

THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Mr Kulvinder Singh Billan

Teacher ref no: 03/63202

Teacher date of birth: 22 February 1980

TA Case ref no: 8340

Date of Determination: 29 June 2012

Former Employer: Weston Favell School

A. Introduction

A Professional Conduct Panel (“the Panel”) of the Teaching Agency convened on 29 June 2012 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Kulvinder Singh Billan.

The Panel members were Mr David Gordon (Lay Panellist – in the Chair), Ms Gill Goodswen (Professional Panellist) and Mr Keith Nancekievill (Professional Panellist).

The Legal Adviser to the Panel was Ms Judith Chrystie of Field Fisher Waterhouse Solicitors LLP.

The Panel convened within a meeting, which took place in private. The Panel's decision was announced in public and was recorded.

B. Allegations

The Panel considered the allegation set out in the Notice of Meeting dated 14 May 2012.

It was alleged that Mr Billan was guilty of unacceptable professional conduct, in that:

1. He was guilty of unacceptable professional conduct whilst employed as a teacher at Weston Favell School, Northampton, between September 2009 and 23 June 2011, in that he:
 - a. acted dishonestly by submitting medical certificates which he had forged to the school, stating that he was unfit to work on more than one occasion between November 2010 and April 2011;

- b. dishonestly obtained sick pay, which he would not otherwise have been entitled to receive, by submitting forged medical certificates;
- ~~c. acted dishonestly by altering a medical certificate in October 2009 to extend the period of illness covered by the certificate;~~
- ~~d. dishonestly obtained sick pay, which he would not otherwise have been entitled to receive, by submitting an altered medical certificate;~~

(Sub-particulars (c) and (d) were deleted by the Panel – see amendment of allegation below)

- e. acted dishonestly in providing false information to the school, including that;
 - i) in December 2010, he told the Headteacher, Individual A, that he was due to have surgery to remove a benign growth on his intestine, which was untrue;
 - ii) in January 2011 he sent emails under the pretence that they were from his father and falsely stated that he had undergone an operation at Leicester Royal Infirmary;
 - iii) in March 2011 he sent a forged Hospital Discharge letter to the Bursar of the School.

2. The following criminal offences are recorded against his name:

- | | |
|------------|---|
| a)OFFENCE | Dishonestly making false representation to make gain for self/another or cause loss to other/expose other to risk between 19/11/10 and 09/04/11 |
| COURT/DATE | Northampton Crown Court on 02/09/11 |
| DISPOSAL | 51 weeks imprisonment suspended for 24 months with an unpaid work requirement of 200 hours to be completed by 28/09/11; |
| b)OFFENCE | Making false instrument between 01/01/11 and 19/03/11 |
| COURT/DATE | Northampton Crown Court on 02/09/11 |
| DISPOSAL | 51 weeks imprisonment suspended for 24 months with an unpaid work requirement of 200 hours to be completed by 28/09/11. |

Mr Billan admitted the particulars of allegation other than the particulars at 1(c) and 1(d). He accepted that the facts amounted to unacceptable professional conduct.

C. Summary of Evidence

Documents

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

- Section 1: Notice of Referral and Response (pages 1-6)
- Section 2: Statement of Agreed Facts/Representations (pages 7-15)
- Section 3: Teaching Agency Documents (pages 16-98)
- Section 4: Teacher's Documents (pages 99-115)

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

The Panel convened as a meeting. Consequently, no witnesses were called to give oral evidence. The Panel considered the material contained in the bundle of documents.

D. 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.

Mr Kulvinder Billan (dob 22 February 1980) was a teacher at Weston Favell School ('the School'). He was appointed in September 2009 as Head of Business Studies.

Mr Billan was frequently absent from School. In the academic year 2009/2010 he was absent from the School for 123.5 days out of 195 and in 2010/11 (to 10 June 2011) he was absent from 130 days out of 165.

