



National College for
Teaching & Leadership

Mrs Joyce Johnson: Professional Conduct Panel outcome

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

November 2014

Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	4
D. Summary of evidence	4
Documents	4
Witnesses	5
E. Decision and reasons	5
Panel's recommendation to the Secretary of State	4
Decision and reasons on behalf of the Secretary of State	8

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

Teacher: Mrs Joyce Johnson

Teacher ref no: 6965996

Teacher date of birth: 9 November 1950

NCTL Case ref no: 0011158/JOHNSON

Date of Determination: 7 November 2014

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 7 November 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mrs Joyce Johnson.

The Panel members were Mrs Gill Goodswen (Teacher Panellist - in the Chair), Mr Ian Hughes (Lay Panellist) and Ms Sarah Evans (Teacher Panellist).

The Legal Adviser to the Panel was Mr Guy Micklewright of Blake Morgan LLP Solicitors.

The Presenting Officer for the National College was Ms Rachel Cooper of Nabarro Solicitors.

Mrs Johnson was not present and was not represented.

The meeting took place in private. The decision was announced in public.

B. Allegations

The Panel considered the allegations set out in the Notice of Proceedings dated 27 October 2014.

It was alleged that Mrs Joyce Johnson was guilty of having been convicted of a relevant offence, in that:

1. On 18 November 1997, at Barnet Magistrates' Court, you were convicted of the offence of driving a motor vehicle with excess alcohol on 25 October 1997, contrary to Section 5(1)(a) of the Road Traffic Act 1988. You were sentenced to: A probation order for 24 months, disqualified from driving for 24 months, your driving licence was endorsed and ordered to pay costs of £50.
2. On 12 August 2013, at Highbury Corner Magistrates' Court, you were convicted of the following offences: Dangerous driving on 9 July 2013 contrary to Section 2 of the Road Traffic Act 1988, and driving a motor vehicle with excess alcohol on 9 July 2013 contrary to Section 5(1)(a) of the Road Traffic Act 1988. You were sentenced overall, on 20 August 2013, at Highbury Corner Magistrates' Court to: Imprisonment of 16 weeks wholly suspended for 24 months, imprisonment of 12 weeks concurrent wholly suspended for 24 months, to pay compensation of £150, disqualified from driving for 36 months (from 12 August 2013) and until an extended test was passed, to pay costs of £85, undertake 100 hours of unpaid work and to pay a victim surcharge of £80.

By way of a Statement of Agreed Facts, signed by Mrs Johnson on 25 August 2014 and the Presenting Officer on 8 August 2014, Mrs Johnson admitted all of the facts alleged and the overall allegation of conviction of a relevant offence.

C. Preliminary applications

There were no preliminary applications.

D. Summary of evidence

Documents

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

1. Notice of Referral, Response, and Notice of Meeting (pages 4-8b)
2. Chronology (page 2)
3. Statement of Agreed Facts and Presenting Officer Representations (pages 10 to 15A)

4. NCTL Documents (pages 17-38)
5. Memoranda of Conviction and PNC Record (pages 39-46)
6. Teacher Documents (page 48)

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

Witnesses

The Panel did not hear any oral evidence and the case was dealt with by way of a Meeting.

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.

This case relates to three convictions received by Mrs Johnson: driving whilst over the prescribed limit in breath contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988 on 18 November 1997; driving whilst over the prescribed limit in breath contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988 on 12 August 2013; and dangerous driving, contrary to section 2 of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988 on the same date. Mrs Johnson pleaded guilty at the time to all three offences.

It is not in dispute that in relation to the second two convictions that, Mrs Johnson, having crashed into the vehicle of the other driver, having been informed that the driver intended on calling the police, drove away from the scene of the accident and in doing so caused injury to the driver and further damage to the driver's vehicle. She was later apprehended by the police and failed a roadside breath test. She was then arrested for drink-driving and dangerous driving.

Findings of Fact

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

1. On 18 November 1997, at Barnet Magistrates' Court, you were convicted of the offence of driving a motor vehicle with excess alcohol on 25 October 1997, contrary to Section 5(1)(a) of the Road Traffic Act 1988. You were sentenced to: A probation order for 24 months, disqualified from driving for 24 months, your driving licence was endorsed and ordered to pay costs of £50.

The Panel's findings and reasons in relation to this particular are:

The above conviction has been admitted by Mrs Johnson by way of the Statement of Agreed Facts, signed by her on 25 August 2014. We accept and take into account the entirety of the content of that document. We were further assisted by the supporting documents in the bundle, in particular the signed Memorandum of Conviction from Barnet Magistrates' Court which confirms the conviction and the sentence imposed, as well as the printout from the Police National Computer Database.

2. On 12 August 2013, at Highbury Corner Magistrates' Court, you were convicted of the following offences: Dangerous driving on 9 July 2013 contrary to Section 2 of the Road Traffic Act 1988, and driving a motor vehicle with excess alcohol on 9 July 2013 contrary to Section 5(1)(a) of the Road Traffic Act 1988. You were sentenced overall, on 20 August 2013, at Highbury Corner Magistrates' Court to: Imprisonment of 16 weeks wholly suspended for 24 months, imprisonment of 12 weeks concurrent wholly suspended for 24 months, to pay compensation of £150, disqualified from driving for 36 months (from 12 August 2013) and until an extended test was passed, to pay costs of £85, undertake 100 hours of unpaid work and to pay a victim surcharge of £80.

