



National College for
Teaching & Leadership

Jillian Masters: Professional Conduct Panel outcome

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

December 2014

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

Teacher:	Ms Jillian Masters
Teacher ref no:	8160775
Teacher date of birth:	17 July 1959
NCTL Case ref no:	0012218
Date of Determination:	22 December 2014
Former employer:	Courthouse Junior School

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 22 December 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Ms Jillian Masters.

The Panel members were Phillip Riggon (Teacher Panellist – the Chair), Kulvinder Sandal (Teacher Panellist), and Martin Pilkington (Lay Panellist).

The Legal Adviser to the Panel was Patricia D’Souza of Eversheds LLP.

The Panel convened for a meeting which took place in private and was not recorded, save for the public announcement of the Panel’s decision on the facts and whether the facts amounted to a conviction, at any time, of a relevant criminal offence and/or unacceptable professional conduct which was recorded.

Therefore the parties were not present and were not represented.

B. Allegations

The Panel considered the allegations set out in the Notice of Meeting dated 2 December 2014.

It was alleged that Ms Jillian Masters was guilty of a conviction, at any time, of a relevant criminal offence in that:

1. On 28 March 2014 you were convicted at the Reading Magistrates Court of the offence of making false representation to make gain for self or another or cause loss to other or expose other to risk contrary to Section 1 and 2 of the Fraud Act 2006. You committed this offence between 3 December 2011 and 2 December 2012. As a result of your conviction, you were sentenced with a community order with 150 hours of unpaid work; a £5000 compensation order, £60 victim surcharge and £300 in costs.

and

It was alleged that Ms Jillian Masters was guilty of unacceptable professional conduct in that:

2. You failed to disclose your arrest and prosecution relating to the offence at 1 above, to your employer, Courthouse Junior School.
3. And in doing so at paragraph 2 above, you acted dishonestly.

C. Preliminary applications

There were no preliminary applications.

D. Summary of evidence

Documents

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

- | | | |
|------------|--|---------------|
| Section 1: | Chronology | Pages 2 – 3 |
| Section 2: | Notice of Referral, response and notice of meeting | Pages 4 – 10b |
| Section 3: | Statement of Agreed Facts and Presenting Officer Representations | Pages 11 – 14 |
| Section 4: | National College for Teaching and Leadership Documents | |

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

Witnesses

As this was listed as a meeting the Panel heard no oral evidence.

E. Decision and reasons

The Panel announced its decision and reasons as follows:

The Panel has now carefully considered the case before it and has reached a decision.

The Panel confirm that it has read all the documents provided in the bundle in advance of the meeting.

Summary of Evidence

Ms Masters had been employed at the Courthouse Junior School for over 26 years and in that time she had undertaken a number of different roles, including team leader, member of the senior management team and ICT subject leader. Her most recent role was as a class teacher. She was arrested by the police on 23 January 2013 in connection with their investigations over the use of a credit card for personal expenditure without the credit card holder's knowledge or permission. Ms Masters was interviewed again on 19 August 2013 and later in September 2013, pleaded not guilty to the charges against her. On 28 March 2014, Ms Masters was found guilty of making false representation to make gain for herself or another or cause loss to other or expose other to risk contrary to s1 and s2 of the Fraud Act 2006. Ms Masters was sentenced on 22 April 2014.

Findings of Fact

Our findings of fact are as follows:

The Panel has found the following particulars of the allegations against you proven, for these reasons:

1. That on 28 March 2014 you were convicted at the Reading Magistrates Court of the offence of making false representation to make gain for self or another or cause loss to other or expose other to risk contrary to Section 1 and 2 of the Fraud Act 2006. You committed this offence between 3 December 2011 and 2 December 2012. As a result of your conviction, you were sentenced with a community order

with 150 hours of unpaid work; a £5000 compensation order, £60 victim surcharge and £300 in costs.

