



National College for
Teaching & Leadership

Phillip Vas: Professional Conduct Panel outcome

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

January 2014

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

Teacher:	Mr Phillip Vas
Teacher date of birth:	28 January 1959
Teacher reference number:	1386809
NCTL Case ref no:	10126
Date of Determination:	16 January 2014

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 16 January 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Phillip Vas.

The Panel members were: Mr David Longson (Chair - Teacher Panellist), Ms Alison Robb-Webb (Teacher Panellist) and Mr William Nelson (Lay Panellist).

The Legal Adviser to the Panel was Mr Robin Havard of Morgan Cole LLP solicitors.

The Presenting Officer for the National College was Mr Ben Bentley of Browne Jacobson LLP, Solicitors.

Mr Vas was neither present nor 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 8 November 2013.

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

1. He engaged in a sexual relationship with female Pupil A, aged under 18, whom he

was home tutoring between July 2009 and December 2010.

No admissions were made as to the facts or whether the alleged facts amounted to unacceptable professional conduct or conduct which may bring the profession into disrepute.

C. Preliminary applications

Application to proceed in the absence of the teacher

Mr Vas was neither present nor represented. The Presenting Officer applied for the hearing to proceed in the absence of Mr Vas. The Presenting Officer stated that the Notice of Proceedings dated 8 November 2013 had been sent to Mr Vas' address and therefore more than eight weeks notice had been given of today's hearing. Enquiries had been made to ensure that the address to which the Notice was sent was the correct address. A telephone conversation had been held with Mr Vas on 12th November 2013 when it was confirmed by him that he resided at that address. It was submitted, therefore, that the Panel could properly conclude that Mr Vas was aware of the hearing today but had decided not to attend and had therefore voluntarily waived his right to attend. Furthermore, no application for an adjournment had been made.

The Chair announced the decision of the Panel as follows:

The Panel has decided that the hearing should proceed in the absence of Mr Vas. The Panel is satisfied that the Notice of Proceedings have been properly served in accordance with Rule 4.10. The Panel had taken into consideration each of the criteria outlined in the legal advice regarding those factors that should be taken into account when reaching its decision whether it was appropriate to proceed in the absence of Mr Vas. The Panel had exercised great care and caution in reaching its decision.

The Panel is satisfied that all procedural requirements have been met and therefore is satisfied that Mr Vas is aware of today's hearing and has waived his right to attend, nor has any application to adjourn been received.

D. Summary of evidence

Documents

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

Section 1: Anonymised pupil list	Pages 2 – 3
Section 2: Notice of Proceedings and Response	Pages 4 – 7
Section 3: The National College for Teaching & Leadership Witness Statements	Page 8
Section 4: The National College for Teaching & Leadership Documents	Pages 9 - 82
Section 5: Teacher Documents	Page 83

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

Witnesses

No witnesses were called to give oral evidence. The Presenting Officer relied entirely on the documentary evidence to substantiate the allegation.

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.

As at October 2012, Mr Vas had been self-employed as a home tutor for approximately 5 years. Mr Vas had taught Pupil A since she was 14 years of age and it is alleged that this developed into a sexual relationship when Pupil A had attained the age of 16 years. This relationship lasted for up to approximately one year and came to light as a consequence of a disclosure being made by Pupil A.

Findings of Fact

Our findings of fact as follows:

We have found the following particular of the allegation against Mr Vas proven, for these reasons:

You engaged in a sexual relationship with female Pupil A, aged under 18, whom you were home tutoring between July 2009 and December 2010.

The Panel is satisfied that it is appropriate to rely on the content of the interview between the Police and Mr Vas, the transcript of which is contained in the papers. Mr Vas admits to forming a sexual relationship with Pupil A which he accepts began on 1st April 2010 and continued thereafter.

The Panel noted that Mr Vas accepted that his behaviour and the forming of the relationship with Pupil A represented a breach of trust. It is also relevant that Mr Vas understood that Pupil A was vulnerable not only because of her age and the relationship between pupil and teacher but also as a result of circumstances which led to the need for home-tutoring. The fact that he manipulated the position so that he would be alone with Pupil A when the tutoring was taking place, and that he would spend weekends away with Pupil A was considered by the Panel to be a further aggravating feature.

Finally, the Panel was concerned to read in the transcript of his evidence that he was endeavouring to shift responsibility to Pupil A regarding the way in which the relationship started and that it was Pupil A who made the initial advances. The Panel is satisfied that this was not the case.

Findings as to Unacceptable Professional Conduct/Conduct which may bring the profession into disrepute

We are satisfied that, in respect of the facts found proved in the allegation, Mr Vas is guilty of unacceptable professional conduct in that his conduct is of a serious nature and falls significantly short of the standard expected of a teacher. His behaviour also undoubtedly brings the profession into disrepute. This was a very serious and gross breach of trust on the part of a teacher towards a vulnerable pupil.

In making this determination, and by reference to the Teachers' Standards, we find that Mr Vas breached the principles enshrined in both Part One and Part Two of the Teachers' Standards.

In particular, Mr Vas failed to:

- a. establish a safe and stimulating environment for pupils, rooted in mutual respect;
- b. have clear rules and routines for behaviour and take responsibility for promoting good and courteous behaviour;
- c. treat pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position.

Panel's recommendation to the Secretary of State

We have decided to recommend a Prohibition Order.

In doing so, the Panel has taken account of the guidance contained within the document entitled "Teacher misconduct - the Prohibition of Teachers".

We have found that Mr Vas's behaviour in forming a sexual relationship with Pupil A which extended over a protracted period was a serious departure from a significant number of the Teachers' Standards as particularised above and was misconduct seriously affecting the wellbeing of pupils.

Whilst the Panel fully accepts that there is no obligation on the part of Mr Vas to attend the hearing, it does mean that there is no material before it which could amount to mitigation.

Consequently, as stated, this misconduct amounts to a very serious and gross breach of trust, was sexual misconduct which seriously affected the well-being of Pupil A, and there is no evidence available which provides any reassurance to the Panel that there is no risk of a repetition of such behaviour.

In the view of the Panel, a Prohibition Order is necessary in order to protect children, to maintain public confidence in the teaching profession and to declare and uphold proper standards of conduct. We are satisfied that this is a proportionate recommendation.

As a result of the extremely serious nature of Mr Vas's conduct which represents a gross breach of his position of trust, we have decided to recommend that the Prohibition Order should be imposed indefinitely. To conclude, the Panel recommends that a Prohibition Order should be made without provision for a review period.

Decision and reasons on behalf of the Secretary of State

I have given careful consideration to the panel's findings and recommendations.

They have found the allegation proven and determined that Mr Vas's behaviour in forming a sexual relationship with Pupil A was a serious departure from a significant number of the Teachers' Standards and was misconduct seriously affecting the wellbeing of pupils. They have judged that this misconduct amounts to a serious and gross breach of trust that seriously affected the well-being of Pupil A.

Mr Vas's failure to attend the hearing meant that no material was offered in mitigation nor any reassurance that there is no risk of repetition.

In all the circumstances I concur with the panel's recommendation that Mr Vas be prohibited from teaching with no opportunity to apply for the order to be set aside.

This means that Mr Phillip Vas 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 Phillip Vas 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 Phillip Vas 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.

NAME OF DECISION MAKER: Paul Heathcote

A handwritten signature in black ink, appearing to read 'P Heathcote', with a large, sweeping flourish at the end.

Date: 17 January 2014

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