



National College for
Teaching & Leadership

Mr Jeffery Thomas: Professional conduct panel outcome

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

February 2015

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Professional conduct panel decision and recommendations, and decision on behalf of the Secretary of State

Teacher:	Mr Jeffery Thomas
Teacher ref no:	0943933
Teacher date of birth:	31 July 1974
NCTL case ref no:	10837
Date of determination:	27 February 2015
Former employer:	Haberdashers' Aske's Knights Academy

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 26 and 27 February 2015 at 53-55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Jeffery Thomas.

The panel members were Mr Brian Hawkins (teacher panellist – in the chair), Mrs Alison Thorne (lay panellist) and Mrs Ruth Winterson (teacher panellist).

The legal adviser to the panel was Mr Paddy Roche of Blake Morgan Solicitors LLP, Oxford.

The presenting officer for the National College was Ms Louisa Atkin of Browne Jacobson Solicitors, Nottingham.

The teacher Mr Jeffery Thomas did not attend 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 10 November 2014.

It was alleged that Mr Thomas was guilty of unacceptable professional conduct in that:-

Whilst employed at Haberdashers' Aske's Knights Academy, Bromley during 2012 and 2013 he failed to maintain professional boundaries and engaged in an inappropriate relationship with student A:-

1. Including that he:-
 - a. Exchanged personal phone numbers with her;
 - b. Communicated with her over the phone on numerous occasions between March 2013 and September 2013;
 - c. Met with her outside of School on one occasion or more;
 - d. Allowed her to stay overnight at his home between 31 July 2013 and 2 August 2013;
 - e. Kissed her on at least one occasion.
2. Despite having been advised by student A's brother around Easter 2013 that he should not be in communication with student A outside of School;
3. Despite having received safeguarding guidance from the Vice Principal in May and June 2013 after concerns had been raised by other members of staff in connection to his relationship with student A;
4. And that his conduct in relation to allegation 1 was sexually motivated.

C. Preliminary applications

At the commencement of the hearing the presenting officer made an application for the case to proceed in the absence of the teacher. She said that the notice of proceedings had been served in accordance with the Disciplinary Procedure Rules on the teacher Mr Thomas. Mr Thomas had responded and his notice of response was included in the case papers at pages 13 to 16. In it the teacher had indicated that he did not intend to appear at the hearing or to be represented.

The panel considered the application and agreed that the case should proceed in the absence of the teacher as he had indicated that he had no intention of attending the hearing in person.

The presenting officer made an application for Witness B (Vice Principal of the school) to give evidence by telephone as he had not attended in person. She said that he had mistakenly thought that the hearing was listed in May but was available to give telephone evidence. The panel decided that as his evidence was almost entirely hearsay and was not disputed by the absent teacher that there was no need, in the interests of justice, to hear from Witness B in person and that it would be appropriate to rely on his written statement in the case papers.

The presenting officer made an application for Witness C to give evidence in person and said that she was available to attend the hearing on Friday 27 February. Witness C was the teacher's estranged wife and had been in the USA but wished to attend the hearing and was willing to be called as a witness to give evidence in accordance with her summary at pp 50/51 of the case papers. Mr Thomas had been notified of the application by Email on 24 February and had responded by Email on 25 February (the previous day) setting out his concerns. The panel decided that it would not be in the interests of justice for Witness C to give evidence in the case as Mr Thomas had been given inadequate notice and, being absent, there was a risk he would suffer prejudice. The panel considered also that the value of the evidence she was able to give was limited and not germane to the main issues with which the hearing was concerned.

D. Summary of evidence

Documents

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

Section 1	Chronology and Anonymised Pupil List	Pages 1 to 4.
Section 2	Notice of Proceedings and Response	Pages 6 to 16.
Section 3	NCTL Witness Statements	Pages 17 to 19.
Section 4	NCTL Documents	Pages 20 to 56.
Section 5	Teacher Documents	Pages 57 to 63.