The Panel has seen the Police National Computer record contained within the bundle of documents which confirms that Ms Masters was convicted of an offence of fraud. The Panel noted that the Statement of Agreed facts, signed by Ms Masters refers to Ms Masters being convicted at the Reading Magistrates Court of the offence of making false representation to make gain for self or another or cause loss to other or expose other to risk contrary to section 1 and 2 of the Fraud Act 2006. A letter from Ms Masters' criminal law solicitors to her employer states that Ms Masters was convicted and sentenced for an offence of fraud relating to the period between 3 December 2011 and 2 December 2012 when she dishonestly made a false representation using an American Express Card in the name of another, intending to make a gain for herself which amounted to thousands of pounds. The independent references to the sentence for this conviction was included in the letter from Ms Masters' criminal law solicitors and a quote from a local newspaper included in the report prepared by the head teacher of Ms Masters' former school, included in the bundle, which confirms that Ms Masters was sentenced to a community order with 150 hours of unpaid work, a £5,000 compensation order, £60 victim surcharge, and £300 in costs. The Panel were concerned that the certificate of conviction relating to this offence was not included in the bundle, however, based on the evidence set out above and the Statement of Agreed Facts, the Panel find this allegation proven.

2. You failed to disclose your arrest and prosecution relating to the offence at 1 above, to your employer, Courthouse Junior School.

The Panel has had regard to the report into allegations of Gross Misconduct included in the bundle of documents which states that during an interview with her employer Ms Masters said that even though she was arrested in January 2013, she did not tell her employer about the court case until September 2013 because she thought it would be "thrown out" and would not come to court. It is stated in this same report that Ms Masters accepted she should have told her employer earlier. Therefore on the balance of probabilities, the Panel found this allegation proven.

3. And in doing so at paragraph 2 above, you acted dishonestly.

The Panel noted that the Statement of Agreed Facts indicates that by failing to inform her employers of her arrest until September 2013, Ms Masters accepts that she acted in a dishonest manner. However, the Panel were mindful that dishonesty is a serious allegation and it should consider whether Ms Masters' actions in failing to inform her employer of her arrest and prosecution from January 2013 was dishonest, taking into account the tests set out in the R v Ghosh case.

In particular the report into allegations of gross misconduct, included in the bundle of documents, states that:

1. Ms Masters "...sought to keep the matter secret from her employers even though she had confided in other members of staff, and despite other school concerns being exacerbated by the stress of the case"; and
2. In response to the head teacher's question as to why she had not told him about the court case until September 2013, she stated "...that she thought it would be thrown out and didn't believe it would come to court. She accepted that she should have told me earlier".

The Panel considered that in accordance with the first stage of the R v Ghosh test, that according to the ordinary standards of reasonable and honest people, that what Ms Masters did was dishonest. The Panel concluded that Ms Masters had considered the issue of whether she should have informed the school and decided not to do so and therefore the Panel was in no doubt that Ms Masters herself would have known she was acting in a dishonest manner. She has accepted that she should have notified her employer sooner of the criminal proceedings (as reflected in the report on gross misconduct prepared by the head teacher of her former school). The Panel notes that the head teacher makes clear in the report that he was aware of Ms Masters' arrest as early as July 2013, as he had been informed by a parent. However, on the balance of probabilities, the Panel found this allegation proven.

Findings as to Conviction of a relevant offence and/or 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 the Panel refers to as the 'Guidance'.

The Panel noted that Ms Masters' behaviour did not lead to a sentence of imprisonment which is indicative that the offence was at the less serious end of the possible spectrum.

This is a case where an offence of fraud has been committed, where the property of another has been used for Ms Masters' personal gain and is serious dishonesty. The Guidance states fraud and serious dishonesty is likely to be considered a relevant offence.

The Panel did not consider that Ms Masters' actions had a potential impact on the safety or security of pupils or members of the public.

The Panel noted that Ms Masters' actions were relevant to teaching, working with children and/or working in an education setting. Deliberate actions which did deprive another person of their financial means for Ms Masters' own gain, are not actions that could be described as those of an exemplary role model for pupils and that she would not

be able to foster positive relationships with pupils. She would have difficulty in building relationships rooted in mutual respect as a result of her conduct.

The Panel has also taken account of how the teaching profession is viewed by others. The Panel considered that Ms Masters' behaviour in committing the offence could affect the public confidence in the teaching profession given the influence that teachers may have on pupils, parents and others in the community. Ms Masters' conviction of fraud is a serious matter, which calls into question her honesty and integrity and is likely to be viewed negatively by the general public. At the time of her arrest, even though she was placed on bail, and the court proceedings did not start until many months later, Ms Masters should have realised that she should have notified her employer as soon as possible.

