



National College for
Teaching & Leadership

Mr Christopher Douglas Lafferty

Professional Conduct Panel outcome

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

April 2014

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

Teacher:	Mr Christopher Douglas Lafferty
Teacher ref no:	10/80443
Teacher date of birth:	8 July 1987
NCTL Case ref no:	10298
Date of Determination:	4 April 2014
Former employer:	ARK Bentworth Primary Academy, London

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 4 April 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Christopher Douglas Lafferty.

The Panel members were Dr Robert Cawley (Teacher Panellist– in the Chair), Ms Jean Carter (Lay Panellist) and Dr Geoffrey Penzer (Lay Panellist).

The Legal Adviser to the Panel was Mr Graham Miles of Morgan Cole LLP solicitors.

The Presenting Officer for the National College was Miss Fiona Butler of Brown Jacobson solicitors.

Mr Lafferty was not present and was not 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 31 January 2014.

It was alleged that Mr Christopher Douglas Lafferty was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

Whilst applying for a teaching post at ARK Bentworth Primary Academy, London, he:

1. **Deliberately misled his employer during the application and interview process for the post of Year 4 Classroom Teacher in that he:**
 - (a) **Failed to disclose previous convictions relating to fraud and the subsequent sentences received on 16 April 2012 at Derby Crown Court**
 - (b) **Provided inaccurate information relating to previous convictions**
 - (c) **Provided false employment and reference details which could not be substantiated**

In addition, the Panel considered the allegation that Mr Christopher Douglas Lafferty had been convicted of the following relevant offences:

1. **On 22 March 2012 he was convicted at Derby Crown Court of making false representations to make gain for himself or another, or caused loss to another and/or exposed another to risk, between 1 August 2010 to 11 September 2010, for which he received a consecutive term of imprisonment for 9 months, wholly suspended for 24 months, a supervision order, suspended for 24 months and an unpaid work requirement of 100 hours.**
2. **On 22 March 2012 he was convicted at Derby Crown Court of making and/or supplying an article(s) for use in fraud(s) between 20 February 2010 and 1 October 2010, for which he received a concurrent term of imprisonment for 9 months, wholly suspended for 24 months, a suspension order, suspended for 24 months and an unpaid work requirement of 100 hours.**

The facts were not admitted and there was no admission of unacceptable professional conduct, conduct that may bring the profession into disrepute or conviction of a relevant offence.

C. Preliminary applications

Application to Proceed in the Absence of the Teacher

Mr Lafferty was neither present nor represented. The Presenting Officer applied for the hearing to proceed in the absence of Mr Lafferty. The Presenting Officer stated that the Notice of Proceedings dated 31 January 2014 had been sent to Mr Lafferty's address and therefore more than 8 weeks notice had been given of today's hearing. The Notice was delivered to that address and was signed for on 5 March 2014. The Presenting Officer also referred to additional letters sent to Mr Lafferty on 26 March 2014 and 1 April

2014 giving notice of changes of Panellists. The Panel agreed to admit these additional letters as pages 176A and 176B respectively. Nothing had been heard from Mr Lafferty. The Presenting Officer submitted that the panel could conclude that Mr Lafferty had decided not to participate in the proceedings. Further, if the hearing were to be adjourned, there was nothing to indicate that Mr Lafferty would attend on a future date. In addition, two witnesses had been called to give evidence today and the Panel should have regard to their interests and those of the public.

The Chair announced the decision of the Panel as follows:

“The Panel has decided that the hearing should proceed in the absence of Mr Lafferty. The Panel is satisfied the Notice of Proceedings has been properly served in accordance with Rule 4.10. The Panel is satisfied that Mr Lafferty’s case should not be prejudiced by his absence. Mr Lafferty has not requested an adjournment and the Panel are satisfied that an adjournment would not resolve the matter. The Panel is satisfied that Mr Lafferty has, in essence, waived his right to attend.”

Application to particulars of allegations

The Presenting Officer applied to amend the date of conviction as specified in the each of the allegations that Mr Lafferty had been convicted of relevant offences. The date of conviction was specified as 16 April 2012. However, the certificate from Derby Crown Court referred to 16 April 2012 as the date of sentence following conviction on the earlier date of 22 March 2012. The Presenting Officer applied to amend the allegations to substitute 22 March 2012 for 16 April 2012. The Panel agreed to this amendment on the basis that the amendment was to correct a factual inaccuracy and that no prejudice would be caused.