In addition further documents had been submitted by the presenting officer which were relevant to notice of the application served on Mr Thomas that Witness C be called to give evidence. These documents were added to section 4 of the case papers and were paginated 56a – 56d.

The panel members confirmed that they had read all of the documents in advance of the hearing.

Witnesses

No witnesses were called in the course of the hearing.

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.

The case concerns allegations that while employed at the school as a teacher of Design Technology, Mr Thomas developed a relationship with student A, who was a Year 12 student. He was noticed by other members of staff to be spending time alone with student A during the school day and after school and those concerns were reported to senior members of staff.

Mr Thomas was spoken to about the nature of his relationship with student A by the Vice Principal and advised as to his future conduct towards her. He was also contacted by student A's brother who was concerned about Mr Thomas' involvement with student A and advised him in a telephone conversation around Easter 2013 that he should not be in communication with student A outside of school. Despite these warnings it is alleged that Mr Thomas communicated with student A by telephone particularly during the summer holidays and met with her outside of school allowing her to stay overnight at his flat on one occasion. It is further alleged that he kissed her on at least one occasion and that his conduct towards student A was sexually motivated.

The case papers indicate that while Mr Thomas accepts that his conduct towards student A breached appropriate professional boundaries and the Teachers' Standards. He denies that any of his conduct was sexually motivated. He acknowledges that he made errors of judgement and says that he is full of remorse about what occurred and says that there are no excuses for his poor errors of judgement. However he asks the panel to take account of his domestic circumstances and other personal and health considerations at the time. He indicates that he would very much like to continue as a teacher and presents a number of written testimonials in the case papers.

Findings of fact

Our findings of fact are as follows:-

We have found the following particulars of the allegations against Mr Thomas proven, for these reasons:-

Whilst employed at Haberdashers' Aske's Knights Academy, Bromley during 2012 and 2013 he failed to maintain professional boundaries and engaged in an inappropriate relationship with student A:-

1. Including that he:-

a. Exchanged personal phone numbers with her;

This particular is admitted by Mr Thomas in his response to the notice of proceedings exhibited at p.13 of the case papers. He also says in his personal statement at p 59 that – “I agree that I breached teaching standards when I exchanged personal telephone numbers with a student and that I should never have had telephone conversations with her. I regret this mistake with all my heart. However I must insist that my intentions were never sexually motivated.”

It is further supported by a passage in the witness statement of Witness B, Vice Principal at the school, who says on p 18 that in the course of his interview with Mr Thomas he “admitted to me that he had exchanged personal telephone numbers with pupil A.” Mr Thomas has not challenged any part of the Vice Principal’s witness statement and we determine that we can rely upon it in its entirety.

b. Communicated with her over the phone on numerous occasions between March 2013 and September 2013;

This particular is admitted by Mr Thomas in his response to the notice of proceedings at p.13 of the case papers and in his personal statement at p 59 as set out above. It is also supported by the responses given by Mr Thomas in his interview with Witness B on 13 September 2013 which are set out at pp 42-44. Mr Thomas was told by Witness B that student A’s phone records from June 2013 to July 2013 showed that there had been 89 calls and 29 text messages to his number from student A. He is said to have expressed surprise at the number of calls during this period but did not dispute the accuracy of the record.

The accuracy of his interview notes is confirmed by Witness B at p. 18 of his witness statement (paragraph 6).

c. Met with her outside of School on one occasion or more;

This particular is admitted by Mr Thomas in his response to the notice of proceedings at p.13 of the case papers. At p.60 in his personal statement he acknowledges that student A stayed at his flat “on 31st of July, for only one night.”

There is some evidence in the case papers that Mr Thomas met with student A outside of school on other occasions – at p.28 in an unsigned and unattributed document recording a meeting with Individual D and also in a summary prepared by Witness C at pp 50 and 51. In that document it is said by her that Mr Thomas told her, in September 2013, that he had seen student A outside of school approximately 10 times “mostly in places near the school.” However neither document bears a signature and we have no information as to how these documents were prepared or whether they have been checked for accuracy. We therefore are able to give very limited weight to them and find this particular proven only in relation to the overnight stay at his flat which Mr Thomas admits.

