



National College for
Teaching & Leadership

Mr Vincent Usher: Professional conduct panel outcome

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

November 2017

Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	4
D. Summary of evidence	6
Documents	6
Witnesses	6
E. Decision and reasons	6
Panel's recommendation to the Secretary of State	12
Decision and reasons on behalf of the Secretary of State	14

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

Teacher: Mr Vincent Usher

Teacher ref number: 1718885

Teacher date of birth: 11 December 1979

NCTL case reference: 15766

Date of determination: 10 November 2017

Former employer: Kenton School, Newcastle-upon-Tyne

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 9 and 10 November 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Vincent Usher.

The panel members were Mr Mark Tweedle (teacher panellist – in the chair), Ms Angela Brown (lay panellist), and Mr Chris Rushton (lay panellist).

The legal adviser to the panel was Mr Tom Walker of Blake Morgan LLP, solicitors.

The presenting officer for the National College was Ms Samantha Paxman of Browne Jacobson LLP solicitors.

Mr Vincent Usher was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 12 September 2017.

It was alleged that Mr Vincent Usher was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

Whilst employed as a Teacher of Hair and Beauty at Kenton School in May 2016, he:

1. Engaged in the maladministration of Unit UV21583 of the Vocational Training Charitable Trust, Hair and Beauty Course in that he:
 - a. provided additional help to students over and above what is permissible by Vocational Training Charitable Trust;
 - b. Completed and/or amended work on behalf of the students.
2. Acted with a lack of professional integrity and/or dishonestly in relation to his conduct at one or more of allegations 1a-1b above.

Mr Usher admitted the facts alleged in allegations 1a, 1b and 2. Mr Usher admitted that his conduct in allegations 1a, 1b and 2 amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

C. Preliminary applications

Proceeding in Absence

The presenting officer applied to proceed with the hearing in the absence of Mr Usher. After hearing submissions from the presenting officer, and receiving legal advice, the panel announced the decision as follows:

The panel has had regard to Rules 4.27 to 4.30 which relate to proceeding in the absence of a teacher at a hearing. The panel is satisfied that the Notice of Proceedings has been served in accordance with Rule 4.11, namely 8 weeks before the hearing. The Notice of Proceedings was sent to Mr Usher on 12 September 2017 (pages 7 to 10 of the Bundle). Mr Usher also responded to the Notice of Proceedings in a signed response form dated 18 September 2017 (pages 11 to 14 of the Bundle) in which he indicated that he did not intend to attend the hearing listed for 9 and 10 November 2017.

Since then, Mr Usher has, by way of email dated 13 October 2017, confirmed that he did not wish to attend the hearing and furthermore would not be likely to attend an adjourned hearing (page 17a of the Bundle).

The panel is satisfied that Mr Usher has had the opportunity to provide the panel with written submissions and has availed himself of this opportunity. The panel is also satisfied that Mr Usher has voluntarily absented himself from attending the hearing, and it is in the interests of justice and appropriate to proceed in his absence.

The panel has had regard to the public interest in these proceedings taking place reasonably promptly and is satisfied that there is no useful purpose in not proceeding.

In accordance with Rules 4.11 and 4.27 to 4.29 the panel has decided to proceed in the absence of Mr Usher.

Statement of Agreed Facts

The panel was presented with a Statement of Agreed Facts which was signed by Mr Usher on 23 October 2017. In the Statement of Agreed Facts, Mr Usher admitted that his conduct, as described in allegations 1a to b, satisfied the legal definition of dishonesty as set out in *R v Ghosh* [1982] 3 WLR 110. He accepted that his conduct would be seen as dishonest according to the standards of ordinary reasonable and honest people. Mr Usher further stated that he realised that, by the standards of reasonable and honest people, what he was doing was dishonest.

Having received submissions from the presenting officer and receiving legal advice, the panel noted that the test for dishonesty was not that set out in *R v Ghosh*, but rather as set out by the Supreme Court in the case of *Ivey v Genting Casinos (UK) Ltd* [2017] EWCA Civ 1093, in respect of which judgment was given on 25 October 2017. The panel took the view that it was appropriate to consider the issue of dishonesty in light of the new test set out in *Ivey v Genting Casinos*. The panel heard submissions from the presenting officer in relation to the extent to which the Statement of Agreed Facts could be relied upon, given the fact that Mr Usher had also made written submissions to the NCTL which were not consistent with the admissions which he had made. The submissions made by Mr Usher tended to suggest that he only accepted elements of allegation 1a, did not accept allegation 1b and in either case did not fully accept that his actions were dishonest.