Although some of those absences were for genuine sickness reasons, Mr Billan accepts that he submitted a number of forged sick notes and a hospital discharge letter and sent false information to the School including emails pretending to be his father advising of a fabricated operation. Mr Billan received sick pay which he would not otherwise be entitled to receive.

As a consequence of his actions, Mr Billan was pleaded guilty and was convicted in Northampton Crown Court on 02 September 2011 of dishonestly making false representation and making false instrument. He received a 51 weeks prison sentence suspended for 24 months with an unpaid work requirement of 200 hours to be completed by 28 September 2011.

Findings of fact

Our findings of fact are as follows:

We have found the following particulars of the allegations against you proven, for these reasons:

1. whilst employed as a teacher at Weston Favell School, Northampton, between September 2009 and 23 June 2011, in that you:
 - a. acted dishonestly by submitting medical certificates which you had forged to the school, stating that you were unfit to work on more than one occasion between November 2010 and April 2011;
 - b. dishonestly obtained sick pay, which you would not otherwise have been entitled to receive, by submitting forged medical certificates;
 - e. acted dishonestly in providing false information to the school, including that in December 2010, you told the Headteacher, Individual A, that you were due to have surgery to remove a benign growth on your intestine, which was untrue;
 - i) in January 2011 you sent emails under the pretence that they were from your father and falsely stated that you had undergone an operation at Leicester Royal Infirmary;
 - ii) in March 2011 you sent a forged Hospital Discharge letter to the Bursar of the School.

2. The following criminal offences are recorded against your name:

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| a) | OFFENCE | Dishonestly making false representation to make gain for self/another or cause loss to other/expose other to risk between 19/11/10 and 09/04/11 |
| | COURT/DATE | Northampton Crown Court on 02/09/11 |
| | DISPOSAL | 51 weeks imprisonment suspended for 24 months with an unpaid work requirement of 200 hours to be completed by 28/09/11; |
| | | |
| b) | OFFENCE | Making false instrument between 01/01/11 and 19/03/11 |
| | COURT/DATE | Northampton Crown Court on 02/09/11 |
| | DISPOSAL | 51 weeks imprisonment suspended for 24 months with an unpaid work requirement of 200 hours to be completed by 28/09/11. |

The Panel is content that all the particulars and sub-particulars are proved. Mr Billan has admitted the matters and that these amount to matters of dishonesty. The Panel has had sight of the forged medical certificates, false emails and the court record of the convictions.

Findings as to Unacceptable Professional Conduct

Whilst particular 2 relates to convictions for criminal offences, the Panel notes that there is no allegation that Mr Billan has been convicted of one or more Relevant Offences. It has, therefore, treated the allegation against Mr Billan at particular 2 as one of unacceptable professional conduct.

The Panel finds that the Teacher's conduct amounts to misconduct of a serious nature, which falls significantly short of the standards of behaviour expected of a teacher. It considers that Mr Billan is unequivocally guilty of unacceptable professional conduct.

In submitting the forged certificates, providing false information to the School and receiving sick pay to which he was not entitled, Mr Billan engaged in a deliberate campaign to deceive and mislead the School and the authorities. Mr Billan conducted himself in a manner that was completely unprofessional and improper and was a significant breach of the standards of conduct expected of him as a teacher.

Particularly given that the teaching profession receives a generous sickness entitlement in employment terms, Mr Billan's long-standing, conscious attempt to extract public monies dishonestly is unacceptable. It is a substantial abuse of trust.

Further, the Panel considers that it is unacceptable professional conduct for Mr Billan to have been convicted of the offences of making false representation and false instrument. These are offences of a serious nature, which involve dishonesty and, as such, being convicted of them falls significantly short of the standards of behaviour expected of a teacher.

