

## THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

**Teacher:** MRS ANN-MARIE REGAN (nee Brookes)

**Teacher ref no:** 88/47307

**Teacher date of birth:** 21/09/1966

**TA Case ref no:** 8033

**Date of Determination:** 8 MAY 2012

### **A. Introduction**

A Professional Conduct Panel (“the Panel”) of the Teaching Agency convened on 8 May 2012 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH at a meeting to consider the case of Mrs Ann-Marie Regan.

The Panel members were Ms Mick Levens (Professional Panellist– in the Chair), Mr Tony Bald (Professional Panellist) and Dr Geoffrey Penzer (Lay Panellist).

The Legal Adviser to the Panel was Mr Andrew Lockley of Irwin Mitchell LLP.

The Presenting Officer for the Teaching Agency was Ms Gemma Gillet of Kinglsey Napley LLP.

Neither party was present.

The hearing took place in private and was recorded.

### **B. Allegations**

The Panel considered the allegation set out in the Notice of Referral dated 14 September 2011, namely that Mrs Regan had been convicted of a relevant offence:-

Made false representation to make gain for self or another or cause loss to others or expose others to risk between 1 September 2009 and 30 June 2010.

Court/date – Wolverhampton Crown Court on 8 March 2011

Disposal – imprisonment for 10 months wholly suspended for 24 months consecutive. Unpaid work requirement of 240 hours. Compensation – £2,2238.17 to Sandwell MBC. Costs £1,200.

## **D. Summary of Evidence**

### Documents

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

1. On green paper numbered 1 to 7 – Notice of Referral and Notice of Meeting.
2. On yellow paper numbered 1 to 11 – Statement of Agreed Facts and representations of the Presenting Officer and of the teacher.
3. On white paper numbered 1 to 302 – documents prepared by the GTC before referral.
4. On blue paper numbered 1 to 5 – teacher's documents.

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

### Statement of agreed facts

Mrs Regan was employed as Head Teacher of Hamstead Infant School, Great Barr in the Metropolitan Borough of Sandwell ("the school") from 2005 until 2010. As a result of information received, Sandwell Audit Services carried out an investigation which revealed that certain financial transactions carried out by the Head Teacher to make purchases for school purposes did not follow required financial procedures.

It appeared that Mrs Regan was using internet shopping to put goods into an on-line shopping basket, printing off that page and then claiming a reimbursement without actually going ahead with the on-line purchase. During the period September 2009 to June 2010 13 reimbursement payments were made to the Head Teacher from the school budget.

After initially denying any wrongdoing, Mrs Regan eventually admitted on 19 July 2010 that she had not made the relevant purchases. She said that she needed the money but always intended to purchase the goods at a later date. It was brought to her attention that several of the reimbursements were now over six months old and the goods had still not been ordered. She stated that she was in a "terrible mess", but the responsibility was hers to sort out.

Mrs Regan was suspended from her duties on 21 July 2010 by the Chair of Governors. At a subsequent formal interview held on 10 August 2010 she made a number of admissions. She tendered her resignation from the school on 9 August 2010. This was accepted by the acting Chair of Governors on 26 August 2010. On 22 September 2010 a cheque was received by Sandwell from Mrs Regan in the sum of £5,000.00

Following a police investigation, Mrs Regan was convicted of the offences set out above on 8 March 2011. At that hearing she admitted that the total sum which she had been wrongly reimbursed was £7,238.17. To take account of the £5,000 which she had already re-paid to Sandwell, the Court made a compensation order of £2,238.17.

Mrs Regan admitted that her conviction was a finding of dishonesty and that the conviction was in relation to a relevant offence, namely an offence other than one having no material relevance to a person's fitness to be a registered teacher (Section 141B (4) Education Act 2002).

#### Written Representations of the Presenting Officer

On 28 February 2012 the Presenting Officer made representations as to the suitability of the case being disposed of without a hearing. In those representations the Presenting Officer said, amongst other things:-

- a. There is no suggestion that Mrs Regan lacks an understanding of the issues, facts or consequences. She had accepted responsibility for her actions.
- b. Mrs Regan admitted the particulars and accepted that her conviction amounted to relevant offence and that the offence was one of dishonesty.
- c. She held a position of trust which the Panel would be entitled to take into account when determining sanction.
- d. The Panel would be entitled to rely on the admissions made to the Crown Court and that Court's decision.
- e. It was in the public interest and in the interest of justice to dispose of the case without a hearing.