D. Summary of evidence

Documents

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

Section 1 - Chronology, pages 1 to 3

Section 2 - Notice of Proceedings in response form, pages 4 to 11

Section 3 - Witness statements, pages 12 to 76

Section 4 - Teaching Agency/ NCTL documents, pages 77 to 176A

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

Witnesses

The Panel heard oral evidence from

1. Witness A, Head Teacher, ARK Bentworth Primary Academy
2. Witness B, Human Resources Manager at ARK Schools

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.

On 8 November 2012, Mr Lafferty signed an application for the post of Key Stage 2 Teacher at the ARK Bentworth Primary Academy (‘the Academy’). In his application form he was asked to provide details of convictions. He responded by stating that prior to becoming a teacher he was a self-employed musician and that he had *‘received a fine for an issue relating to tax and this was recorded as fraudulent non-disclosure’*. He also said that he believed that there was *‘a juvenile offence for shoplifting still on [his] CRB from the age of 15’*. No information was provided as to any other convictions against him.

On 23 November 2012 Mr Lafferty was interviewed for the post. During the course of the interview he did not provide any further information about any conviction. On 26 November 2012, in the course of conducting pre-employment checks a recruitment assistant at the school spoke to Mr Lafferty and asked him to provide the name of a different referee. He had named the Head Teacher at the Academy as a referee in his written application and this was not acceptable due to her being on the panel that interviewed him. Mr Lafferty then provided the telephone numbers and email address of a Individual A and stated that Individual A was, at that time, Manager of Ackworth Children’s Centre where Mr Lafferty claimed he had been working since September 2012.

Following this a reference pro forma was sent to Individual A seeking a reference in respect of Mr Lafferty. A reply was received to the email the same day attaching a reference which detailed the address of Ackworth Children’s Centre and Company Number. The reference was complimentary of Mr Lafferty’s skills and abilities and confirmed that he had been employed at Ackworth Children’s Centre at the time of his job application to the Academy. As a result of an anonymous phone call, enquiries were subsequently made by the HR Manager from the Academy and on conducting internet searches she noted that the address given for the Ackworth Children’s Centre was that of a residential bungalow. She also conducted a search at Companies House against the

Company number given for Ackworth Children's Centre Limited and it was established that the number referred to a different company.

Mr Lafferty's enhanced CRB disclosure was received on 18 January 2013. The enhanced CRB disclosure detailed convictions against Mr Lafferty on 22 March 2012 as identified in the charges. On 23 January 2013 a meeting was held with Mr Lafferty where he was suspended from his duties pending an investigation. Mr Lafferty was dismissed by a letter dated 11 February 2013'.

Findings of Fact

'Our findings of fact are as follows:

We first considered the allegation that Mr Christopher Douglas Lafferty had been convicted of the following relevant offences:

- 1. On 22 March 2012 he was convicted at Derby Crown Court of making false representations to make gain for himself or another, or caused loss to another and/or exposed another to risk, between 1 August 2010 to 11 September 2010, for which he received a consecutive term of imprisonment for 9 months, wholly suspended for 24 months, a supervision order, suspended for 24 months and an unpaid work requirement of 100 hours.**
- 2. On 22 March 2012 he was convicted at Derby Crown Court of making and/or supplying an article(s) for use in fraud(s) between 20 February 2010 and 1 October 2010, for which he received a concurrent term of imprisonment for 9 months, wholly suspended for 24 months, a supervision order, suspended for 24 months and an unpaid work requirement of 100 hours.**

We find the facts proved. We are satisfied that Mr Lafferty was convicted of these offences based on the certificate (T20120076) of conviction from Derby Crown Court dated 14 January 2014.

We then considered the following allegation, namely:

Whilst applying for a teaching post at ARK Bentworth Primary Academy, London, he:

- 1. Deliberately misled his employer during the application and interview process for the post of Year 4 Classroom Teacher in that he:**
 - (a) Failed to disclose previous convictions relating to fraud and the subsequent sentences received on 16 April 2012 at Derby Crown Court**
 - (b) Provided inaccurate information relating to previous convictions**

(c) Provided false employment and reference details which could not be substantiated

We find that facts of all three limbs of the allegation proved.