Having received legal advice, the panel decided that the Statement of Agreed Facts was equivocal and the panel could not be satisfied that the admissions made by Mr Usher were fully and voluntarily made, such as to render them determinative of the factual matters in issue.

In the light of the above, the panel confirmed that it would treat the allegations as denied. The panel heard further submissions from the presenting officer that allegations 1a and 1b could be considered in the alternative; in as far as allegation 1a reflected the case as purportedly admitted by Mr Usher whereas allegation 1b reflected the case of the NCTL at its highest, namely that Mr Usher was responsible for completing work on behalf of students as opposed to simply providing additional help. The panel received legal advice

and accepted that advice. The panel took the view that, subject to an assessment of the evidence and considerations of fairness, it was entitled to consider the charges either together, or separately and in the alternative, provided that the factual matters relevant to the two allegations were distinguished.

D. Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 2 to 5

Section 2: Notice of Proceedings and Response – pages 7 to 17a

Section 3: NCTL witness statements – pages 19 to 22

Section 4: NCTL documents – pages 24 to 454

Section 5: Teacher documents – pages 456 to 461

In addition, the panel agreed to accept the following:

Statement of Agreed Facts signed by Mr Usher and dated 23 October 2017.

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

Witnesses

The panel heard oral evidence from Witness A, Senior Vice Principal of Kenton School ("the School"), who was called to give evidence by the presenting officer.

E. Decision and reasons

The panel announced its decision and reasons as follows:

The panel has carefully considered the case before it and has reached a decision. The panel confirms that it has read all the documents provided in the bundle in advance of the hearing.

Mr Usher was engaged as a unqualified teacher of Hairdressing and Beauty and had been employed at the school since 2007. It is alleged that Mr Usher engaged in the maladministration of a course for which he had responsibilities, namely Unit UV21583 of the Vocational Training Charitable Trust ("VTCT"), Hair and Beauty Course. The matters in issue came to light after VTCT contacted the school following submission of the

students' Hair and Beauty Design Brief assignments to raise concerns about the documents provided by the school. An investigation was then conducted by the school into both the conduct of Mr Usher and the department within which he was employed.

It is said that on and before 9 May 2016, Mr Usher provided assistance to students in the completion of their assessments which went over and above what was regarded as acceptable by the examination body, VTCT, given the requirements for the assignments submitted to be the student's own work.

It is further said that Mr Usher actually completed the work on behalf of students himself, and without their input, and then submitted this to VTCT purporting it to be the individual student's own work.

Findings of fact

Our findings of fact are as follows.

Allegations proven

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

Whilst employed as a Teacher of Hair and Beauty at Kenton School in May 2016, you:

- 1. Engaged in the maladministration of Unit UV21583 of the Vocational Training Charitable Trust, Hair and Beauty Course in that you:**
 - b. Completed and/or amended work on behalf of the students.**

The panel heard oral evidence from Witness A and found him to be a frank and credible witness. Witness A conducted an investigation into the conduct of Mr Usher with the assistance of other staff, including the IT technician employed by the school.

The panel had the benefit of emails from the IT technician (pages 60 to 63 of the Bundle) who examined the school's network and identified that Mr Usher was the author and 'owner' of the files which had been submitted to the examining body. The panel also received a document confirming that it was Mr Usher who had uploaded documents on behalf of 44 students and submitted the work to VTCT on 9 May 2016 (pages 104 to 105 of the Bundle). The panel accepted this evidence.

Furthermore, the panel heard oral evidence from Witness A that, following a search of the Year 11 IT files, there were only 4 students with any files relating to the Hair and Beauty Design Brief assignments within their individual folders. Of these, 3 were in fact created on 11 May 2016 and therefore after the assignments were uploaded to VTCT by Mr Usher on 9 May 2016 (page 55 of the Bundle). The panel accepted this evidence.

