



National College for
Teaching & Leadership

Ms Clare Hughes Professional conduct panel outcome

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

November 2016

Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	4
D. Summary of evidence	5
Documents	5
Witnesses	5
E. Decision and reasons	5
Panel's recommendation to the Secretary of State	8
Decision and reasons on behalf of the Secretary of State	10

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

Teacher: Ms Clare Hughes

Teacher ref number: 9663798

Teacher date of birth: 21 February 1975

NCTL case reference: 15354

Date of determination: 10 November 2016

Former employer: Magnus Church of England Academy, Newark.

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 10 November 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Ms Clare Hughes.

The panel members were Gail Goodman (teacher panellist - in the chair), Ian Hughes (lay panellist), and Tony Greenwood (lay panellist).

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

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 Referral dated 8 August 2016 and Notice of Meeting dated 27 October 2016.

It was alleged that Ms Hughes was guilty of a conviction at any time of a relevant offence, in that:

On or around 3 June 2016 she was convicted at Nottingham Crown Court of the following criminal offences:

1. Theft by employee between 1 June 2012 and 18 May 2015 contrary to s1 Theft Act 1968. As a result of her conviction she was sentenced to a period of imprisonment for 24 months concurrent, wholly suspended for 18 months, unpaid work totalling to 150 hours before 2 June 2017, rehabilitation activity requirement of 10 days and a victim surcharge of £100.
2. Theft by employee between 13 January 2015 and 18 May 2015 contrary to s1 Theft Act 1968. As a result of her conviction she was sentenced to a period of imprisonment for 24 months concurrent, wholly suspended for 18 months, unpaid work totalling to 150 hours and a rehabilitation activity requirement of 10 days.
3. Theft by employee between 1 June 2012 and 18 May 2015 contrary to s1 Theft Act 1968. As a result of her conviction she was sentenced to a period of imprisonment for 24 months concurrent wholly suspended for 18 months, unpaid work totalling to 150 hours and a rehabilitation activity requirement of 10 days.
4. Theft by employee between 1 June 2012 and 18 May 2015 contrary to s1 Theft Act 1968. As a result of her conviction she was sentenced to a period of imprisonment for 24 months concurrent, wholly suspended for 18 months, unpaid work totalling to 150 hours and a rehabilitation activity requirement of 10 days.
5. Theft by employee between 1 June 2012 and 18 May 2015 contrary to s1 Theft Act 1968. As a result of her conviction she was sentenced to a period of imprisonment for 24 months concurrent, wholly suspended for 24 months, unpaid work totalling to 150 hours and a rehabilitation activity requirement of 10 days.

C. Preliminary applications

There were no preliminary applications.

D. Summary of evidence

Documents

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

Section 1: Chronology – page 2

Section 2: Notice of Referral – pages 4 to 9d

Section 3: Statement of Agreed Facts – pages 10 to 17

Section 4: NCTL documents – pages 18 to 34

Section 5: Teacher documents – pages 35 to 42

There were no other documents.

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

Witnesses

There were no witnesses.

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.

Ms Hughes was a teacher at Magnus Church of England Academy (“the School”) between September 2005 and September 2015. From 2007, Ms Hughes worked as an assistant headteacher.

Between 1 June 2012 and 18 May 2015, Ms Hughes was involved in the theft of books from the School, and also from colleagues. The books stolen from the School alone were to the value of £27,620.98. Ms Hughes accepts that the thefts occurred over a three year period and that she gained approximately £5,000.00 from the thefts. Ms Hughes was aware that her employer was concerned about the missing books and was investigating the same. However, Ms Hughes did not immediately admit her involvement in any wrongdoing.

On 13 May 2016, Ms Hughes pleaded guilty to 5 counts of theft and was sentenced on 3 June 2016 at Nottingham Crown Court to a total of 24 months' imprisonment suspended for 18/24 months respectively, with a rehabilitation activity requirement of 10 days and an unpaid work requirement of 150 hours.

