



National College for  
Teaching & Leadership

# **Mrs Gillian Sealey: Professional Conduct Panel outcome**

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

**July 2014**

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## **Professional Conduct Panel decision and recommendations, and decision on behalf of the Secretary of State**

<b>Teacher:</b>	Mrs Gillian Sealey
<b>Teacher ref no:</b>	94/46375
<b>Teacher date of birth:</b>	25 February 1973
<b>NCTL Case ref no:</b>	0011120
<b>Date of Determination:</b>	21 July 2014
<b>Former employer:</b>	Castlemorton CE Primary School, Worcestershire

### **A. Introduction**

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 21 July 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mrs Gillian Sealey.

The Panel members were Ms Nicole Jackson (Lay Panellist– in the Chair), Mr Nicholas Andrew (Lay Panellist) and Mr Steve Oliver (Teacher Panellist).

The Legal Adviser to the Panel was Mr Thomas Whitfield of Eversheds LLP Solicitors.

The Presenting Officer for the National College was Ms Rachel Cooper of Nabarro LLP Solicitors.

Mrs Gillian Sealey was not present and was not represented.

The meeting took place in private. The Panel’s decisions as to whether the allegations were proved and whether the proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute were announced in public (save for a section dealing in detail with Mrs Sealey’s health) and were recorded.

## B. Allegations

The Panel considered the amended allegations set out in the statement of agreed facts signed by Mrs Sealey on 31 May 2014.

It is alleged that Mrs Gillian Sealey is guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed at Castlemorton CE Primary School ("the School"), between January 2012 and 31 December 2013:

1. In around September 2012, she said that she had been diagnosed with a cancerous tumour on the liver, when no such diagnosis had been made, she:

a. told and/or permitted others to tell:

- i. her colleagues;
- ii. parents;
- iii. school governors,

b. told colleagues that she:

- i. were receiving radiotherapy to reduce the tumour, when she was not;
- ii. needed weekly injections to treat the tumour, when she did not,

c. gave as a reason for taking time off work that she was unwell because of the liver tumour and/or the treatment that she was receiving,

d. provided on-going updates to her colleagues about her ill health including:

- i. saying, on one or more occasions, that the tumour had reduced in size,
- ii. sending text messages stating:
  1. "So, results are in- 9.2% of original size. Result D:",
  2. "Been awake most of the night. Still-retching - this is horrid",
  3. "Been up since 4ish with quite a lot of liver pain. Am going to wait a bit and then ring my specialist. Really sorry, but keep passing out",

e. Told colleagues in around the end of summer term 2013, had been given the "all clear";

2. On around October 2013, she:

- a. attended School with a black eye which she claimed was as a result of her being hit by a mugger, which was untrue,
- b. told and/or caused others to tell that she had been injured in a mugging incident to:
  - i. pupils;
  - ii. parents,
  - iii. school governors;
  - iv. her colleagues,
- c. told Colleague A that she had been:
  - i. seen by a police doctor,
  - ii. told not to drive for 24 hours;

3. On 9 October 2013, she took time off work, stating that she was required to:

- a. make a Police statement in relation to the mugging incident,
- b. attend the Police station to try to identify the mugger;

4. In November 2013, she told Colleague B that:

- a. she had made up/fabricated the mugging incident,
- b. the black eye had been caused when she was accidentally hit by her father, which was untrue;

5. On an unknown date, she prepared a letter addressed "to whom it may concern" dated 11 November 2013 which purporting to be from her GP, Dr A, and provided this to the School;

6. The letter contained inaccurate information about Mrs Sealey's health including that "the carcinoma liver tumour that presented in June 2012 was successfully removed using Selective Internal Radiation Therapy (SIRT)"

7. By her actions set out at 1, 2, 3, 4(b), 5 and 6 above, she was dishonest

Mrs Sealey admits the facts of the allegations and accepts that they amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

## C. Preliminary applications

The Panel noted that the allegations in the statement of agreed facts signed by Mrs Sealey on 31 May 2014 differed from those in the notice of proceedings dated 8 April 2014. The Panel agreed to the amendment of the allegations, to those set out in the statement of agreed facts.

## D. Summary of evidence

### Documents

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

Chronology	1 to 3
Notice of referral and response	5 to 9d
Statement of agreed facts and presenting officer's representations	11 to 20
The National College's documents	22 to 115
Teacher's documents	116 to 139

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

### Witnesses

The Panel did not hear any oral evidence.

## E. 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.

## Summary of Evidence

Mrs Sealey began working at Castlemorton CE Primary School as a classroom teacher in January 2012. In September 2012 Mrs Sealey told colleagues that she had been diagnosed with liver cancer. In Summer 2013 she told colleagues that she had been given the “all clear”.

In October 2013 Mrs Sealey attended the School with a black eye which she claimed was the result of an alleged assault. She was subsequently absent from School for a morning, which she claimed was to identify the thief. The Police subsequently informed the School that no mugging or assault had been reported. On 11 November 2013, Mrs Sealey produced to the School a letter purporting to be from her GP, Dr A.

