



National College for
Teaching & Leadership

Mrs Janis Sargeson: Professional Conduct Panel outcome

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

August 2014

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

Teacher:	Mrs Janis Sargeson
Teacher ref no:	0973218
Teacher date of birth:	7 March 1973
NCTL Case ref no:	0011574
Date of Determination:	26 August 2014
Former employer:	Penketh High School, Warrington

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 26 August 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mrs Janis Sargeson.

The Panel members were Ms Nicole Jackson (Lay Panellist and Chair), Mr Phillip Riggon (Teacher Panellist) and Mr Colin Parker (Teacher Panellist).

The Legal Adviser to the Panel was Mrs Luisa Gibbons of Eversheds LLP Solicitors.

The Presenting Officer for the National College was Michelle Lau of Browne Jacobson LLP Solicitors. Mrs Sargeson was unrepresented.

Convened as a meeting, neither the Presenting Officer nor Mrs Sargeson were present.

The meeting took place in private and was not recorded save for the public announcement of the Panel’s findings of fact and as to unacceptable professional conduct.

B. Allegations

The Panel considered the allegations set out in the Notice of Meeting dated 11 August 2014.

It was alleged that Mrs Sargeson was guilty of unacceptable professional conduct, in that:

Whilst employed at Penketh High School, Warrington during 2012 and 2013, she:

1. Acted dishonestly in that she knowingly falsified documentation indicating that she was unfit for work and intentionally submitted such documentation to the school, which led her to receive sick pay that she would not otherwise have been entitled to receive in relation to:

- a) the period between 15 and 21 June 2012;
- b) the period between 9 and 22 July 2012;
- c) the period between 10 September and 21 December 2012;
- d) the period between 26 April and 19 July 2013;
- e) the period between 5 and 22 November 2013.

In a Statement of Agreed Facts signed by Mrs Sargeson on the 4 August 2014, she admitted the facts of the allegation against her and that they amount to unacceptable professional conduct.

C. Preliminary applications

There were no preliminary applications.

The Panel considered at the outset whether the allegation should be considered at a public hearing at which the parties would be entitled to attend, or a private meeting without the parties present. The Panel considered the interests of justice and given that the facts of the allegation have been admitted, that Mrs Sargeson has requested a meeting and the Panel has the benefit of Mrs Sargeson's representations, the Panel was of the view that justice would be adequately served by considering this matter at a meeting.

The Panel carefully considered the public interest. The Panel noted that if the case proceeded in a meeting, there would be a public announcement of the Panel's decision. The Panel also had in mind that if a hearing was convened, there would be a cost to the public purse, which may not be justified if the matter could be determined in a meeting. The Panel also had regard to the delay that would be caused by convening a hearing and considered it to be in the public interest to reach a final determination in this matter

without further delay. The Panel therefore decided to proceed with a meeting, but noted that it could, at any stage of the meeting, reconsider this issue.

D. Summary of evidence

Documents

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

Section 1	Chronology	Pages 1 - 3
Section 2	Notice of Referral, Response and Notice of Meeting	Pages 4 – 8b
Section 3	Statement of Agreed Facts and Presenting Officer Representations	Pages 9 – 14
Section 4	National College for Teaching and Leadership Documents	Pages 15 - 48
Section 5	Teacher Documents	Pages 49 - 54

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

Witnesses

Convened as a meeting, the Panel heard no 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 Sargeson was employed at Penketh High School (the “School”) as a Newly Qualified Teacher in September 2010.

As a result of a number of absences from school, an attendance review meeting took place on 8 March 2013. A period of 5 months absence free was set.

Mrs Sargeson was absent from work between 26 April 2013 and 19 July 2013. On 30 September 2013, Mrs Sargeson attended an attendance review meeting and was issued with a formal warning regarding her absence.

On 25 November 2013, a return to work interview was held and Mrs Sargeson provided three sick notes which were queried as they contained electronic signatures. Mrs Sargeson produced a letter which purported to be from her GP practice confirming that the practice had issued the sick notes. Information was then received by the School from the GP that it had no record of the sick notes or of the letter that purported to have been provided by them.

The School then enquired with a previous GP practice regarding previous sick notes. That GP practice provided information that some sick notes had been issued by them, but some had not.

On 29 November 2013, Mrs Sargeson, tendered her resignation. This was accepted by the School on 5 December 2013, with her last day of service being 29 November 2013.