Findings of fact

Our findings of fact are as follows.

It was alleged that you are guilty of a relevant offence in that on or around 3 June 2016 you were convicted at Nottingham Crown Court of the following criminal offences:

- 1. Theft by employee between 1 June 2012 and 18 May 2015 contrary to s1 Theft Act 1968. As a result of your conviction you were sentenced to a period of imprisonment for 24 months concurrent, wholly suspended for 18 months, unpaid work totalling to 150 hours before 2 June 2017, rehabilitation activity requirement of 10 days and a victim surcharge of £100.**
- 2. Theft by employee between 13 January 2015 and 18 May 2015 contrary to s1 Theft Act 1968. As a result of your conviction you were sentenced to a period of imprisonment for 24 months concurrent, wholly suspended for 18 months, unpaid work totalling to 150 hours and a rehabilitation activity requirement of 10 days.**
- 3. Theft by employee between 1 June 2012 and 18 May 2015 contrary to s1 Theft Act 1968. As a result of your conviction you were sentenced to a period of imprisonment for 24 months concurrent wholly suspended for 18 months, unpaid work totalling to 150 hours and a rehabilitation activity requirement of 10 days.**
- 4. Theft by employee between 1 June 2012 and 18 May 2015 contrary to s1 Theft Act 1968. As a result of your conviction you were sentenced to a period of imprisonment for 24 months concurrent, wholly suspended for 18 months, unpaid work totalling to 150 hours and a rehabilitation activity requirement of 10 days.**
- 5. Theft by employee between 1 June 2012 and 18 May 2015 contrary to s1 Theft Act 1968. As a result of your conviction you were sentenced to a period of imprisonment for 24 months concurrent, wholly suspended for 24 months, unpaid work totalling to 150 hours and a rehabilitation activity requirement of 10 days.**

The panel finds the facts proved on the basis of the certificate of conviction from Nottingham Crown Court dated 27 September 2016. The panel accepts the legal advice that the panel may treat this certificate as conclusive proof of the commission of the offences concerned. The panel also notes that Ms Hughes has produced a Statement of

Agreed Facts which was signed on 9 September 2016 and in which she admits the offences.

Findings as to conviction of a relevant offence

Having found the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to conviction of a relevant offence.

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

The panel is satisfied that the conduct of Ms Hughes in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Ms Hughes 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;
 - showing tolerance of and respect for the rights of others;
 - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach;
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel is satisfied that the conduct of Ms Hughes fell significantly short of the standards expected of the profession.

The panel noted that the individual’s actions were relevant to teaching, working with children and/or working in an education setting. The actions of Ms Hughes had an impact on all learners by impeding their access to learning materials. Ms Hughes was responsible for the theft of books, which were required by pupils for learning purposes. The School had to order replacement books for the pupils, at additional cost, to make good this shortage. The actions of Ms Hughes thus had an impact upon the finances of the School, and also caused distress to colleagues.

The panel has also taken account of how the teaching profession is viewed by others. The panel considered that Ms Hughes’ behaviour in committing the offence could affect the public confidence in the teaching profession given the influence that teachers may have on pupils, parents and others in the community.

The panel has noted that Ms Hughes' behaviour has ultimately led to her receiving a sentence of imprisonment, albeit that it is suspended, which is indicative of the seriousness of the offences committed.

The panel has also considered whether Ms Hughes' conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice.

The panel has found that the convictions relate to serious theft and, by virtue of this, involved dishonesty.

The panel has taken into account the mitigating circumstances of this case which includes the impact upon Ms Hughes of the loss of a family member and the matters set out in medical reports.

The panel notes that Ms Hughes also has a previously good history.

The panel has found the seriousness of the offending behaviour that led to the conviction is relevant to the teacher's ongoing suitability to teach. The panel considers 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.

