

# NATIONAL COLLEGE FOR TEACHING AND LEADERSHIP

Decision of a Professional Conduct Panel and the Secretary of State

**Teacher:** Mr Alan Taylor

**Teacher ref no:** 92/39235

**Teacher date of birth:** 25 March 1970

**TA Case ref no:** 9229

**Date of Determination:** 24 April 2013

**Former Employer:** Not applicable.

## **A. Introduction**

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“National College”) convened on 24 April 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3HH to consider the case of Mr Alan Taylor.

The Panel members were Mr Mark Tweedle (Teacher Panellist– in the Chair), Mrs Gill Goodswen (Teacher Panellist) and Mrs Alison Thorne (Lay Panellist).

The Legal Adviser to the Panel was Stephen Murfitt of Blake Laphorn Solicitors.

The Presenting Officer for the National College was Ms Louisa Atkin of Browne Jacobson LLP Solicitors.

Mr Alan Taylor was present, but was not represented.

The hearing took place in public and was recorded.

## **B. Allegations**

The Panel considered the allegation set out in the Notice of Proceedings dated 30 January 2013.

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

1. On 2 March 2012, Mr Taylor was convicted at Wigan and Leigh Magistrates Court of the offence of producing a controlled drug, namely cannabis (Class B), contrary to the Misuse of Drugs Act 1971. Mr Taylor committed this offence on 23 June 2011. He was sentenced to a Community Order with an unpaid work requirement of 80 hours and the drugs which he produced were to be forfeited and destroyed.

Mr Taylor admitted the conviction set out in the Notice of Proceedings dated 30 January 2013 but did not admit the conviction was a relevant offence.

### **C. Preliminary Applications**

There were no preliminary applications by either the Presenting Officer or Mr Taylor

### **D. Summary of Evidence**

#### Documents

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

Section 1	Anonymised Pupil List	Page 2
Section 2	Notice of Proceedings & Response	Pages 4 -12
Section 3	Teaching Agency Documents	Pages 14 - 34
Section 4	Teacher's Documents	Pages -

In addition, the Panel agreed to accept a letter dated 19 April 2013 written by Mr Taylor's present Headteacher. Following the finding of fact stage the Presenting Officer handed in to the Panel a written decision of the General Teaching Council for England dated the 2 June 2011.

The Panel Members confirmed that they had read all of the documents in advance of the hearing.

#### Brief summary of evidence given

Please note that this is intended to be a summary – it does not reflect the complete evidence given.

Mr Taylor stated that he produced cannabis for his own consumption and that by doing so the matter remained private. He suggested that if he purchased a supply from the black market as a teacher, then the matter would no longer be private, and as a consequence more serious. At the time of the offence Mr Taylor was not teaching.

Mr Taylor had found work as a teacher during the last month. If a pupil at a school gained knowledge of his conviction then Mr Taylor considered he would be in a good position to have an informed discussion with the relevant pupil. He would not however, share his views concerning cannabis with pupils.

Mr Taylor stated that he considered that the law was wrong to prohibit the production and consumption of cannabis, and that there was public support for his view to the extent that he doubted that public confidence would be affected by a disclosure as to his conviction and conduct. Mr Taylor told the Panel that the users of cannabis were

a persecuted minority, and there were Human Right issues involving the prosecution of cannabis users to the exclusion of those who consumed alcohol and tobacco.

Mr Taylor gave evidence of his opinion that there were many positive aspects arising from the consumption of cannabis. He was aware of a person whose cancer had been cured by consuming cannabis. Mr Taylor accepted that his cannabis consumption had caused a negative effect upon his career. Periods of supply and contract teaching had been interrupted following his arrest for offences relating to consumption, supply and production of cannabis.

Mr Taylor described the production of cannabis that took place at his domestic property at the time of his arrest. There were a number of plants in a wardrobe and possible seedlings on a shelf. A growing period of some 4/5 months was required before the cannabis could be consumed. Mr Taylor consumed a small quantity of cannabis by baking the cannabis into a biscuit or cake. This was usually on a workday evening, but not every evening. Mr Taylor suggested this practice was no different to the consumption of a glass of wine. He never took cannabis to any school that he attended as a teacher.