1 (a) Mr Lafferty did not disclose his convictions of 22 March 2012 and the sentences which he received on 16 April 2012, in his written application to the Academy. The Executive Head of the Academy at the time told us in evidence that these convictions and the sentences were not disclosed during interview either, despite being asked. Even when challenged with information from the CRB certificate, he did not take the opportunity presented to him to make an honest disclosure. This was despite the fact that he pleaded guilty in the Crown Court.

1 (b) Mr Lafferty also actively gave inaccurate information about all his previous convictions during the application process and subsequently. He gave the Academy information about a tax penalty implying that this was the cause of a criminal conviction which might appear on his CRB certificate.

1(c) Mr Lafferty claimed to have been employed at Ackworth Children's Centre. However, the HR Manager at ARK Schools gave evidence that a subsequent investigation found that the organisation did not exist and that the local authority had no evidence that it had ever existed.

The Panel finds that, by acting in these ways, Mr Lafferty deliberately misled his employer during the application and interview process for the post of Year 4 classroom teacher.

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

We are satisfied that the convictions on 22 March 2012 were for relevant offences. They were clearly instances of fraud and serious dishonesty and resulted in terms of imprisonment, albeit suspended. These offences were contrary to the personal and professional conduct expected of a teacher and would be likely to affect public confidence in the teaching profession.

In relation to the allegation relating to the application for a teaching post at the Academy, the Panel finds that Mr Lafferty's actions amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. Mr Lafferty failed to uphold public trust and confidence in the profession and maintain high standards of ethics and behaviour. He failed to demonstrate an understanding of and acting within the Teachers' Standards which set out the professional duties and responsibilities of teachers'.

Panel's recommendation to the Secretary of State

'We considered any potential mitigating circumstances in the absence of Mr Lafferty or any evidence or submissions from him. We have not found any.

The Panel believes that Mr Lafferty's behaviour was a serious departure from the personal and professional conduct elements of the Teachers' Standards. His deliberately misleading conduct followed convictions for offences of dishonesty. At the time of his actions, Mr Lafferty was still subject to a suspended sentence of imprisonment. The Panel believes that there is a real risk of this conduct being repeated in the future.

We have concluded that it is appropriate and proportionate to recommend a Prohibition Order on the basis that it is necessary in order to protect pupils and other members of the public, maintain public confidence in the profession and uphold proper standards of conduct.

The Panel considered the appropriateness of setting a period after which Mr Lafferty might apply to have the order set aside. We believe that the unacceptable professional conduct and convictions for dishonesty are very serious. The conduct took place over a sustained period. Mr Lafferty has not engaged with these proceedings nor shown any recognition of, or remorse for, his behaviour. We, therefore, do not recommend that he be permitted to apply for the order to be set aside at any future date'.

Decision and reasons on behalf of the Secretary of State

I have carefully considered the findings and recommendations of the Panel in this case. The Panel have found all the allegations proven and have judged that those findings amount to unacceptable professional conduct, conduct that might bring the profession into disrepute and conviction of relevant offences.

Mr Lafferty has been convicted of making false representations and supplying an article for use in fraud. He received a suspended prison sentence for these offences and whilst subject to the suspended sentence, failed to disclose details of his convictions at any stage of a recruitment process and provided false employment and reference details.

The Panel have found Mr Lafferty's behaviour to be a serious departure from the personal and professional conduct elements of the Teachers' Standards and have concluded that a prohibition order is both appropriate and proportionate. I agree with their recommendation.

The Panel have properly considered whether to set a period after which Mr Lafferty might apply to have the order set aside. They have taken account of the serious nature of the convictions and behaviours and that the conduct took place over a

sustained period. They also noted that Mr Lafferty chose to take no part in the proceedings nor did he show any insight into, or remorse for, his behaviour. In all the circumstances I agree that there should be no future opportunity for Mr Lafferty to apply to have the order set aside.

This means that Mr Christopher Douglas Lafferty 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 him, I have decided that Mr Christopher Douglas Lafferty 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 Christopher Douglas Lafferty 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.

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

NAME OF DECISION MAKER: Paul Heathcote

Date: 7 April 2014

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