The panel considered whether it was possible that students had brought in work which had then been copied onto Mr Usher's own files. Witness A stated that the majority of the students in question did not have ready access to their own IT equipment. Furthermore, Witness A stated that there was no evidence of any digital footprint of any such files being transferred on to the school's system. As noted above, there is only evidence of 1 student possibly creating their own work prior to 9 May 2016.

The panel was presented with 41 submitted pieces of work which were very similar in nature and construction. The submitted work related to design ideas flowing from one of a series of films: Big Business, Mannequin, Footloose or Pretty in Pink.

Whilst the images attached to the different pieces varied, the vast majority of the assignments were identical in structure and format, and the wording of these was again strikingly similar. For example, the sources referred to internet hyperlinks which were identical in format and content for each film.

The panel noted that Mr Usher's case was that he had helped students by circulating wording and templates for their use with the proviso that students must not copy the templates. Mr Usher implies that the students ignored his instructions and simply submitted the work he had copied to them all. The implication here is that the students had failed to follow his instructions. Mr Usher's position is consistent with his admission of allegation 1a, namely that he was responsible for maladministration by providing additional help to students.

As referred to above, whilst there was some evidence that 1 student may have produced some work in relation to the Unit themselves prior to the submission date of 9 May 2016, there was no specific evidence in relation to Mr Usher's input. Indeed, there was no clear evidence that any particular student had in fact been helped by Mr Usher *per se* in as far as either having templates supplied to them, or producing their own work which Mr Usher had provided 'additional help' with as per the wording of the allegation 1a.

Conversely, there was evidence before the panel that at least 5 students in respect of whom assessments had been submitted on their behalf, had in fact never had sight of the assessments submitted. The pupils stated that they had not watched the films to which the work related or completed the work themselves. Whilst the panel did not hear live evidence from any of these pupils, it did have the benefit of signed statements (pages 64 to 78 of the Bundle), and also had the benefit of hearing from Witness A who had interviewed the pupils.

The panel treated this evidence as hearsay, and treated it with caution. However, the panel had the benefit of the live evidence of Witness A, who had carried out the interviews and was satisfied that the statements reflected the student's evidence. Having carefully considered the weight to attach to these statements, the panel accepted the evidence of these 5 students as set out in their signed statements.

The panel went on to consider the other assignments which had been submitted. The panel noted that the vast majority of the other assignments were very similar to those of the 5 students who were interviewed and who stated that the work was not their own.

The panel did take the view that a very strong inference can be drawn that the other assignments had been produced by Mr Usher in the majority of cases. The panel notes however that there are some anomalies. For example, 44 assignments were recorded as being submitted by Mr Usher (pages 104 to 105 of the Bundle). However, the panel has only had sight of 41 assignments which had been provided to the NCTL by the VTCT.

Of these 41 assignments, 5 relate to students who were interviewed by Witness A and were referred to as above. Of the remaining 36, the panel were of the view that 33 were strikingly similar both to each other, and also to those of the students who were interviewed.

Having found on the balance of probabilities that the majority, namely some 38 of the 41 assignments scrutinised by the panel, were completed by Mr Usher without any input from the pupils themselves, the panel was satisfied that Mr Usher had completed work on behalf of students and was therefore guilty of engaging in the maladministration of Unit UV21583. The panel finds allegation 1b proved.

2. Acted with a lack of professional integrity and/or dishonestly in relation to your conduct at one or more of allegation 1a-1b above.

Having found the facts proved in relation to allegation 1b, the panel has gone on to consider whether Mr Usher's conduct was such that he could be said to have acted without professional integrity and/or was dishonest. The panel decided to consider the issue of dishonesty first in as far as if this was proven then a finding of a lack of professional integrity would inevitably follow.

In considering the question of dishonesty, the panel has accepted the legal advice provided that the appropriate legal test to be applied is that set out in the judgment of the Supreme Court in *Ivey v Genting Casinos (UK) Ltd* [2017] UKSC 67. In applying this test, the panel first considered the actual state of Mr Usher's knowledge or belief as to the relevant facts before considering whether the conduct was honest or dishonest applying the objective standards of ordinary decent people. The panel acknowledged that there is no additional requirement to consider whether Mr Usher appreciated that what he had done was dishonest by those standards.

As regards to allegation 1b, the requirements of VTCT are set out at page 179 of the Bundle. It is clearly a requirement that submitted work must be the student's own, and submitting work that a student has not completed and indeed, as the panel has found, is not even aware of, is obviously a breach of the requirements. Indeed, Mr Usher acknowledges in his letter to the NCTL that this would be a breach of the requirements (undated, pages 456 to 457 of the Bundle).