Mr Taylor gave details to the Panel as to the events involving his next door neighbour on the day of Mr Taylor's arrest. These events were entirely separate and unrelated to the conviction imposed on Mr Taylor.

## **E. Decision and Reasons**

The Panel announced its decision and reasons as follows:

We have now carefully considered the case before us and have reached a decision.

We confirm that we have read all the documents provided in the bundle in advance of the hearing.

On the 23 June 2011 a fire occurred at a house in Leigh in Greater Manchester occupied by Mr Alan Taylor. The emergency services attended, including the police, who searched Mr Taylor's property. The police found cannabis being produced at the property, and Mr Taylor was subsequently interviewed and charged with an offence contrary to the Misuse of Drugs Act 1971.

### **Findings as to Conviction of a Relevant Offence**

The Notice of Proceedings dated the 30 January 2013 made an allegation that Mr Taylor had been convicted of a relevant offence namely:

1. On 2 March 2012 Mr Taylor was convicted at Wigan and Leigh Magistrates Court of the offence of producing a controlled drug, namely cannabis (Class B), contrary to the Misuse of Drugs Act 1971. Mr Taylor committed the offence on the 23 June 2011. Mr Taylor was sentenced to a Community Order with an unpaid work requirement of 80 hours and the drugs which Mr Taylor produced were forfeited and destroyed.

In the Notice of Proceedings Form completed and signed by Mr Taylor on the 21 February 2013, Mr Taylor admitted the allegation set out in the Notice of Proceedings, but denied that those facts amounted to a conviction of a relevant offence. In answer to the Chair this morning Mr Taylor confirmed that his replies remained the same.

We have in our papers a certified Memorandum of an entry in the Register of the Wigan and Leigh Magistrates Court which confirmed the details of the conviction set out in the Notice of Proceedings. We are satisfied that Mr Taylor was convicted of the offence of producing cannabis, a controlled drug, on the 2 March 2012.

Mr Taylor denies that the offence is a relevant offence for the purpose of our proceedings, and we therefore need to make a determination as to this issue before us.

Conviction of a relevant offence refers to a conviction of an offence that is relevant to a person's fitness to be a teacher. Where there has been a criminal conviction the Panel is concerned only to establish the gravity of the offence, and its relevance to the teacher's ongoing suitability to teach, and to take due account of any mitigating circumstances.

The Advice on factors relating to decisions leading to the prohibition of teachers from the teaching profession directs the Panel to consider to what extent the behaviour involved in committing the offence:

- Was contrary to the standards of personal and professional conduct expected of a teacher with reference to the Standards published by the Secretary of State;
- Was relevant to teaching, working with children and/or working in an education setting;
- Would be likely to have an impact on the safety or security of pupils and members of the public, or on the public confidence in the teaching profession.

Mr Taylor gave evidence to the Panel that he did not accept that the production of cannabis should involve a breach of the criminal law. Mr Taylor clearly possessed considerable knowledge as to cannabis, and its effects, and made clear to us that he was a long term regular user of cannabis, and would continue to be so. However, Mr Taylor informed the panel that he did not consume cannabis during the working day. He told the panel about a number of arrests for drug related offences which had caused his teaching career to be interrupted. Mr Taylor submitted to us that his conviction had no relevance to him being a teacher, and he provided the panel with a reference from his current employer. That reference in summary confirmed Mr Taylor was an exemplary teacher, and that in the view of the head teacher his conviction had no bearing on his role as a teacher in the school.

Mr Taylor was aware that his activity of producing a controlled drug was a criminal offence and teachers, as others, have an obligation to obey the criminal code. The

Panel consider the offence to be one of some gravity in the circumstances of this case. The conviction we are concerned with is in the public domain, and therefore both confidence in and the reputation of the profession are placed at risk. This is behaviour which is a breach of the standards of personal and professional conduct expected of a teacher; teachers are expected to demonstrate consistently high standards of personal and professional conduct. They are role models for the young people they teach and have responsibility to uphold the rule of law. For all these reasons the Panel have concluded that given the particular circumstances of this case, the conviction of the 2 March 2012 is a relevant offence.

### **Panel's Recommendation to the Secretary of State**

Given the Panel's findings in respect of a conviction of a relevant offence it is necessary for the Panel to go on to consider whether it would be appropriate to recommend the imposition of a Prohibition Order by the Secretary of State.