Findings of Fact

Our findings of fact are as follows:

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

1. Whilst employed at Penketh High School, Warrington during 2012 and 2013, she acted dishonestly in that she knowingly falsified documentation indicating that she was unfit for work and intentionally submitted such documentation to the school, which led her to receive sick pay that she would not otherwise have been entitled to receive in relation to:

a) the period between 15 and 21 June 2012;

b) the period between 9 and 22 July 2012;

c) the period between 10 September and 21 December 2012;

d) the period between 26 April and 19 July 2013;

e) the period between 5 and 22 November 2013.

Mrs Sargeson has signed a Statement of Agreed Facts confirming that she admits the facts of the allegation against her. The Statement of Agreed Facts contains a chronology of how the matters alleged were brought to light, and Mrs Sargeson has agreed that during a return to work interview on 25 November 2013, the Headteacher noticed that the original sick notes she had brought in were signed with an electronic signature and that

after two calls to her Medical Centre, the School had been told that sick notes would not be issued with an electronic signature.

The Panel has seen the minutes of the return to work interview which states that “JS said that she had attended the doctors and these were printed out by the doctor and handed to her”. The minutes go on to state that the Headteacher then explained to Mrs Sargeson that “following two separate calls to the surgery, one by himself and one by a member of the HR team in Warrington, both had been told that a sick note would not be issued with an electronic signature”.

Mrs Sargeson has then agreed in the Statement of Agreed Facts that the Headteacher had informed her of difficulties in contacting the medical centre, and that she explained to him that she had been advised to call in after surgery and that she would ask them to email the Headteacher confirmation of the notes.

Mrs Sargeson has agreed in the Statement of Agreed Facts that she emailed the Headteacher to say that she had a letter from the Practice Manager confirming the information required and indicating it would be brought in. She admits providing the letter on headed paper to the Headteacher on 26 November 2013. The Panel has seen a copy of Mrs Sargeson’s email and of the letter that was provided to the School. This appears to be on the Medical Centre headed paper and is signed. Underneath the signature, the letter bears the name of the Practice Manager. The letter stated that Mrs Sargeson had attended the practice on 3 occasions recently, that she was examined by the doctor and declared unfit for work. It stated that on each appointment she was given a Statement of Fitness for Work covering the period 5 November 2013 to 22 November 2013. The letter went on to state: “In accordance with the Medical Centre’s Environmental Policy from July 2012 it has been standard procedure for the Doctor to give patients a computer-completed fit note, rather than handwritten fit note”.

Mrs Sargeson then goes on to admit that on 26 November 2013, the Medical Centre contacted the Headteacher to say that they had no record of the notes issued for the dates 5 November 2013 to 15 November 2013. She admits that the Medical Centre had explained that the letter she had brought in was not from their surgery and was not on official headed paper.

The Panel has seen an attendance note of events on 26 November 2013. It states that a doctor from the Medical centre had contacted the school and asked the Headteacher to fax over the letter he had received from Mrs Sargeson that morning. It records that the letter was sent, and that the doctor had phoned to say that the letter had not been issued by the surgery and they had no record of the notes issued on 5 November 2013 and 15 November 2013. The note records that a meeting had been convened with a view to suspending Mrs Sargeson and that she was escorted off the premises at 12:45. The note then states that Mrs Sargeson called twice to speak with the Headteacher who was not available, and that when he returned her call at 3:30pm, Mrs Sargeson “was very distressed on the phone and apologised for deceiving him”.

The Panel has also seen an email from a partner at the Medical Centre which states: “we have no record of any medical sick notes issued on 5/11/13 and 15/11/13. Further the letter that was faxed to you this morning did not come from our practice and is not on official practice headed paper”.

Mrs Sargeson then admits in the Statement of Agreed Facts that on 27 November 2013, the Headteacher spoke with a previous medical centre in relation to previous sick notes provided by Mrs Sargeson.

The Panel has seen an attendance note of calls made on 27 November 2013. In that attendance note it is recorded that a call was made to a practice manager at the other surgery. Oral confirmation is said to have been given that they “did not have a patient registered with that name at the time the sick notes were issued” and that a letter had been sent to the School stating this. The Panel has seen a letter from the Surgery dated 25 November 2013 confirming this.

Mrs Sargeson admits in the Statement of Agreed Facts that on 28 November 2013, a letter was received by the School confirming that two sick notes for the periods 22 June 2012 to 1 July 2012 and 2 July 2012 to 9 July 2012 had been issued by that practice but the others had not.

The attendance note of 27 November 2013 records that several more notes were sent to that surgery for confirmation whether they had been issued on the dates stated. The Panel has seen a letter from the surgery of 28 November 2013 which states “I can confirm that the following sick notes were issued from the practice: 22.6.2012 to 1.7.2012, 02.07.2012 to 09.07.2012. The other samples do not appear to have been issued by the doctors in our practice”.