#### The teacher's submissions

In a letter to the GTC dated 24 June 2011 Mrs Regan stated that:

*"I do not wish to contest or argue any of the points made. My main priority for both myself and for the Court is to fulfil my pay back to the community and to all concerned. The past months I have endeavoured to do this through working hard in my community service placement and through obtaining additional skills and qualifications which will allow me to obtain alternative purposeful employment in the future".*

In a subsequent letter dated 7 November 2011 to the GTC, Mrs Regan added:

*"The Court has already stated that I could not teach again and I have to live with that. I deeply regret my actions and I am making every effort to move on in a positive and constructive way to fulfil my obligations to the Court and all concerned. I found the court case and the subsequent newspaper publicity emotionally traumatic and I am desperate to get a final resolution so that I can move on and complete my payback to society and all concerned so that I am able to do this".*

7. Should the final stage be reached in this matter then the Panel should have regard to advice from the Department of Education on Factors Relating to Decisions Leading to the Prohibition of Teachers from the Teaching Profession (“DfE advice”).

The Panel should give reasons for its decisions and recommendations at each stage.

## **F. Decision and Reasons**

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 meeting.*

### Findings of fact

We have found the following particulars of the allegation against you proved, having seen the certificate of your conviction:

That at Wolverhampton Crown Court on 8 March 2011, you were convicted of an offence, namely fraud by abuse of position. You made false representations to make gain for yourself or another, or cause loss to others, or expose others to risk, between 1/9/09 and 30/6/10.

You were sentenced to 10 months imprisonment suspended for 24 months, ordered to carry out unpaid work for 240 hours before 8 March 2012, and to pay compensation of £2238.17 to Sandwell MBC.

### Findings as to Conviction of a Relevant Offence

Having found the fact of the conviction proved, we further found that the offence is a relevant one within the meaning given to that phrase by s141B(4) Education Act 2002. Your offence, which was one of dishonesty, clearly breached the standards required of teaching professionals, and has material relevance to your fitness to be a teacher.

### Recommendation of Sanction

The Panel had regard to a letter from you dated 24 June 2011, noting that you were giving priority to ‘fulfilling your payback’ to the community and to all concerned. The judge, in his sentencing remarks, indicated that you would never teach again. In your letter, you accepted that position, although the decision as to whether to recommend a Prohibition Order is one for this Panel, and not for the court which sentenced you.

The Panel has had regard to section 8 of the Code of Conduct for Registered Teachers, 2009 edition, and in particular, has noted that you have not demonstrated honesty and integrity in the management of school finance. Furthermore, you have taken advantage of your professional position for financial gain, and have not upheld public trust and confidence in the profession.

Despite your previous good character, the Panel has concluded that a Prohibition Order must be its recommendation to the Secretary of State.

The Panel next considered what recommendation to make on review. Having regard to the wording of DfE advice, and in particular the fact that the conviction in this case was for fraud and serious dishonesty, the majority view was to recommend that the Secretary of State should not allow you to apply to have your Prohibition Order reviewed. The principal reason was that it was inconceivable that parents who know of your past could have confidence that you could ever be trusted with school finances in the future. There was a minority view, however, that you should be free to apply for a review after 5 years on the grounds that it would not accord with the rules of natural justice if you were prevented from ever applying for a review.

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

I have carefully considered the recommendation of the panel in respect of Mrs Ann-Marie Regan (nee Brookes). The conviction of a relevant offence was found and the panel has recommended a Prohibition Order. This was a case of serious fraud involving the teacher taking advantage of her professional position for financial gain. Indeed the courts gave Mrs Regan a custodial sentence. The panel did also recognise previous good character.

Taking into account the guidance and the recommendation of the panel I accept the recommendation of the panel to impose a Prohibition Order.

I now turn to the matter of the review period. Having decided that a Prohibition Order is appropriate, the guidance makes clear that the starting point is that the prohibition is for life. The panel has however considered whether or not to recommend a period of time after which the teacher may apply for a review. The panel has recommended, by a majority decision, that in this case Mrs Regan may not have a period of review. There was a minority view expressed within the panel that a five year period might be appropriate.

I have read the guidance on the review of Prohibition Orders carefully. It is clear from that guidance that in cases of serious fraud or serious dishonesty, panels should consider recommending to the Secretary of State that a Prohibition Order is imposed with no provision for the teacher to apply for it to be set aside after any period of time.

It is clear to me that this case falls within those guidelines. I am also confident that the panel did give careful consideration themselves to the issue of recommending a period of time for review.

On balance therefore, and in the light of the clear guidance, I accept the panel's recommendation in this matter.

This means that Mrs Ann-Marie Regan (nee Brookes) 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 her, I have decided that Mrs Ann-

Marie Regan (nee Brookes) 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.

Mrs Ann-Marie Regan (nee Brookes) 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.

**NAME OF DECISION MAKER: Alan Meyrick**

**Date: 9 May 2012**