Following the Panel's findings of a conviction of a relevant offence the Presenting Officer handed to the Panel a finding made by the General Teaching Council for England on 2 June 2011. A Reprimand was imposed for a period of two years and therefore it is still in force today.

In considering whether to recommend to the Secretary of State that a Prohibition Order should be made the Panel have to consider whether it is a proportionate measure, and if it is in the public interest to do so. Prohibition Orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have a punitive effect.

The Panel have considered the public interest and in particular:

- The protection of children;
- The maintenance of public confidence in the profession;
- Declaring and upholding proper standards of conduct.

The Panel have considered the advice on Teachers Misconduct in relation to the Prohibition of Teachers and have concluded that the following is relevant:

- Serious departure from the personal and professional conduct elements of the latest Teacher Standards, as published by, or on behalf of, the Secretary of State;
- Actions or behaviours that undermine the law.
- Evidence of deep-seated attitude that leads to harmful behaviour.
- Serious criminal offences.

The Panel consider that Mr Taylor's repeated flouting of the law together with his expressed views about the production and use of cannabis has the potential to

seriously weaken public confidence in the profession. Furthermore the Panel considered there are strong public interest considerations in declaring and upholding proper standards of conduct in the profession.

The Panel noted that Mr Taylor had a previous disciplinary sanction following convictions for possession, supply and production of cannabis recorded against him by the General Teaching Council for England on the 2 June 2011. The present hearing was the second occasion when Mr Taylor's conduct had been found to be a matter of concern by his Professional Regulator.

Notwithstanding the public interest considerations that were present, the Panel had to carefully consider whether or not it would be proportionate to impose a Prohibition Order. In forming that judgement the Panel took into account the mitigation that had been provided by Mr Taylor. Mr Taylor's present Headteacher has provided us with a reference that states that Mr Taylor is a good teacher. However, the Panel considered that in light of Mr Taylor's repeated offending and strongly stated views he had shown little insight into his conduct. Mr Taylor told us that he believed that all cannabis users were members of a persecuted minority and he expounded these views strongly. Mr Taylor had also expressed the same opinions at the hearing before the General Teaching Council in June 2011. The Panel do not accept his view and are concerned that there is a significant risk that Mr Taylor will use his position as a teacher to have an inappropriate influence over young people.

In carrying out the balancing exercise the Panel have decided that the public interest considerations outweigh the interests of Mr Taylor. Accordingly a consideration of the public interest requires the Panel to make 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 them to decide to recommend that a review period of the order should be considered. The Panel were mindful that the advice given is that a Prohibition Order applies for life, but there may be circumstances in any given case that may make it appropriate for a review period of not less than two years to be recommended in order for the teacher to apply to set aside the order.

The Panel was mindful that Mr Taylor has produced evidence from his current Headteacher that he was a good and effective teacher. There is a public interest consideration in Mr Taylor having an opportunity to contribute to the profession in the future. However, given his repeated offending and deeply held views the Panel recommend that the Secretary of State should not consider a review until a period of five years has elapsed.

### **Secretary of State's Decision and Reasons**

I have carefully considered the panel's findings and recommendations. The panel has found that Mr Taylor has been convicted of a relevant offence. Mr Taylor has deep seated views about the production and use of cannabis. He had a previous sanction from the professional regulator for possession, supply and production of cannabis.

The panel noted the reference from his Head Teacher stating that Mr Taylor was a good and effective teacher, however balancing this against his deeply held views and repeated offending they have recommended that a prohibition order be imposed. I agree with this recommendation.

The panel went on to consider whether Mr Taylor should be given the opportunity to have the sanction reviewed after a period of time. I agree that Mr Taylor should be allowed to make an application for his prohibition order to be reviewed after a minimum period of 5 years has elapsed.

This means that Mr Alan Taylor 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 2 May 2018, 5 years from the date of this order at the earliest**. If he does apply, a panel will meet to consider whether the Prohibition Order should be set aside. Without a successful application, Mr Alan Taylor remains barred from teaching indefinitely.

This Order takes effect from the date on which it is served on the Teacher.

Mr Alan Taylor 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.

**NAME OF DECISION MAKER: Paul Heathcote**

**DATE: 25 April 2013**