

## THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

**Teacher:** Mr Jamiel Gibbs

**Teacher ref no:** 02/00949

**Teacher date of birth:** 15 May 1971

**TA Case ref no:** 9200

**Date of Determination:** 7 January 2013

**Former Employer:** Kesteven and Grantham Girls School, Lincolnshire

### **A. Introduction**

A Professional Conduct Panel ("the Panel") of The Teaching Agency convened on 7 January 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3HH to consider the case of Mr Jamiel Gibbs.

The Panel members were Mr Brian Hawkins (Teacher Panellist– in the Chair), Mr Mark Tweedle (Teacher Panellist) and Ms Jean Carter (Lay Panellist).

The Legal Adviser to the Panel was Stephen Murfitt of Blake Laphorn Solicitors.

The Presenting Officer for The Teaching Agency was Ms Mary Page of Kingsley Napley Solicitors.

Mr Jamiel Gibbs was present but was not represented.

The hearing took place in private and was recorded.

### **B. Allegations**

The Panel considered the allegation set out in the Notice of Proceedings dated 25 October 2012.

It was alleged that Mr Jamiel Gibbs was guilty of unacceptable professional conduct and conduct that may bring the profession into disrepute, in that:

On 13 March 2012 Mr Gibbs was cautioned by Leicester Constabulary for Sexual Activity with a child under 16 – offender over 18 – No penetration.

Mr Gibbs admitted the allegation set out in the Notice of Proceedings, dated the 25 October 2012 and further admitted that those facts amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

## C. Summary of Evidence

### Documents

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

Section 1	Chronology	Page 1
Section 2	Notice of Proceedings & Response	Pages 2 to 8
Section 3	Teaching Agency Witness Statements	Pages 9
Section 4	Teaching Agency Documents	Pages 10 to 29
Section 5	Teacher's Documents	Page 30

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

### Brief summary of evidence given

Please note that this is intended to be a summary – it does not reflect the complete evidence given.

The Presenting Officer informed the Panel that the allegation concerned a Police caution issued by Leicestershire Constabulary on the 13 March 2012. The particulars of the caution were for sexual activity with a child under 16 – offender over 18 – no penetration. The Presenting Officer then referred the Panel to a letter sent by Leicestershire Constabulary to the General Teaching Council on the 3 April 2012. That letter set out in some detail an incident that had taken place on the 28 December 2011 at Mr Gibbs place of residence.

The Presenting Officer then referred the Panel to the additional documentation that had been provided by Leicestershire Constabulary and which had been handed in that morning. These documents were the formal caution documents and contained further information as to the events of the 28 December 2011. Mr Gibbs admitted the offence and signed the relevant documentation, indicating his consent to the issue by the Police of the caution.

The Presenting Officer drew to the Panel's attention the definition within their Rules of unacceptable professional conduct and conduct which may bring the profession into disrepute. The Presenting Officer submitted the particulars of the conduct clearly established both the legal tests.

Mr Gibbs, in reply to the Presenting Officer accepted the seriousness of the offence and acknowledged public reputation considerations. Mr Gibbs drew to the Panel's attention that the particulars of the police caution did not relate to anything that he



had undertaken at School or within any School environment. His offence related entirely to a private setting.

The Presenting Officer and Mr Gibbs made submissions to the Panel as to whether the Panel should make a recommendation as to prohibition.

#### **D. 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.

This case concerns an allegation that Mr Gibbs was on the 13<sup>th</sup> March 2012 cautioned by Leicester Constabulary for sexual activity with a child under 16 years of age.

#### Findings of fact

Our findings of fact as follows:

The Notice of Proceedings dated the 25 October 2012 alleges that Mr Gibbs is guilty of Unacceptable Professional Conduct and/or conduct that may bring the profession into disrepute. The particulars of the allegation are that on the 13 March 2012 he was cautioned by Leicester Constabulary for Sexual Activity with a child under 16 – offender over 18- no penetration.