The Panel has taken into account the written evidence that has been adduced attesting to Ms Masters' record as a teacher. The Acting Co-Headteacher at Courthouse Junior School and a family friend who have known her in excess of 13 years respectively, stated that they have always found Ms Masters to be honest, trustworthy and of excellent character. The Panel noted the character reference provided by the Bursar of Ms Masters' previous school, who confirmed that, for at least 16 years, Ms Masters was one of only two teacher signatories for cheques and the Bursar always found her to be professional in dealing with the finances of the school. Other colleagues, including a governor of her former school, attest to Ms Masters' being highly respected by the parents and staff of her former school and having an excellent reputation as a dedicated and committed teacher. The Panel has also taken into consideration Ms Masters' reference to being off sick, which commenced shortly after the criminal proceedings came to light, and has had regard to letters from her GP which indicated that she has suffered ill-health since then.

The Panel is sympathetic to the teacher's unfortunate ill-health and finds the evidence of Ms Masters' teaching proficiency to be of note. However, the Panel has found the seriousness of the offending behaviour that led to the conviction is relevant to her ongoing suitability to teach. The Panel considers that a finding that this conviction is a relevant offence is necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession. It would be unacceptable for Ms Masters to continue to be a teacher when she has been convicted of fraud and benefitting at another's financial expense. Also the fact that Ms Masters claims to have used the credit card of another "unknowingly" is, in the Panel's view, difficult to accept in the context of Ms Masters using a card with the same pin number as that of another person, withdrawing approximately £800 a month, repeated attempts to use a non-functioning card and not noticing the different card details for such a long period of time (i.e. 12 months). The Panel therefore finds that Ms Masters' conduct and her conviction under section 1 and 2 of the Fraud Act 2006 amounts to conviction of a relevant criminal offence.

The Panel is satisfied that the conduct of Ms Masters in relation to the facts it has found proved, involved breaches of the Teachers' Standards. A teacher is expected to demonstrate consistently high standards of personal and professional conduct. The Panel considers that by reference to Part Two, Ms Masters is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 "...building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position"
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality;

The Panel is also satisfied that the conduct of Ms Masters fell significantly short of the standards expected of the profession. Honesty and integrity are vital characteristics of a teacher and failing to disclose information of her arrest and prosecution was, in the Panel's view, a deliberate attempt to keep her employer "in the dark". As a former member of the senior management team and a teacher of over 26 years' experience, Ms Masters would have known that all teachers are required to act in an honest and straightforward manner. That she did not do so in this case is, in the Panel's view, consistent with acting in a fraudulent manner for personal gain.

The Panel has further considered, in relation to the allegation of unacceptable professional conduct, whether Ms Masters displayed behaviours associated with any of the offences listed on page 8 and 9 of the Guidance. As stated above, the Panel has found that "fraud or serious dishonesty" is relevant. The Guidance indicates that where behaviours relating to fraud or serious dishonesty are involved, a Panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The Panel notes that the allegations took place outside of the education setting and the Panel considers that Ms Masters' conduct may affect the way she fulfils her teaching role as she is unable to provide an exemplary role model for pupils. Ms Masters has conducted herself in a fraudulent manner and deliberately withheld significant and relevant information from her employer.

The Panel had regard to the character statements and mitigation evidence referred to above in this decision. However, the Panel considered that Ms Masters may experience difficulty in establishing relationships rooted in mutual respect with her pupils and other colleagues and, as a result, the Panel is concerned that pupils would be exposed to behaviour that may influence them in a harmful way.

Accordingly, the Panel is satisfied that Ms Masters is guilty of unacceptable professional conduct.

Panel's recommendation to the Secretary of State

Given the Panel's findings in respect of a conviction of a relevant offence and unacceptable unprofessional 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.

The character statements included in the bundle of documents, namely that of the Acting Co-Headteacher and Bursar at Courthouse Junior School support Ms Masters and describe her as honest and trustworthy, particularly in relation to school finances. They also state that she is held in high regard by the parents and staff of her former school and that she has a commendable reputation as a dedicated and committed teacher.

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's findings against Ms Masters' are serious. They involved a conviction under the Fraud Act which the Panel found to be a conviction of a relevant offence. The Panel also found that she acted in a dishonest manner when she deliberately failed to inform her employer of her arrest and prosecution. The Panel therefore considers that public confidence in the profession could be weakened if conduct such as that found against Ms Masters 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 Ms Masters was outside that which could reasonably be accepted. A person who has been convicted of fraud in these circumstances could not expect to continue teaching.