Mr Billan suggests that the School's behaviour towards him was not supportive. He says that on his return following one long-term period of genuine absence, he was demoted and given classes outside of his subject-area. It seems to the Panel that the School's actions do not appear unreasonable to protect the best interests of its students nor are the actions inconsistent in its duty of care to Mr Billan as employer. The Panel does not consider that there is evidence to suggest that Mr Billan was placed under such pressure from the School that would justify his dishonest conduct and criminal convictions.

The Panel has reviewed the guidance offered in both the Department of Education's Teacher's Standards and the Code of Conduct and Practice for Registered Teachers published by the General Teaching Council for England. It considers that Mr Billan's behaviour breached the Standards and the Code in a number of regards.

In relation to the Standards, the Panel considers that Mr Billan's conduct failed to uphold public trust and confidence in the profession and maintain high standards of ethics and moral behaviour. In particular he did not have proper and professional

regard for the ethos, policies and practices of the school and failed to maintain high standards in his own attendance and punctuality. Further he did not appear to understand or act within the statutory framework, which set out his professional duties and responsibilities – he breached the criminal law and also the regulatory framework relating to reporting sickness and absences.

Further, the Panel judges found that Mr Billan has breached Paragraphs 6 and 8 of the Code in terms of upholding school policies and procedures (particularly in relation to sickness and planning for absences), demonstrating honesty and integrity and upholding public trust and confidence in the profession.

Panel's Recommendation to the Secretary of State

Prohibition

The Panel recommends to the Secretary of State that a prohibition order is imposed. Such an order is both reasonable and proportionate in relation to the facts found proved and judged to amount to unacceptable professional conduct. Prohibition is necessary to maintain public confidence in the profession.

The Panel recognises that Mr Billan is remorseful. However, he has no proper insight into conduct. Unjustifiably in the Panel's view, he holds the School "highly responsible" for his situation. Moreover, although Mr Billan accepts the fact of his conduct and his convictions, he suggests that his actions were not intentional or malicious. The Panel disagrees: it considers that Mr Billan's conduct was intentional and deliberate and that he knew that his actions were dishonest. He deceived the School repeatedly over a sustained period and attempted to cover up his deception.

Given this lack of insight and his attempt to blame the School, and in light of the fact that teaching is a stressful profession, the Panel is not satisfied that Mr Billan would not repeat his misconduct should he find himself in a pressurised situation on return to the classroom.

The Panel has considered and acknowledges Mr Billan's submission that he was not acting under sound mind or judgment and at a time of considerable personal, social and financial stress and pressure. It has also noted the report by Individual B that Mr Billan is suffering from a depressive episode. However, the Panel considers that the seriousness and extent of Mr Billan's dishonesty, deception and criminality is such a serious departure from the standards expected of a teacher that, together with his lack of proper insight or understanding of his wrongdoing, a prohibition order remains entirely justified and appropriate.

Further, for these reasons the Panel recommends that Mr Billan is prohibited from teaching indefinitely.

Secretary of State's Decision and Reasons

I have given this case very careful consideration. The facts of this case were found proven by the Panel and amount to serious dishonesty on the part of the teacher. The Panel considered that this dishonesty was deliberate and sustained. I have also

given consideration to the claims of the teacher that the school was in part responsible and conclude that this shows little insight by Mr Billan. I have also considered the evidence offered by Mr Billan's doctor, but this was a very serious case of dishonesty, and I support the recommendation of the Panel that a prohibition order be imposed. Teachers should be honest and not deceptive.

I have also considered the recommendation of the Panel regarding a review period. The Panel have noted the remorse shown, and I have taken that into account. However, I have also taken into account the lack of insight shown. For that reason, and also for the overall seriousness of the misconduct I am supporting the recommendation of the Panel that there be no review period.

This means that Mr Kulvinder Billan is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Kulvinder Billan shall not be entitled to apply for restoration of his eligibility to teach.

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

Mr Kulvinder Singh Billan has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date she is given notice of this Order.

NAME OF DECISION MAKER: Alan Meyrick

DATE: 29 June 2012