

THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Mr Ryan Collett

Teacher date of birth:

TA Case ref no: 9076

Date of Determination: 8th January 2013

Former Employer: Ridgewood High School, Stourbridge

A. Introduction

A Professional Conduct Panel (“the Panel”) of the Teaching Agency convened on 8th January 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Ryan Collett.

The Panel members were Mr Michael Sanderson, Lay Panellist – in the Chair, Mr Melvyn Kershaw, Professional Panellist and Ms Carolyn Robson, Professional Panellist.

The Legal Adviser to the Panel was Mr Angus Macpherson, Counsel.

The Presenting Officer for the Teaching Agency was Ms Mary Page of Kingsley Napley LLP.

Mr Ryan Collett was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegation

The Panel considered the allegation set out in the Notice of Proceedings dated 31st October 2012.

It was alleged that Mr Ryan Collett was guilty of unacceptable professional conduct in that whilst working at Ridgewood High School (the school), Stourbridge, he:

1. On 12th September 2011 forwarded an email to the Personal Assistant of the School’s Head Teacher which he had written and which:
 - a. Was purported to have been sent by SG of the University of Wolverhampton, when this was not true;

- b. Stated that he had successfully completed the Qualified Teacher Status standards, when this was not true.
2. Between around April and October 2011 misled his employer into believing he had Qualified Teacher Status;
3. In around September 2011 accepted a post of qualified teacher knowing that he was not qualified;
4. Between around September and November 2011 received a salary as a qualified teacher when he was not entitled to receive one.
5. His actions at 1-4 were dishonest.

Mr Ryan Collett did not formally admit the facts of the allegation, nor that he was guilty of unacceptable professional conduct.

C. Summary of Evidence

Documents

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

Section 1 Chronology		
Chronology		Page 1 - 3
Section 2 Notice of proceedings and Response		
Notice of Proceedings	31 st October 2012	Pages 4-7
Response to Notice of Proceedings		Pages 8-10
Section 3 Teaching Agency Witness Statements		
Witness A	5 th December 2012	Pages 11-17
Witness B	5 th December 2012	Pages 18-21
Witness C	27 th November 2012	Pages 22-26
Teaching Agency Documents		
E-mail from Teaching Agency		Page 91
A supplementary statement from Individual A.	Not initially dated, dated on the day of hearing: 8 th January 2013	Pages 92 – 95
A telephone attendance note.	8 th January 2013	Page 96
Correspondence from the GTC / Teaching Agency sent to Mr Collett between.	March 2012 to November 2012	Pages 97 – 107

As mentioned, the Panel agreed to accept the additional documents on pages 91 to 107.

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

Opening Statement

Presenting Officer

The case concerned an ICT Instructor who was employed by Ridgewood High School, Stourbridge. The school supported him through teacher training via a Graduate Teacher Programme placement in order for him to gain Qualified Teacher Status. In the summer term of 2011, he informed the school that he had passed the necessary components of the Graduate Teacher Programme and, in consequence, was offered and accepted a Newly Qualified Teacher position within the school on a permanent contract commencing on 1st September 2011. In fact he had not passed one of the components of the Programme, namely the numeracy skills tests. When the school requested the necessary documentation, he forwarded the school an e-mail which had purportedly been sent to him by Witness C, EBITT Administrator at Wolverhampton University, dated 18th July 2011 stating that he had successfully completed the QTS standards. It is alleged that that e-mail was bogus and that he deliberately and dishonestly forwarded it to the school and misled his employers.

Ms Page referred to Mr Collett's replies at an interview conducted by Witness A the Head Teacher on 9th November 2011. She invited the panel to construe his answers as admissions to allegations 1 to 3. Witness A will give evidence as to the salary which Mr Collett received. She also referred to the notes of an interview with Individual B of the Human Resources Department of the school. As to charge 5, she referred to the test of dishonesty in the case of R v. Ghosh.