The Panel has seen a “Staff Absence Analysis” confirming that Mrs Sargeson was absent from school on the dates set out in allegations a – e. The reason stated on this document for each absence is “sickness”.

On 29 November 2013, Mrs Sargeson wrote to the Principal of the school stating: “I understand that I am currently suspended from school pending an investigation into the fit notes and letter I falsely submitted. The allegation made against me is that I provided fraudulent documentation for the purposes of receiving sick pay and whilst this was the outcome of my mistake it was not my intention... I am very sorry for the mistake I made and I am willing to pay back the money that I falsely claimed”. In this letter Mrs Sargeson tendered her resignation.

On 5 December 2013, the Principal responded in a letter stating: “The amount that we would require back from yourself is approximately £15,000 this amount is made up of pay for the periods for which we have confirmation from the GP surgeries that they did not provide sick notes, these periods include:

5th November 2013 to 22nd November 2013

26th April 2013 to 19th July 2013

10th September 2012 to 21st December 2012

9th July 2012 to 22nd July 2012

15th June 2012 to 21st June 2012”

The Panel noted that these periods correspond with the dates set out in allegations a – e.

On 6 December 2013, Mrs Sargeson responded with proposals to repay the money.

On 10 December 2013, the Principal wrote to Mrs Sargeson confirming that the actual figure owed was £13,791.87. He stated that this related to a total of 152 days covering the period set out in his previous letter of 5 December 2013, which corresponds with the dates set out in the allegations.

The Panel has noted that following receipt of this information from both surgeries, and in the knowledge of which sick notes had been given to each surgery to verify, the Headteacher was able to inform Mrs Sargeson which time periods were not supported by authentic sick notes and Mrs Sargeson has not disputed that. In the circumstances, the Panel considered it more probable than not that Mrs Sargeson had falsified sick notes covering the time periods set out in allegations a to e inclusive. This clearly led to Mrs Sargeson receiving sick pay that she would not otherwise have been entitled to, since the School has set out the amount owed, and Mrs Sargeson has put in place arrangements to repay the money in instalments.

The Panel went on to consider whether Mrs Sargeson acted dishonestly in knowingly falsifying that documentation.

The Panel received and accepted legal advice from the Legal Adviser that if it was satisfied on the balance of probabilities that Mrs Sargeson had falsified documentation indicating she was unfit for work, then there was a further requirement to consider two questions when deciding whether her actions were dishonest. Firstly, is the Panel satisfied on the balance of probabilities that Mrs Sargeson’s actions would be regarded as dishonest according to the standards of a reasonable and honest person? If so, is the Panel satisfied on the balance of probabilities that Mrs Sargeson herself must have known that what she did was by the standards of ordinary decent people dishonest.

On the objective test, the Panel was satisfied that reasonable and honest people would consider it dishonest to produce falsified sick notes to an employer. The Panel went on to consider whether Mrs Sargeson herself would have known that what she was doing was by those standards dishonest, and the Panel considered that she should have known.

The sick notes produced cover a substantial period of time. She had attended an attendance review meeting on 8 March 2013 at which Mrs Sargeson was told that a review period of 5 months had been set and should her attendance not reach a satisfactory level during that period, further action would be considered which could include a formal warning. Notwithstanding this, Mrs Sargeson provided further false sick notes. She was issued a formal warning regarding her absence on 2 October 2013 and her response was to falsify further sick notes.

Whilst Mrs Sargeson has admitted dishonesty in the Statement of Agreed Facts, she states that it was never her intention to falsify sick notes for financial gain and that she realises now that she was suffering from stress, she was upset and emotional and could not face going to work. Whether Mrs Sargeson was motivated by financial gain, or by avoiding the need to attend School, she was deceiving the School regarding her fitness to work. The Panel considered that she would have realised that ordinary and reasonable people would have considered this dishonest. The effect of this was that she received sick pay that she was not entitled to. The Panel considered that it did not matter that Mrs Sargeson may have justified her actions by the emotional upheaval she was going through, she would have known her actions would have offended the normally accepted standards of honest conduct. Her acts of dishonesty were compounded by attempting to cover up the anomalies identified by the electronic signature borne on the sick notes and by the letter attempting to verify the sick notes which did not originate from the surgery.

Findings as to Unacceptable Professional Conduct

In considering the allegations that the Panel has found proven, 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 Sargeson in relation to the facts found proven, involved breaches of the Teachers’ Standards. The Preamble to Teachers’ Standards states clearly that “Teachers act with honesty and integrity”. The Panel considers that by reference to Part Two, Mrs Sargeson is in breach of the requirement to: “demonstrate consistently high standards of personal and professional conduct” and to “uphold public trust in the profession and maintain high standards of ethics and behaviour”. Mrs Sargeson acted dishonestly with disregard for the professional trust placed in her by her employer. The Panel is satisfied that the conduct of Mrs Sargeson fell significantly short of the standards expected of the profession.

