mr Jinks' conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice.

The panel found that none of these offences were relevant. The panel found that Mr Jinks' dishonesty was at the lower end of the spectrum.

Accordingly, the panel was satisfied that Mr Jinks was guilty of unacceptable professional conduct, as the allegations concerned safeguarding and the development of teachers entering the profession.

The panel took into account the way 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 also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave. The conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception. The panel had seen and heard evidence of complaints received from parents in relation to the transportation of children, and considered that the allegations related to Mr Jinks' management of the School. Safeguarding is a serious issue and the findings as to Mr Jinks' failure to implement adequate safeguarding procedures had the potential to put children at the School at significant risk.

The panel therefore found that Mr Jinks' actions constituted conduct that may bring the profession into disrepute.

Having found the allegations proven, the panel further found that Mr Jinks' conduct amounted 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 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 maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

The panel did not consider that the public interest consideration of the protection of pupils was relevant, as Mr Jinks had reflected on his practice and had learnt from his behaviour.

In the light of the panel's findings against Mr Jinks, which involved a failure to implement safeguarding procedures, dishonesty and lack of integrity, and failure to register a NQT and adequately complete NQT reviews, there was a strong public interest consideration in maintaining public confidence in the profession and upholding proper standards of conduct.

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

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

The panel decided that there was a strong public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon his abilities as an educator and he was able to make a valuable contribution to the profession.

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 Jinks.

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 Mr Jinks. 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 were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the well-being of pupils.

Even though some of the behaviour found proven 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 not appropriate or proportionate.

There was no evidence that the teacher's actions were not deliberate, although the panel was given an insight into the financial pressures on the School. There was no evidence to suggest that the teacher was acting under duress.

The teacher did have a previously good history and the panel accepted that the incidents occurred in a limited period of time. The panel found that the dishonesty was at the lower end of the scale and was a one-off incident.

The panel heard evidence that Mr Jinks had a previously unblemished teaching career. The panel had sight of a report from an OFSTED inspection completed in 2011, which graded the School as outstanding.

The panel had sight of a number of character references. The panel considered that key themes arose from these references, given by parents and colleagues, describing Mr Jinks as professional in his approach, a hardworking teacher, approachable, supportive and having the best interests of pupils at heart.

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, the recommendation of no prohibition order would not be a proportionate and appropriate response. Recommending that the publication of adverse findings would be sufficient in the case would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for the teacher 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 Jinks. The failures in relation to safeguarding and the registration and reviews of NQTs was a significant factor in forming that opinion. Despite the financial pressures on the School,

the panel considered that Mr Jinks had a lax approach to safeguarding and had damaged the confidence of new teachers entering into the profession.

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 for it to decide to recommend a review period of the order. 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 the recommendation of a review period. The panel found that none of these behaviours were relevant.

The panel considered that the teacher has shown some remorse into his actions and a degree of insight into his behaviour. Mr Jinks' behaviour in relation to implementing safeguarding procedures and management of NQTs had been described as "dropping the ball". The panel heard about financial pressures on the School and the teaching workload Mr Jinks had as a result of these financial pressures.

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 provisions for a review period. The panel considered that a review period would allow Mr Jinks to develop a greater insight and understanding of the importance of following rigorously the statutory guidelines and school policies to which all teachers must adhere.

Therefore, the panel recommend a prohibition order with provisions for a review period after three years.

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 unacceptable professional conduct and conduct that may bring the profession into disrepute. I do however note that in respect of allegation 11 the panel found lack of integrity but not dishonesty.

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

In particular, the panel has found that Mr Jinks 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 proper and professional regard for the ethos, policies and practices of the school in which they teach.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was also satisfied that the conduct of Mr Jinks “amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.”

The findings of misconduct are particularly serious as they include a finding of dishonesty and lack of integrity on the part of a headteacher. However I also recognise that the panel found that the dishonesty was at the lower end of the scale.

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 Jinks, 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. I do note that the panel say, “The panel did not consider that the public interest consideration of the protection of pupils was relevant, as Mr Jinks had reflected on his practice and had learnt from his behaviour.” However, the panel has observed, “14 of the 16 allegations involved safeguarding”. A prohibition order would therefore prevent such a risk from being present in the future. I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “The panel considered that the teacher has shown some remorse into his actions and a degree of insight into his behaviour.” In my judgement, the lack of full insight means that there is some risk of the repetition of this behaviour. 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, "Safeguarding is a serious issue and the findings as to Mr Jinks' failure to implement adequate safeguarding procedures had the potential to put children at the School at significant risk." I am particularly mindful of the finding of lack of integrity 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 Jinks himself. The panel say, " Mr Jinks had a previously unblemished teaching career. The panel had sight of a report from an OFSTED inspection completed in 2011, which graded the School as outstanding."

The panel also, "had sight of a number of character references. The panel considered that key themes arose from these references, given by parents and colleagues, describing Mr Jinks as professional in his approach, a hardworking teacher, approachable, supportive and having the best interests of pupils at heart."

A prohibition order would prevent Mr Jinks from teaching 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 public interest, " The failures in relation to safeguarding and the registration and reviews of NQTs was a significant factor in forming that opinion. Despite the financial pressures on the School, the panel considered that Mr Jinks had a lax approach to safeguarding and had damaged the confidence of new teachers entering into the profession."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Jinks 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, that is not backed up by full 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 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 3 year review period.

I have considered the panel's comments " a review period would allow Mr Jinks to develop a greater insight and understanding of the importance of following rigorously the statutory guidelines and school policies to which all teachers must adhere.

Therefore, the panel recommend a prohibition order with provisions for a review period after three years."

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, the factors which mean that a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession are, the lack of integrity found, the lack of full insight and the safeguarding elements as well as the failure to support new NQTs.

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

This means that Mr Neil Jinks 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 2022, 3 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 Neil Jinks remains prohibited from teaching indefinitely.

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

Mr Neil Jinks 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: 4 October 2019

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