Brief summary of evidence given

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

Witness D, Executive Officer of the Teaching Agency

She referred to the file on Ryan Collett. She explained the procedure which included a check list of actions. The file contained a signed notice of proceedings and that task is signed as complete. She explained that this meant that the letter will have been posted. An e-mail from Witness E to Kingsley Napley dated 1st November 2012 asserted that the letter was sent.

Witness E, Officer of the Teaching Agency,

She explained that the Notice of Proceedings had been issued to Mr Ryan Collett by first class post. The letters are collected from a central point and taken down to the

6th floor for posting. She had no particular memory of the letter. She sent the e-mail at page 91 to Kingsley Napley dated 1st November 2012. She was responsible for affirming that the task of sending the letter had been completed. The colour on the computer is changed to green when this has been done. She pp'd the Notice of Proceedings letter which indicates that it had been sent.

Witness A, Head Teacher of Ridgewood High School, Wollaston, Stourbridge

His witness statement dated 5th December 2012 was taken as read. In the statement, he confirmed the outline of the case set out above. Mr Collett was supported by the school on the Graduate Teacher Programme. It would have paid any short fall in the fees for the programme. The school chased for supporting evidence from Mr Collett that he had passed the standards. Eventually he "forwarded" the e-mail from Witness C.

He explained that Mr Collett's classroom practice was "at least satisfactory" (to use a SATS phrase, though there was still work to do especially in terms of assessments of exam work. Mr Collett's strengths were his personality and how he got on with the pupils. He did motivate. The plan was to keep him on the staff. Mr Collett's first 2 or 3 years warranted the investment the school made in him, so that by 2009 / 2010 it was the intention of the school to offer him a post in the school. He was hardworking.

The procedure for receiving qualifications was as follows. It would normally come from the university and go through the Human Resources Department. Mr Collett was at the school and was on an accelerated route. There was no precedent. Appointment normally depended on certificated evidence of qualifications. In Mr Collett's case, concerns commenced in the summer term as he was not able to provide the evidence. Contact with the University proved difficult because of wrong telephone numbers. Eventually when the e-mail came through, he was sent an offer. He would not have had a contract until he had provided the certification. He did not disclose to the school that he had numeracy issues. The school would have been able to provide support. The impression was given that he was "fine". Teachers would have given him their time. He entered the numeracy test 7 or 8 times. Somebody could have helped him as to how to address numeracy tasks.

Mr Collett found it difficult to own up about his. He did not believe Mr Collett was intending to behave dishonestly towards him when he was answering Witness A's questions. He thought that this course of action would buy him enough time. He was slow to be honest and admit his part in it. It was not until the 3rd meeting that he admitted his behaviour. Earlier he said "I suppose I might not have passed etc." Mr Collett did not wish to lie to him, but he did not front up with an admission. He had no concerns about his honesty other than in relation to this matter.

The difference between his remuneration as an ICT instructor and as a qualified teacher was in excess of £5,000.

Witness B, Head of House at Ridgewood High School, formerly Senior Leader of Learning at the school.

His witness statements dated 5th December 2012 and 8th January 2013 were taken as read.

Mr Collett was above average in the class room. He had a very good relationship with the students. He was improving. He was very effective outside the class room. He had assisted on a Duke of Edinburgh Award scheme trip. He looked after photography. Witness B regarded him as very sound. The school wanted him to be part of the staff. The school had arranged courses which he would take. He was a man of character, very sound, very honest. There were no problems with him. There would have been more work to do, but he had the potential to be a good or outstanding teacher.

The school received confirmation of standards from the University. The school was aware that he had to retake GCSE in Maths. Witness B signed off those certificates. He would have obtained support from the maths teachers, who had assisted him in the Maths GCSE. There were people he could have turned to in the school, which would have enabled him to show improvement. It was disappointing that he did not ask for support.

He saw 3 certificates: numeracy, literacy and ICT. The numeracy certificate was a fake certificate. It was a total surprise to him that it was a fake.

Witness B added that he had a high regard for him as a person and as a teacher. He has made a big mistake, but he deserved another chance.