The School called an investigation meeting, which Mrs Sealey attended on 27 November 2013. At that meeting Mrs Sealey informed the School that her father had hit her and that was the reason for the black eye. Mrs Sealey also admitted that she had fabricated the letter from her GP. On 13 December 2013 Mrs Sealey admitted to the School that she had lied about having liver cancer and about her father hitting her. On 18 December 2013 Mrs Sealey resigned from her position at the School.

## **Findings of Fact**

Our findings of fact are as follows:

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

**1. In around September 2012, she said that she had been diagnosed with a cancerous tumour on the liver, when no such diagnosis had been made, she:**

**a. told and/or permitted others to tell:**

**i. her colleagues;**

**ii. parents;**

**iii. school governors,**

These particulars of the allegations are admitted and the Panel found them proved.

**b. told colleagues that she:**

**i. was receiving radiotherapy to reduce the tumour, when she was not;**

**ii. needed weekly injections to treat the tumour, when she did not,**

These particulars of the allegations are admitted and the Panel found them proved.

**c. gave as a reason for taking time off work that she was unwell because of the liver tumour and/or the treatment that she was receiving,**

These particulars of the allegations are admitted and the Panel found them proved.

**d. provided on-going updates to her colleagues about her ill health including:**

**i. saying, on one or more occasions, that the tumour had reduced in size,**

**ii. sending text messages stating:**

**1. "So, results are in- 9.2% of original size. Result D:",**

**2. "Been awake most of the night. Still-retching - this is horrid",**

**3. "Been up since 4ish with quite a lot of liver pain. Am going to wait a bit and then ring my Specialist. Really sorry, but keep passing out",**

These particulars of the allegations are admitted and the Panel found them proved.

**e. Told colleagues in around the end of summer term 2013, had been given the "all clear";**

These particulars of the allegations are admitted and the Panel found them proved.



**2. On around October 2013, she:**

**a. attended School with a black eye which she claimed was as a result of her being hit by a mugger, which was untrue,**

These particulars of the allegations are admitted and the Panel found them proved.

**b. told and/or caused others to tell that she had been injured in a mugging incident to:**

**i. pupils;**

**ii. parents;**

**iii. school governors;**

**iv. her colleagues,**

These particulars of the allegations are admitted and the Panel found them proved.

**c. told Colleague A that she had been:**

**i. seen by a police doctor,**

**ii. told not to drive for 24 hours;**

These particulars of the allegations are admitted and the Panel found them proved.

**3. On 9 October 2013, she took time off work, stating that she was required to:**

**a. make a Police statement in relation to the mugging incident;**

These particulars of the allegations are admitted and the Panel found them proved.

**b. attend the Police station to try to identify the mugger;**

These particulars of the allegations are admitted and the Panel found them proved.

**4. In November 2013, she told Colleague B that:**

**a. she had made up/fabricated the mugging incident,**

These particulars of the allegations are admitted and the Panel found them proved.

**b. the black eye had been caused when she was accidentally hit by her father, which was untrue;**

These particulars of the allegations are admitted and the Panel found them proved.

**5. On an unknown date, she prepared a letter addressed "to whom it may concern" dated 11 November 2013 which purported to be from her GP, Dr A, and provided this to the School;**

These particulars of the allegations are admitted and the Panel found them proved.

**6. The letter contained inaccurate information about Mrs Sealey's health including that "the carcinoma liver tumour that presented in June 2012 was successfully removed using Selective Internal Radiation Therapy (SIRT)";**

These particulars of the allegations are admitted and the Panel found them proved.

**7. By her actions set out at 1, 2, 3, 4(b), 5 and 6 above, she was dishonest.**

These particulars of the allegations are admitted and the Panel found them proved.

## **Findings as to Unacceptable Professional Conduct and/or Conduct that may bring the profession into disrepute and/or conviction of a relevant offence**

In considering the allegations that the Panel has found proved, the Panel has had regard to the definitions in The Teacher Misconduct – Prohibition of Teachers Advice, which we refer to as the 'Guidance'.

The Panel is satisfied that the conduct of Mrs Sealey in relation to the facts found proved, involved breaches of the Teachers' Standards. The Panel considers that by reference to Part Two, Mrs Sealey is in breach of the following standards:

- A teacher is expected to demonstrate consistently high standards of personal and professional conduct ...
  - Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality;

The Panel also found that Mrs Sealey had not acted with honesty or integrity and that her conduct demonstrated that she had failed to develop effective professional relationships with colleagues.

On the evidence before it, the Panel is satisfied that the conduct of Mrs Gillian Sealey fell significantly short of the standards expected of the profession.

The Panel has also considered whether Mrs Sealey's conduct displayed behaviours associated with any of the offences listed on page 8 and 9 of the Guidance, and we have found that Mrs Sealey's conduct did display behaviour associated with offences of serious dishonesty. The Guidance 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.

In light of all of the above, the Panel is satisfied that Mrs Gillian Sealey is guilty of unacceptable professional conduct.

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.

