



Teaching
Regulation
Agency

Mr Andy Jummun: Professional conduct panel outcome

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

August 2018

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

Teacher: Mr Andy Jummun

Teacher ref number: 0052849

Teacher date of birth: 11 February 1979

TRA reference: 16658

Date of determination: 13 August 2018

Former employer: St Michael's Church of England Primary School,
Peterborough

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 13 August 2018 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Andy Jummun.

The panel members were Ms Mary Speakman (teacher panellist – in the chair), Ms Esther Maxwell (lay panellist) and Dr Geoffrey Penzer (lay panellist).

The legal adviser to the panel was Mr Nick Leale of Blake Morgan solicitors.

In advance of the meeting, the TRA agreed to a request from Mr Jummun that the allegations be considered without a hearing after taking into consideration the public interest and the interests of justice. Mr Jummun provided a signed statement of agreed facts and admitted convictions of relevant offences. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Jummun or his representative.

The meeting took place in private, save for the announcement of the panel's decision, which was announced in public and recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Meeting dated 27 July 2018.

It was alleged that Mr Andy Jummun was guilty of having been convicted of relevant offences, in that he:

1. On or around 14 November 2017 was convicted at the Cambridgeshire Magistrates' Court of one or more offences of battery, contrary to s.39 of the Criminal Justice Act 1988.

Mr Jummun admitted the facts in full by way of statement of agreed facts signed by him on 8 June 2018 and signed by the presenting officer on 12 June 2018.

Mr Jummun also admitted, by way of the statement of agreed facts, that the convictions were convictions that were relevant to his fitness to be a teacher.

C. Summary of evidence

Documents

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

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

Section 2: Notice of Referral, Response and Notice of Meeting – pages 3 to 8b

Section 3: Statement of Agreed Facts & Presenting Officer's Representations – pages 9 to 12

Section 4: Teaching Regulation Agency documents – pages 13 to 49

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

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Jummun on 8 June 2018 and signed by the presenting officer on 12 June 2018.

D. Decision and reasons

The panel announced its decision and reasons as follows:

We have carefully considered the case and reached a decision.

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

In advance of the meeting, the TRA agreed to a request from Mr Jummun that the allegation be considered without a hearing. We have the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. We did not determine that such a direction is necessary or appropriate in this case.

This case involves a year 5 supply teacher who, on 14 November 2017 at Cambridge Magistrates Court, was convicted of 4 counts of assault by beating (battery). Three of the convictions related to incidents of Mr Jummun throwing a pen lid at pupils from a short distance. The other incident involved him pulling the chair of a pupil away when the pupil was swinging on the front legs, causing the child to fall on to the floor.

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:

You have been convicted, at any time, of the following relevant offences:

- 1. On or around 14 November 2017 you were convicted at the Cambridgeshire Magistrates' Court of one or more offences of battery, contrary to s.39 of the Criminal Justice Act 1988.**

We have seen evidence of your convictions in the form of memorandum of the four convictions in the register of the Cambridgeshire Magistrates Court. A copy of the memorandum of entry appears at pages 14 to 15 of the bundle.

We have also considered the statement of agreed facts which was signed by you on 8th June 2018 and signed by the presenting officer on 12 June 2018. In this signed document you fully accept that you were so convicted on 14 November 2017 having previously pleaded not guilty to the offences.

You were convicted of three offences relating to the throwing of white board pen lids at two different pupils. The other conviction relates to an occasion on which you pulled the chair from beneath a pupil when he was swinging on the front legs, thus causing him to fall to the floor. All three pupils were in year 5.

You were sentenced to 150 hours of unpaid work in the community, victim compensation of £150 and a victim surcharge of £85. You were also ordered to pay prosecution costs of £930.

Findings as to conviction of relevant offences

We are satisfied that Mr Jummun's convictions were for offences that related to sets of facts that are relevant to his ongoing fitness to be a teacher.

His actions were contrary to the standards of personal and professional conduct expected of a teacher.

His conduct involved breaches of the Teachers' Standards. We consider that by reference to Part Two, Mr Jummun 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
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;

We further noted that Mr Jummun's actions were relevant to teaching, working with children and working in an education setting. The facts speak for themselves in this regard.

We further noted that the behaviour involved in committing the offences (which were offences of violence) could and did have had an impact on the safety of pupils.

We have also taken account of how the teaching profession is viewed by others. We considered that Mr Jummun's behaviour in committing the offences could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community.

This is a case involving offences of violence, which the Advice states are likely to be considered relevant offences.

We consider that a finding that these convictions are relevant offences is necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

Given our findings in respect of conviction of a relevant offences, it is necessary for us 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, we have 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.