Given this, and in considering Mr Usher's actual state of mind and belief, the panel is of the view that Mr Usher was aware that his actions were a breach of the VTCT requirements. The panel is satisfied that this conduct was dishonest by the objective standards of ordinary decent people and that Mr Usher has acted dishonestly.

The panel is satisfied that in so acting, Mr Usher has acted with a lack of professional integrity.

The panel, therefore, finds allegation 2 proved in full in relation to the conduct in allegation 1b.

Allegations not proven

The panel has found the following particulars of the allegations against you not proven, for these reasons:

- 1. Engaged in the maladministration of Unit UV21583 of the Vocational Training Charitable Trust, Hair and Beauty Course in that you:**
 - a. provided additional help to students over and above what is permissible by Vocational Training Charitable Trust.**

Mr Usher made an admission to this allegation in the Statement of Agreed Facts, and had previously made submissions to the NCTL in which this admission was made. Mr Usher states that he provided students with templates, sample structures and then assisted with standardising the fonts of the work which he submitted. However, the panel took the view that Mr Usher's admission was not consistent with the evidence in the case that this was the limit of his activities.

The panel is mindful of the fact that completing work on behalf of student's could be interpreted as providing additional help to those students. However, the panel has drawn a distinction in this case between, on the one hand, assisting students inappropriately, which is the essence of allegation 1a; and, on the other, completing work on behalf of students without interaction, which is the essence of allegation 1b. The panel is of the view that completing work on behalf of students without interaction cannot properly be interpreted as providing them with additional help.

For example, there was no evidence that Mr Usher engaged in providing additional help over and above the requirements. Had there been evidence of such additional help, then the panel would have been in a position to consider whether any additional help exceeded the boundaries of the permissible given the requirements for work to be the students' own.

There was no evidence of any such engagement by Mr Usher, and the panel is unable to accept that any additional help was given to pupils. Conversely, the panel has found that

Mr Usher, on 38 occasions, actually completed work on behalf of students and submitted it to the examining body without their input.

For the reasons set out above, the panel is not satisfied that there is any clear evidence that Mr Usher provided additional help to students over and above what is permissible by VTCT.

The panel is therefore not satisfied on the balance of probabilities that this allegation is proven.

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

Having found allegations 1b and 2 to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

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

Mr Usher admits that his conduct amounts to unacceptable professional conduct and conduct that may bring the profession into disrepute. However, the panel has made its own determination.

The panel is satisfied that the conduct of Mr Usher in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Usher 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.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach....,

The panel is satisfied that the conduct of Mr Usher amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel has also considered whether Mr Usher's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel has found that the offence of serious dishonesty is relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual’s conduct would amount to unacceptable professional conduct.

The panel, therefore, finds that Mr Usher's actions constitute unacceptable professional conduct. In relation to conduct that may bring the profession into disrepute, the panel has taken into account how 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 has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

In this case, Mr Usher has completed work on behalf of students and passed this off as their own work when this was not the case. Such actions undermine confidence in the education system. Mr Usher's actions resulted in a large number of students not receiving qualifications and thus had a detrimental effect on learners and the reputation of the school. The panel, therefore, finds that Mr Usher's actions constitute 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 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.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel has to consider whether it is an appropriate and proportionate measure, and whether 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 punitive effect.

The panel has considered the particular public interest considerations set out in the Advice and having done so has found a number of them to be relevant in this case, namely the protection of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct. The panel does not consider that there are any issues in relation to safeguarding in this case. However, the panel notes that the consequence of Mr Usher's actions were that VTCT rejected the assignments in question such that a large number of pupils in year 11 did not receive the qualification they were expected to receive.

In light of the panel's findings against Mr Usher, which involved serious dishonesty in relation to the submission of student assignments to the examining body, the panel considers that public confidence in the profession could be weakened if such conduct were not treated with the utmost seriousness when regulating the conduct of the profession.

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

Notwithstanding these clear public interest considerations, 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 Usher. In doing so, the panel recognised that there may be a public interest in a teacher being able to continue in their chosen profession, and that a finding of unacceptable professional conduct and conduct that may bring the profession into disrepute may be a sufficient sanction itself.