The Panel also considered whether Mrs Sargeson’s conduct displayed behaviours associated with any of the offences listed on page 8 and 9 of the Guidance. The Panel considers that the offence of fraud or serious dishonesty is relevant. 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.

Accordingly, the Panel is satisfied that Mrs Sargeson is guilty of unacceptable professional conduct.

Panel's recommendation to the Secretary of State

Given the Panel's findings in respect of unacceptable professional conduct, 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 and having done so 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 Sargeson were not treated with the utmost seriousness when regulating the conduct of the profession.

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 Sargeson 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 Sargeson.

In balancing the public interest considerations both in favour of and against prohibition as well as the interests of Mrs Sargeson, 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, those that are relevant in this case are:

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

The Panel noted that these acts of dishonesty were sustained over a considerable period.

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 has found Mrs Sargeson to have acted dishonestly and must therefore have acted deliberately. Mrs Sargeson has pointed to the difficult personal circumstances and health problems which she states led to falsifying the sick notes. However, the Panel did not consider this excused her behaviour as the right course of action would have been to have had a frank discussion with the School about her circumstances to enable the School to put in place an appropriate plan, as Mrs Sargeson now recognises. The circumstances described by Mrs Sargeson are likely to have been stressful, but the Panel did not consider that she acted under duress. The Panel accepts that Mrs Sargeson has no previous findings against her by the College or any of its predecessor organisations. She received a formal warning regarding her absence on 2 October 2013, but was otherwise of good history. However, the Panel considered that history to have been a limited one, since she qualified as a teacher in 2010 and between 15 June 2012 and 22 November 2013, she had a total of 152 days absence that was not supported by a valid sick note. The Panel had no independent evidence before it of Mrs Sargeson's teaching practice.

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 Sargeson. Her serious and sustained dishonesty over a significant period 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 them 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 include fraud or serious dishonesty. However, the Panel felt the findings indicated a situation in which a review period would be appropriate. The Panel noted that Mrs Sargeson has admitted having dealt with her personal circumstances extremely badly and that she recognises that she did not seek professional support to help her deal with her situation, as she should have. She has demonstrated insight as to the effect her actions had on the pupils in the School. Although no independent evidence has been produced as to the impact Mrs Sargeson's

personal circumstances had on her behaviour, the Panel recognised that those exceptional circumstances would have affected her. As such, the Panel has decided that it would be proportionate in all the circumstances to recommend that Mrs Sargeson have the opportunity to apply to have the Prohibition Order set aside after a period of two years, allowing her a sufficient period to demonstrate further reflection on her actions and how to manage periods of stress.

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 Sargeson has admitted all the allegations in respect of falsifying documentation in relation to her fitness to work leading to her receiving sick pay to which she would not otherwise have been entitled. The panel have found the allegations proven and that the facts amount to unacceptable professional conduct.

The panel have gone on to consider whether a prohibition order is an appropriate and proportionate sanction in the public interest. The sick notes covered a considerable period of time and the panel have found Mrs Sargeson's behaviour to be dishonest.

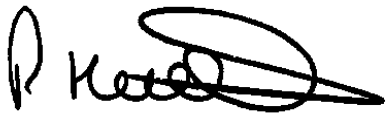
The panel have determined that Mrs Sargeson's behaviour could lead to public confidence in the profession being seriously weakened and that there is a strong public interest in upholding proper standards of conduct. Having considered the public interest considerations both for and against prohibition and taking account of the interests of Mrs Sargeson the panel have recommended that a prohibition order be imposed and I agree with that recommendation.

Mrs Sargeson has admitted all the allegations and has recognised that she dealt with the personal circumstances pertaining at the time extremely badly. She has shown insight into the effects of her actions on pupils at the school. In the circumstances I agree that Mrs Sargeson should be allowed to apply for the order to be set aside after a minimum period of 2 years has elapsed. This will allow her further time to reflect on her behaviour and to develop strategies for managing periods of stress.

This means that Mrs Janis Sargeson 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 3 September 2016, 2 years from the date of this order at the earliest. This is not an automatic right to have the Prohibition Order removed. If she does apply, a panel will meet to consider whether the Prohibition Order should be set aside. Without a successful application, Mrs Janis Sargeson remains barred from teaching indefinitely.

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

Mrs Janis Sargeson 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: 27 August 2014

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