We have considered the particular public interest considerations set out in the Advice and having done so have found a number of them to be relevant in this case, namely: the protection of pupils/the protection of other members of the public/the maintenance of public confidence in the profession/declaring and upholding proper standards of conduct.

In light of our findings against Mr Jummun, which involved convictions of relevant offences with facts involving violence, there is a strong public interest consideration in this case.

We consider that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Jummun were not treated with the utmost seriousness when regulating the conduct of the profession.

We consider that a strong public interest consideration in declaring proper standards of conduct in the profession is also present as the conduct found against Mr Jummun was outside that which could reasonably be tolerated.

Notwithstanding the clear public interest considerations that were present, we 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 Jummun.

In carrying out the balancing exercise we have considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Jummun. We 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 and/or well-being of pupils, and particularly where there is a continuing risk;

Even though there were behaviours that would point to a prohibition order being appropriate, we 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.

Mr Jummun has a previously good record but it was notable that he disputed the allegations at the Magistrates Court and was convicted after trial. Furthermore, he has

offered no mitigation or insight at all to us today following his conviction for offences of violence towards pupils.

We 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 us is sufficient.

We are of the view that applying the standard of the ordinary intelligent citizen recommending no prohibition order is not a proportionate and appropriate response. Recommending that publication of adverse findings is sufficient in the case would unacceptably compromise the public interest considerations present in this case, despite the severity of consequences for the teacher of prohibition.

We are of the view that prohibition is both proportionate and appropriate. We have decided that the public interest considerations outweigh the interests of Mr Jummun. His lack of demonstrated insight or remorse was a significant factor in forming that opinion. Accordingly, we make a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

We went on to consider whether or not it would be appropriate to recommend that a review period of the order should be considered. We were 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 a review period being recommended. These behaviours include that of violence. We have found that Mr Jummun has been responsible for repeated violent behaviour towards pupils in year 5. The incidents included throwing pen lids at pupils from a distance of 20 cm, at speed, hitting at least one pupil in the face and pulling a chair from underneath a pupil, causing him to fall to the floor. Both actions could have caused injury to the pupils involved. He denied the allegations at court and has offered no insight into or remorse for his behaviour.

We felt the findings and the above circumstances 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 provision for a review period. Ultimately the Advice states that where a case involves violence (in this case such violence was towards pupils) the panel should consider recommending that a prohibition order be imposed with no provision for it to be set-a-side after any period of time. We so recommend in this case.

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 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 the allegation proven and found that the conviction is a relevant one. The panel has made a recommendation to the Secretary of State that Mr Jummun should be the subject of a prohibition order, with no provision for a review period.

In particular the panel has found that Mr Jummun 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
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;

The panel also noted that the behaviour involved in committing the offences (which were offences of violence) could and did have had an impact on the safety of pupils.

The findings of misconduct are particularly serious as they include a finding of a relevant conviction for battery.

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 Jummun, 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 that the behaviour that led to the conviction for battery did have had an impact on the safety of pupils. 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, "He denied the allegations at court and has offered no insight into or remorse for his behaviour." In my judgement the lack of insight means that there is some risk of the repetition of this behaviour and this risks the future well-being of pupils. 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, "Mr Jummun's behaviour in committing the offences could affect public confidence in the teaching profession, given the influence that teachers may have on pupils, parents and others in the community."

I am particularly mindful of the finding of violence 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 Jummun himself. The panel has observed that, "Mr Jummun has a previously good record."

A prohibition order would prevent Mr Jummun 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 lack of insight or remorse. The panel has said, "His lack of demonstrated insight or remorse was a significant factor in forming that opinion."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Jummun 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 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 that a review period should not apply to this case.

I have considered the panel's comments "We have found that Mr Jummun has been responsible for repeated violent behaviour towards pupils in year 5. The incidents included throwing pen lids at pupils from a distance of 20 cm, at speed, hitting at least one pupil in the face and pulling a chair from underneath a pupil, causing him to fall to the floor. Both actions could have caused injury to the pupils involved."

I have considered whether a prohibition order which allows for no review period reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. In this case, there are three factors that in my view mean that allowing for no review is necessary to achieve the aim of maintaining public confidence in the profession. These elements are the finding of a relevant conviction for battery – which is an offence of violence, the repeated nature of the behaviour and the fact that it took place in the classroom, and the lack of either insight or remorse shown.

I consider therefore that allowing for no review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Andy Jummun 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 allegation found proved against him, I have decided that Mr Andy Jummun 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 Andy Jummun 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: 16 August 2018

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