Witness C, Employment Based Initial Teacher Training Administrator. Her statement dated 27th November 2011 was taken as read.

Closing Submission

The Presenting Officer

She urged that the facts, especially the dishonesty, amounted to unacceptable professional conduct. He did not disclose his dishonesty to Witness A when initially interviewed. He assured Individual D, Deputy Head Teacher, that he had obtained the necessary qualifications. He told Individual E, PA to the Deputy Head Teacher, similar untruths on 8th September 2011. In his interview by Witness A on 17th October 2011, he again told untruths. In the interview on 9th November 2011, until the adjournment, he continued to prevaricate. He must have known that he had failed. It was not dishonesty by omission. He was making overt dishonest statements, and in consequence he received remuneration of in excess of £5,000 more. It bears on his suitability to be a teacher.

D. Decision and Reasons

Findings of Fact

Our findings of fact are as follows:

We have found the following particulars of the allegation against Mr Collett proven, for these reasons:

1. On 12th September 2011 he forwarded an email to the Personal Assistant of the School's Head Teacher which he had written and which:
 - a. Was purported to have been sent by SG of the University of Wolverhampton, when this was not true;
 - b. Stated that he had successfully completed the Qualified Teacher Status standards, when this was not true.

The documentary evidence established that Mr Collett forwarded the e-mail to the Personal Assistant of the Head Teacher. The e-mail was not from Witness C (SG) of the University of Wolverhampton. It was not true that he had successfully completed the Qualified Teacher Status standards. The panel noted that he did make admissions, but he did not clearly admit his actions.

2. Between around April and October 2011 he misled his employer into believing he had Qualified Teacher Status;

The documentary evidence by way of a number of e-mails established that Mr Collett continued to mislead his employers that he had obtained Qualified Teacher Status between April and October 2011.

3. In around September 2011 he accepted a post of qualified teacher knowing that he was not qualified;

This charge is proved on the written evidence of Witness A and Witness B. Dudley Metropolitan Borough Council confirmed his appointment as a newly qualified teacher on 16th September 2011.

4. Between around September and November 2011, he received a salary as a qualified teacher when he was not entitled to receive one.

This charge is proved on the evidence of Witness A the Head Teacher.

5. His actions at 1-4 were dishonest.

The panel find that his actions were dishonest. It is apparent from the foregoing that Mr Collett knew that he did not have the requisite qualifications and presented to the school that he did have them.

Findings as to Unacceptable Professional Conduct

Having found the particulars of the allegation proved, as set out above, the Panel further finds that Mr Collett's behaviour amounts to unacceptable professional conduct for the following reasons.

The Panel had regard to the definition of this phrase to which the Legal Adviser referred, namely "misconduct of a serious nature, falling significantly short of the standard of behaviour expected of a teacher".

The panel found that, in breach of the Code of Teachers Standards, he failed to uphold public trust in the profession, and did not maintain high standards of ethics and behaviour. Further contrary to the Code of Conduct and Practice for Registered Teachers of the GTC, he has not demonstrated high standards of personal and professional conduct. He did not demonstrate honesty and integrity, nor did he uphold public trust and confidence in the teaching profession.

Panel's Recommendation to the Secretary of State

The panel has had regard to the factors set out in the Teacher Misconduct the prohibition of teacher's guidance. The matters which concern the panel are the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct. It recognises the need to be proportionate.

The panel accept that this is a serious case. Mr Collett attempted to mislead the school and the staff where he was working into believing that he had passed the necessary components of the Graduate Teacher Programme so that he had gained Qualified Teacher Status. He attempted to pass the numeracy skills component a number of times, but failed to do so. Having originally told the school that he had passed all the components, he maintained the deception. His dissembling became increasingly difficult for him as the school pressed him for the relevant certificate. Even when he was interviewed by the Head Teacher, he was not able to confess his deception in a complete way. In consequence of his deception he was taken on as a newly qualified teacher and paid at a salary in excess of £5,000 more than his salary as an ICT instructor.