The Panel's findings and reasons in relation to this particular are:

The above convictions have been admitted by Mrs Johnson by way of the Statement of Agreed Facts, signed by her on 25 August 2014. We accept and take into account the content of that document. We were further assisted by the supporting documents in the bundle, in particular the Memorandum of Conviction from the Register of The North London Magistrates' Court which confirms the convictions and the sentence imposed. Whilst we note that the Memorandum itself appears not to have been signed by an Officer of the Court, we are satisfied that it represents a true record of the convictions. In coming to that finding we have taken into account the Police National Computer Printout, the signed Statement of Agreed Facts, and the further supporting evidence of the offences contained in the bundle.

Findings as to conviction of a relevant offence

We consider all three offences amount to relevant offences.

In respect of the conviction for drink driving in 1997, this is a serious driving offence involving the consumption of a substantial amount of alcohol and was contrary to the standard of behaviour expected of a teacher. Although the Panel note the age of the offence, the Panel remains of the view that this amounts to a relevant offence.

In respect of the driving offences for which Mrs Johnson was convicted in 2013, both amount to serious driving offences and also involve the consumption of a significant amount of alcohol. The circumstances surrounding the convictions, as admitted in the Statement of Agreed Facts, are in the Panel's view, aggravating features. The Panel was concerned in particular with: the fact that the teacher attempted to drive away from the scene of the accident; that she caused injury to the other driver by pinning her against the bonnet of her own vehicle and the back of the VW Caddy belonging to the other driver; and that further damage was caused to the VW Caddy as she drove away. The Panel concluded that these offences showed that the teacher was not demonstrating the consistently high standards of personal conduct expected of a teacher. Teachers are expected to maintain high standards of ethics and behaviour both within and outside school. This behaviour fell seriously short of those standards.

Panel's recommendation to the Secretary of State

The Panel went on to consider the issue of prohibition. The Panel has considered the 'Teacher misconduct: the prohibition of teachers' guidance dated July 2014.

The Panel carefully considered the mitigation put forward by the teacher in her email of 25 April 2014. Whilst the Panel is sympathetic to the effect a Prohibition Order would have on her life, it is nevertheless of the view that the circumstances of the offences are such that a Prohibition Order is appropriate and proportionate. The Panel accepts the submission of the Presenting Officer that it is a cause for concern that the teacher's reaction on 9 July 2013 to receipt of "*some very bad news*" was to consume alcohol to excess and then go on to drive a motor vehicle, in due course causing injury to another road user and damage to her vehicle. The Panel notes that the teacher was nearly four times over the prescribed limit of alcohol in breath and that the Court viewed her offending to be of sufficient seriousness to impose a custodial sentence, albeit suspended for 24 months.

We accept the Presenting Officer's submission that Mrs Johnson's actions amount to a serious departure from the Teachers' Standards and are capable of bringing the profession into disrepute and undermining public confidence in the profession. Weighing the public interest considerations against the interests of the teacher it is appropriate that a Prohibition Order is imposed to maintain public confidence in the teaching profession and to uphold proper standards of conduct.

The Panel recommends to the Secretary of State that a Prohibition Order be imposed.

The Panel went on to consider whether it is appropriate and proportionate to allow Mrs Johnson to be permitted to apply for the Prohibition Order to be set aside after a specific period of time.

It is the Panel's view that the offences committed by Mrs Johnson are not only serious in themselves but suggest a pattern of similar offending as evidenced by the fact that the

two convictions were for driving whilst over the prescribed limit. The aggravating features of the offending in 2013 are such that the conduct of Mrs Johnson departed so far from the standards of behaviour expected of teachers, who act as role models for pupils, that the Panel do not feel that it is appropriate to allow Mrs Johnson a future opportunity to apply for this Prohibition Order to be set aside.

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 Johnson has admitted the offences and that the convictions amount to convictions of relevant offences. The panel have found the allegations proven and agree that they amount to convictions of relevant offences.

The convictions relate to serious driving offences involving the consumption of significant amounts of alcohol. The panel have determined that the circumstances surrounding the convictions involve aggravating features. The offences were considered serious enough to warrant a custodial sentence albeit suspended for 24 months.

The panel have considered the public interest alongside the interests of the teacher and have recommended that a prohibition order is an appropriate and proportionate sanction. I agree with their recommendation.

The panel went on to consider whether it would be appropriate to agree a period after which Mrs Johnson should be allowed to have the order set aside.

The Panel have determined that the offences committed by Mrs Johnson are not only serious in themselves but suggest a pattern of similar offending as evidenced by the fact that the two convictions were for driving whilst over the prescribed limit. The aggravating features of the offending in 2013 are such that the conduct of Mrs Johnson departed significantly from the standards of behaviour expected of teachers. I agree that it would not be appropriate to allow Mrs Johnson a future opportunity to apply for the order to be set aside.

This means that Mrs Joyce Johnson 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 Mrs Joyce Johnson 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 Joyce Johnson 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: 10 November 2014

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