The Panel therefore finds that Mrs Gillian Sealey'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 unprofessional conduct and/or 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 Guidance. Having done so, it has found a number of them to be relevant in this case, namely the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

The Panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mrs Sealey was not treated with the utmost seriousness when regulating the conduct of the profession.

Similarly, 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 Mrs Sealey 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 Mrs Sealey. In forming a judgement in this respect, the Panel took account of the mitigation evidence that was presented to it by Mrs Sealey, including the letter from Dr B concerning Mrs Sealey's true medical condition. The Panel was also mindful of the fact that prior to these findings being made against her, Mrs Sealey appears to have been a person of good character with no criminal or disciplinary sanctions recorded against her.

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 Mrs Sealey. The Panel took further account of the Guidance, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours are:

- serious departure from the personal and professional conduct elements of the teachers' standards; and
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up.

In considering the seriousness of the behaviour, the Panel has also considered the influential role that a teacher can play in the formation of pupils' views and behaviours.

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 did not find that the teacher's actions were not deliberate.

There was no evidence to suggest that the teacher was acting under duress.

The Panel understands, from the evidence before it, that Mrs Sealey is of previously good character, with no previous disciplinary proceedings or warnings against her.

The Panel considered the report of the occupational health practitioner and the letter from Mrs Sealey's consultant, Dr B. It is clear to the Panel, from the letter of Dr B, that

Mrs Sealey was suffering from a medical condition at the time that these events took place, but that it was not the medical condition that she claimed to have suffered. The Panel noted that it had no evidence that Mrs Sealey had drawn this condition to the School's attention, or otherwise sought support, prior to the events under consideration. The Panel had regard to the symptoms of Mrs Sealey's medical condition and the possible effects of the treatment.

The Panel finds that Mrs Sealey's medical condition, while serious, does not constitute an adequate explanation for her behaviour.

The Panel has also taken into consideration the fact that Mrs Sealey has apologised for her actions and shown remorse.

The Panel is of the view that prohibition is both proportionate and appropriate. We have decided that the public interest considerations outweigh the interests of Mrs Sealey. Her continued and compounded 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 it to decide to recommend that a review period of the order should be considered. The Panel was mindful that the Guidance 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 two years.

The Guidance indicates that there are behaviours that, if proven, would militate against a review period being recommended. One of these behaviours is serious dishonesty. The Panel noted that this was not at the top end of the scale of dishonesty that could be envisaged, but that nonetheless Mrs Sealey's dishonesty was serious. The Panel noted that according to the Guidance it "should consider recommending ... no provision for the teacher to apply for it to be set aside" where there was serious dishonesty. The Panel therefore gave serious consideration to this. Notwithstanding this, in light of the fact that the dishonesty was not at the top end of the possible range of seriousness and the fact that Mrs Sealey showed remorse and insight into her actions, the Panel felt that the findings indicated a situation in which a review period would be appropriate. The Panel therefore decided that it would be proportionate in all the circumstances for the Prohibition Order to be recommended with provision for a review period.

The Panel felt that it would not be appropriate for Mrs Sealey to apply for a review of the Prohibition Order until she had had an opportunity to show a sustained period of appropriate professional behaviour supported by a good attendance record. In particular, the Panel felt that it would not be appropriate to permit Mrs Sealey to apply for a review, until four years had elapsed from the date of the decision. The Panel therefore

recommend that Mrs Sealey be permitted to apply for a review of the Prohibition Order after four years has elapsed.

## Decision and reasons on behalf of the Secretary of State

I have carefully considered the findings and recommendations of the panel in this case.

Mrs Sealey has admitted all the allegations and that the facts amount to both unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel have considered each allegation and found all the facts proven, judging that in aggregate they amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

Mrs Sealey's behaviour has fallen well short of the standard expected of a teacher. She has failed to maintain high standards in her attendance and punctuality, has not acted with honesty or integrity and has failed to develop professional relationships with colleagues. Teachers are expected to act as role models to pupils in the way they behave and Mrs Sealey has fallen short of expectations.

Mrs Sealey's continued and compounded dishonesty stretched over a period in excess of 12 months and the panel have recommended that a prohibition order would be an appropriate and proportionate sanction. I agree with this recommendation.

The panel went on to consider whether it would be appropriate to recommend a period of time after which it would be appropriate for Mrs Sealey to be allowed to apply to have the order set aside. Whilst the panel have judged this to be serious dishonesty, they do not judge it to be at the top of the scale. Mrs Sealey has shown both remorse and insight into her actions. In the circumstances I agree that a period of 4 years would be sufficient for her to show a sustained period of professional behaviour supported by a good attendance record.

This means that Mrs Gillian Sealey is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. She may apply for the Prohibition Order to be set aside, **but not until 29 July 2018, 4 years from the date of this order at the earliest**. If she does apply, a panel will meet to consider whether the Prohibition Order should be set aside. Without a successful application, Mrs Gillian Sealey remains barred from teaching indefinitely.

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

Mrs Gillian Sealey 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 'P Heathcote', with a large, sweeping flourish at the end.

**NAME OF DECISION MAKER: Paul Heathcote**

**Date: 22 July 2014**

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