Mr Gibbs in his Notice of Proceedings Form admitted the facts of the allegation and that those admitted facts amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. In answer to the Chair this morning Mr Gibbs confirmed his answers to both questions in the same terms.

The Presenting officer called no live evidence and relied upon the documents in our hearing bundle. In particular the Presenting Officer referred us to a letter from Leicestershire Constabulary to the General Teaching Council (GTC) dated the 3<sup>rd</sup> April 2012 and the caution documentation handed in this morning.

The letter and the caution documentation sets out the detail of what happened on the 28<sup>th</sup> December 2011. Mr Gibbs accepted the truth of the facts as set out in our documents. We have not found it necessary to set out the detail of the events of the 28<sup>th</sup> December 2011 given our earlier decision to hear this case in private.

The Panel is satisfied having regard to the letter from Leicestershire Constabulary dated the 3<sup>rd</sup> April 2012; the caution documentation handed in this morning, and Mr Gibbs admitting the facts, that the facts of the allegation are proved.

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

We are satisfied that the conduct of Mr Gibbs in relation to the facts that we have found proved involved a breach of the Teachers' Standards. We are satisfied that Mr Gibbs has by his actions outside school failed to uphold public trust in the profession and maintain high standards of ethics and behaviour. We consider that the misconduct of Mr Gibbs was serious and such behaviour is directly related to his suitability to be a teacher.

We are satisfied that the conduct of Mr Gibbs fell short of the standard expected of the profession.

Accordingly, we are satisfied that Mr Gibbs is guilty of Unacceptable Professional Conduct and Conduct that may bring the profession into disrepute.

Panel's Recommendation to the Secretary of State.

We have carefully considered all matters of mitigation advanced by Mr Gibbs in the submission he made to us. Mr Gibbs has been open with the Panel as to the events which led to the caution and has shown some insight as to the serious nature of his actions.

In considering the question of whether to recommend to the Secretary of State that a Prohibition Order should be made we have to consider whether it is a proportionate measure, and if 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 a punitive effect.

We have considered in relation to the public interest:

- The protection of children and other members of the public,
- The maintenance of public confidence in the profession,
- Declaring and upholding proper standards of conduct.

We have considered the advice as to the Prohibition of Teachers. We are mindful as to the age of the person concerned and that Mr Gibbs conduct was a serious departure from the personal and professional conduct elements of the Teaching Standards.

This is a case where Mr Gibbs made a serious error of judgement and one of considerable relevance to the protection of children. Mr Gibbs' actions have a significant impact on matters of public confidence and declaring and upholding proper standards of conduct.

The Panel is mindful of its obligations for the future protection of children and the need to balance the interests of Mr Gibbs with those of the public interest. Taking all these matters into consideration we have decided that the balancing of interests



requires us to make a recommendation to the Secretary of State that a Prohibition Order should be imposed.

We have decided to make no recommendation to the Secretary of State as to a review.

### **Secretary of State's Decision and Reasons**

I have carefully considered the details relating to this case and the recommendation of the panel with regard to sanction.

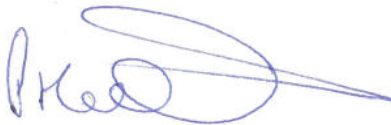
The facts of the allegation have been admitted by Mr Gibbs and he has admitted that those facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

On 13 March 2012 Mr Gibbs was cautioned by Leicester Constabulary for Sexual Activity with a child under 16 – offender over 18- no penetration. Whilst Mr Gibbs has been open with the panel with regard to the detail of the events, and has shown a level of insight, he has made a considerable error of judgement and one that is directly relevant to the protection of children. In the circumstances I support the panel's recommendation that a prohibition order be imposed.

I have given very careful consideration as to whether Mr Gibbs should be allowed to have the sanction reviewed after a period of time. In view of the seriousness of the offence for which he received a Caution, and its relevance to the protection of children, I have decided that Mr Jamiel Gibbs should not be allowed to apply for restoration of his eligibility to teach and therefore no review period is approved.

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

Mr Gibbs 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**  
**Date 7 January 2013**