The panel accepted the legal advice in relation to the offences of theft, and that an element of dishonesty is implicit in these offences.

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.

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.

There is a strong public interest consideration in respect of the protection of pupils given the serious findings of theft impacting learners and colleagues in an education setting over a long period.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Hughes was 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 Ms Hughes was outside that which could reasonably be tolerated.

Notwithstanding the clear public interest considerations that were present, 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 Ms Hughes.

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 Ms Hughes. 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 of pupils,
- actions or behaviours that undermine fundamental British values of democracy, the rule of law;
- a deep-seated attitude that leads to harmful behaviour;
- abuse of position or trust, or violation of the rights of pupils;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up.

The panel notes that the conduct giving rise to the convictions took place over a three year period, involved elements of planning and pre-meditation and demonstrated a disregard for the distress caused by her actions.

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 accepts that Ms Hughes has a previously good record. Ms Hughes has co-operated with the NCTL investigation and has signed a Statement of Agreed Facts. The panel has noted the medical reports.

However, the panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of

Ms Hughes. Her conviction for such serious offences involving 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 for them to decide to recommend that a review period of the order should be considered. The panel were 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 theft from a person or other serious cases of theft. The panel has found that Ms Hughes has been responsible for serious acts of theft by virtue of the conviction.

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 recommendations made by the panel both in respect of sanction and review.

Ms Hughes has been found guilty of a relevant offence - Theft by employee between 1 June 2012 and 18 May 2015 contrary to s1 Theft Act 1968. The facts have been proved on the basis of the certificate of conviction from Nottingham Crown Court dated 27 September 2016, and on the Statement of Agreed Facts which was signed on 9 September 2016 by Ms Hughes, in which she admits the offences.

I have noted that the panel has made reference to part two of the Advice published by the Secretary of State, and they found Ms Hughes 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;
 - showing tolerance of and respect for the rights of others;
 - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect;

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach;
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel is satisfied that the conduct of Ms Hughes fell significantly short of the standards expected of the profession.

I have taken into account the guidance published by the Secretary of State. I have taken into account the need to balance the public interest with the individual interests of Ms Hughes. I have also taken into account the need to be proportionate.

In this case the behaviours that have been found proven and that are relevant are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education of pupils;
- actions or behaviours that undermine fundamental British values of democracy, the rule of law;
- a deep-seated attitude that leads to harmful behaviour;
- abuse of position or trust, or violation of the rights of pupils;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up.

I see that the panel notes that the conduct giving rise to the convictions took place over a three year period, involved elements of planning and pre-meditation and demonstrated a disregard for the distress caused by her actions.

I note 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. I note that the panel accepts that Ms Hughes has a previously good record. Ms Hughes has co-operated with the NCTL investigation and has signed a Statement of Agreed Facts. I am also mindful that the panel has noted the medical reports.

However, the panel is of the view that prohibition is both proportionate and appropriate.

The panel has decided that the public interest considerations outweigh the interests of Ms Hughes. I note her conviction for such serious offences involving dishonesty was a significant factor in forming that opinion. For the reasons set out above, I support the recommendation of the panel that Ms Hughes be prohibited from teaching.

I now turn to the matter of a review period. I have taken into account the Advice. Once again I have weighed the public interest and the interests of Ms Hughes, and have taken into account the need to be proportionate.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include theft from a person or other serious cases of theft. The panel has found that Ms Hughes has been responsible for serious acts of theft by virtue of the conviction.

For these reasons I support the recommendation of the panel that this prohibition order should be without a review period.

This means that Ms Clare Hughes 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 her, I have decided that Ms Hughes shall not be entitled to apply for restoration of her eligibility to teach.

This order takes effect from the date on which it is served on the teacher.

Ms Hughes 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.

A handwritten signature in black ink, appearing to read 'J. Millions', with a small dot at the end of the signature.

Decision maker: Jayne Millions

Date: 14 November 2016

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