It is the above which obliges the panel to address the matter of public confidence in the profession and to be concerned to declare and maintain standards of conduct. The guidance states that dishonesty, especially where there have been serious consequences and / or where it has been repeated and / or covered up is likely to be "incompatible with being a teacher". The panel has carefully considered this phraseology. It does not consider that the consequences were, in the event, serious. The deception of Mr Collett was always going to be discovered and any overpayment of salary which he received would be recovered. It did indeed mean that he was employed for a short time as a newly qualified teacher, but, as will be mentioned below, his colleagues including, Witness A, the head teacher, and Witness B, Head of House and formerly the Senior Leader of Learning spoke highly of him.

Further the panel is minded to construe Mr Collett's dishonesty as a single instance of dishonesty, although it is true that it manifested itself on many occasions between April and November 2011 when he was asked for the relevant proof of his passing all components of the Graduate Teacher Programme. This was caused by his initial deceit in failing to disclose the fact that he was having difficulty with one of the components. He should have been forthcoming in telling his colleagues that he was having problems – especially as it is clear they would have assisted him. His failing to do so and his assertion that he had passed all the component parts trapped him into repeating his dishonesty throughout the summer months of 2011.

That is a sad and distressing fact as his colleagues speak so well of him. Witness A felt he was promising and otherwise honest. Witness B went so far as to say he is an exceptional young man with a future in teaching before him. Indeed Witness B volunteered a personal statement of endorsement of Mr Collett at the end of his evidence. Both mentioned that he was good in class – albeit with scope for improvement, that he was a motivator and gave of himself in respect of outside school activities such as Duke of Edinburgh and photography. The school wished to take him on full time. In the event he was suspended and ultimately resigned. Had he not resigned, the school would have dismissed him.

The panel noted that Mr Collett was 26 when he behaved as he did. He was a young man who made a big mistake with grave consequences. The panel has found that he is guilty of unacceptable professional conduct, something which he will have to explain whenever he seeks employment as a teacher.

However his short history as a teacher tells very much in his favour. He joined the school in October 2006 as an E Learning Assistant. By September 2009 he had become an ICT Instructor. The next step was to obtain Qualified Teacher Status. It was in taking that step that he let himself down. It may be that he prized the transition to full teacher status too highly at the time – his career was going so well.

The panel must address the issue of whether to recommend prohibition to the Secretary of State. In the light of the fact that he has brought the teaching profession into disrepute, this is a very difficult decision for the panel to make. In the event it has firmly and unanimously come down on the side of not making a recommendation of prohibition. It believes the Secretary of State should properly see this case as a single bad error in a promising career of a young teacher. Mr Collett did not attend the hearing, but he did tell Witness A that he cannot apologise more in interview on 17th October 2011 and on 9th November 2011 that “it was killing him” to think he had not been trustworthy.

The panel does not believe that it would be in the public interest to recommend prohibition of Mr Collett. The public would be better served by Mr Collett as a properly qualified teacher than by his being prohibited.

Secretary of State's Decision and Reasons

I have given very careful consideration to this case and to the recommendation of the panel.

Mr Collett failed to uphold public trust in the profession, and did not maintain high standards of ethics and behaviour. Further, he has not demonstrated high standards of personal and professional conduct. He did not demonstrate honesty and integrity, nor did he uphold public trust and confidence in the teaching profession.

This is a serious finding made by the panel.

The panel has recommended that Mr Collett should not be subject to a prohibition order. In making this recommendation the panel has taken into account the public interest, the need to uphold the standards of the profession and the need to be proportionate.

I have also taken those factors into account in making my decision. A public finding of unacceptable professional conduct is itself a serious matter. Sanctions should not of themselves be punitive, though their effect may be punitive.

On balance, I have decided to take the recommendation of the panel and see this misconduct as single serious error, but not one which merits the sanction of a prohibition order.

NAME OF DECISION MAKER: Alan Meyrick

Date: 9 January 2013