In carrying out the balancing exercise the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Usher. 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 are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education or well-being of pupils...;
- dishonesty especially where there have been serious consequences ...

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case.

The panel has had careful regard to the mitigation put forward by Mr Usher. In light of Mr Usher's written submissions and the evidence of Witness A, the panel accepts that Mr Usher was experiencing pressure at work, and was also facing a threat of redundancy.

There is thus some evidence that Mr Usher was acting under pressure at the time of his actions. The panel is also of the view that Mr Usher was not subject to effective guidance and supervision within the department, as was accepted by Witness A in evidence.

However, the panel is not satisfied that this amounts to substantial mitigation. The panel is of the view that, notwithstanding the circumstances outlined above, Mr Usher's actions were deliberate.

The panel has not been provided with any references by Mr Usher as to either character or effectiveness as a teacher. However, the panel notes that Mr Usher did have a previously good history and has not been the subject of any previous disciplinary proceedings.

However, the panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest in maintaining public confidence in the profession and declaring and upholding proper standards of conduct outweigh the interests of Mr Usher and the public interest in him being a teacher. The serious

dishonesty was a significant factor in forming that opinion. Accordingly, the panel makes 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 to recommend that a review period of the order should be considered. The panel was mindful that “the Advice” advises 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 a review period being recommended. These behaviours include serious dishonesty. The panel has found that Mr Usher's conduct amounts to serious dishonesty as it was deliberate, broad in scope and had serious effects.

Mr Usher has demonstrated remorse in relation to the detrimental impact on pupils. Mr Usher has also co-operated with the NCTL. However, whilst Mr Usher has made qualified admissions in relation to his conduct, these admissions were not accepted by the panel.

In the view of the panel, Mr Usher has not demonstrated full insight into his actions. The panel felt the findings indicated a situation in which a review period would not be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provisions for a review period.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of sanction and no review period.

In considering this case, I have also given very careful attention to the advice that is published by the Secretary of State concerning the prohibition of teachers.

In this case, the panel has found two allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel has made a recommendation to the Secretary of State that Mr Usher should be the subject of a prohibition order, with no review period.

In particular the panel has found that Mr Usher 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.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...

The panel finds that the conduct of Mr Usher fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of dishonesty.

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 or not 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 Usher, and the impact that will have on him, is proportionate.

In this case I have considered the extent to which a prohibition order would protect children. The panel has observed “the consequence of Mr Usher's actions were that VTCT rejected the assignments in question such that a large number of pupils in year 11 did not receive the qualification they were expected to receive.” 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, “Mr Usher has demonstrated remorse in relation to the detrimental impact on pupils. Mr Usher has also co-operated with the NCTL. However, whilst Mr Usher has made qualified admissions in relation to his conduct, these admissions were not accepted by the panel.” The panel has also commented that although there was some mitigating factors it was not satisfied this amounted to, “substantial mitigation.” In my judgement the lack of insight means that there is some risk of the repetition of this behaviour and this risks future pupils’ being exposed to the same detrimental affect in relation to their examination results. 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 say, “public confidence in the profession could be weakened if such conduct were not treated with the utmost seriousness”. I am particularly mindful of the finding of dishonesty 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 failure to impose a prohibition order might be regarded by the public 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 Usher himself. A prohibition order would prevent Mr Usher from continuing in the teaching profession. A prohibition order 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 lack of insight or remorse. The panel has said, "Mr Usher has not demonstrated full insight into his actions."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Usher 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 that is not backed up by full remorse or 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 aims which a prohibition order is intended to achieve.

I have gone on to consider the matter of a review period. In this case the panel has recommended no review period.

I have considered the panel's comments "These behaviours include serious dishonesty. The panel has found that Mr Usher's conduct amounts to serious dishonesty as it was deliberate, broad in scope and had serious effects."

The panel has also said the findings, "indicated a situation in which a review period would not be appropriate."

I have considered whether no 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, I am of the same view as the panel and believe no review period is appropriate and proportionate. I therefore consider no review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Vincent Usher 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 Usher 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 usher 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.

A handwritten signature in black ink, appearing to read 'D. Dandy', written in a cursive style.

Decision maker: Dawn Dandy

Date: 15 November 2017

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