Notwithstanding the 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 Ms Masters. In forming a judgement in this respect, the Panel took particular account of the mitigation evidence that was presented to it on behalf of Ms Masters, that she has been suffering ill-health

since her involvement in the police investigation that led to her conviction. The Panel also had regard to the character evidence submitted on behalf of Ms Masters which attested to her honesty and integrity and the high regard that pupils and staff had for her. The Panel was also mindful of the fact that prior to these findings being made against her, Ms Masters was considered to be a person of good character, to have had a positive teaching record for more than 26 years within the same school and she had no previous criminal or disciplinary sanctions recorded against her.

In carrying out the balancing exercise, the Panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Ms Masters. 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 are:

- serious departure from the personal and professional conduct elements of the teachers' standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up.

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 took into account the fact that Ms Masters had a previously good record.

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 Ms Masters. Ms Masters' argument that she had "unknowingly" sought to access funds on another person's credit card is, in the Panel's view, untenable. She has failed to accept why she was convicted and that her behaviour is not of the consistently high standard of personal and professional conduct expected of a teacher. These were significant factors in forming the Panel's 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 were 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 includes fraud or serious dishonesty. Even though the Panel was mindful that Ms Masters' conviction did not result in imprisonment, she was nevertheless convicted of the serious offence of fraud. She deliberately sought to hide her arrest and prosecution from her employer, and this, in the Panel's view, would amount to dishonesty, as set out above.

The Panel noted that in her written evidence, Ms Masters admits that she was found guilty of fraud charges but did not admit she was guilty of them as the person from whom she was alleged to have taken money lied in court. Ms Masters also looked to excuse her failure to notify her employer of her arrest as she and her friend thought it would be "thrown out" as "nonsense". This, in the Panel's view, was the attitude of a person who failed to take responsibility for her actions. This also indicates that she has not demonstrated remorse or regret over her actions. Ms Masters' lack of insight was fundamental to the Panel's finding that a Prohibition Order would be reasonable. Therefore the Panel found no reason to depart from the Guidance.

The Panel found that this was a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate in all the circumstances for a Prohibition Order to be recommended without provision for a review period.

Decision and reasons on behalf of the Secretary of State

I have carefully considered the panel's findings and recommendations in this case. The panel have found the allegations proven and judged that the facts amount to conviction of a relevant offence and unacceptable professional conduct.

Ms Master's conviction relates to an offence of making false representation to make gain for self or another or cause loss to other or expose other to risk contrary to Section 1 and 2 of the Fraud Act 2006. She failed to report her arrest and prosecution to her employer and in not doing so she acted dishonestly.

In considering whether to recommend a prohibition order the panel have properly balanced the public interest with those of Ms Masters and have considered the Secretary of State's guidance *Teacher misconduct: the prohibition of teachers*. The panel have recognised the character evidence submitted on behalf of Ms Masters which attested to her honesty and integrity and the high regard that pupils and staff had for her. The Panel was also mindful of the fact that prior to these findings being made against her, Ms Masters was considered to be a person of good character with no previous criminal or disciplinary sanctions recorded against her.

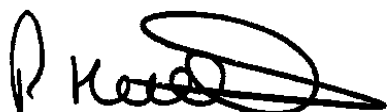
Nevertheless Ms Masters' behaviour has fallen well short of the standards expected of a teacher and I agree with their recommendation that a prohibition order is an appropriate and proportionate sanction.

In considering whether it would be appropriate to allow Ms Masters to apply for the order to be reviewed in the future the panel have noted the guidance and in particular that there are behaviours that, if proven, would militate against a review period being recommended. One of these behaviours includes fraud or serious dishonesty. Even though the Panel was mindful that Ms Masters' conviction did not result in imprisonment, she was nevertheless convicted of the serious offence of fraud. She deliberately sought to hide her arrest and prosecution from her employer. The panel are of the view that Ms Masters has failed to take responsibility for her actions nor has she demonstrated remorse or regret over her actions. I agree that the prohibition order should be without the opportunity for Ms Masters to apply to have it set aside.

This means that Ms Jillian Masters 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 her, I have decided that Ms Jillian Masters 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.

Ms Jillian Masters 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: 22 December 2014

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