- d. Allowed her to stay overnight at his home between 31 July 2013 and 2 August 2013;

This particular is admitted by Mr Thomas in his response to the notice of proceedings at p.13 of the case papers where he indicates – “she stayed for one night.”

In his personal statement at p.60 he says “(student A) did stay at my flat on 31st July, for only one night. This was because she knew I was low and alone on my birthday, she arrived at my flat late and unannounced. We went to the cinema and she ended up sleeping on the bed (me on the sofa) because she missed her last train home. Again, with hindsight I realise I was at fault and should have sent her home when she arrived.”

2. Despite having been advised by student A’s brother around Easter 2013 that he should not be in communication with student A outside of School;

This particular is admitted by Mr Thomas in his response to the notice of proceedings at p13 of the case papers. It is also fully covered on p 19 of the case papers in the witness statement of Witness B at paragraph 8 which details the witness’ account of his interview with the teacher on 13 September 2013. He records that in the interview Mr Thomas informed him that “he had been called by pupil A’s brother.” He had been warned by the brother “about not having any further contact with pupil A.” Witness B goes on to say that despite the warnings Mr Thomas admitted that he continued to have contact with student A.

In paragraphs 9 and 10 of the witness statement Witness B refers to a conversation he had with student A’s brother on 20 September 2013 of which he made a note. In that conversation student A’s brother confirmed to him that he had spoken to Mr Thomas in relation to contact with student A.

3. Despite having received safeguarding guidance from the Vice Principal in May and June 2013 after concerns had been raised by other members of staff in connection to his relationship with student A;

This particular is admitted by Mr Thomas in his response to the notice of proceedings at p.13 of the case papers. It is covered in Witness B's statement at p.19 where he refers to the interview with Mr Thomas and his notes. He says that he asked Mr Thomas in the interview "specifically about the warning that had been given to him in relation to the level of communication between Mr Thomas and pupil A. He (Mr Thomas) accepted that he had been told by Individual E (Head of Design Technology) that he should not be alone with pupil A nor should she be in his lessons when he was teaching other groups."

We have also noted the document at p. 25 of the case papers which is an Email exchange between Witness B and Mr Thomas on 4 June 2013. In Witness B's email to the teacher he concludes – "As mentioned, it is important that you ensure you are fully safeguarded at all times and that you ensure that your interactions and relationship cannot be perceived as inappropriate. I thank you for your understanding."

In his response on the same day Mr Thomas says "Thanks for your support with this. I understand the safeguarding issue. I will ensure the good relationship I have with the students is not viewed as inappropriate, however as I pointed out, I will not stop helping students in the fear of my colleagues using it against me."

There is also a manuscript note on the same page which records that on 6 June 2013 Witness B spoke to Mr Thomas - "advice on keeping distance shared and discussed."

On p.27 there is a further manuscript note which says "MEC Met with Mr Thomas on 23rd May to discuss concerns raised."

4. And that his conduct in relation to allegation 1 was sexually motivated.

This particular is put by the presenting officer on the basis that "sexually motivated" is intended to mean that Mr Thomas' conduct towards student A was undertaken with a view to establishing sexual contact of some sort with student A. Mr Thomas has clearly set out in his response to the notice of proceedings, in his personal statement and elsewhere in the case papers that he denies any such motivation.

We recognise that in our findings of fact we have not found it proven that any inappropriate physical contact between Mr Thomas and student A occurred while Mr Thomas was a teacher at the school or before student A ceased to be a pupil. We also determined that the evidence disclosed does not persuade the panel that

Mr Thomas' involvement with student A at the outset was sexually motivated. However, in the panel's judgement, the evidence does establish the following:-

- Mr Thomas developed a close relationship with student A over many months while she was a pupil at the school and he was a teacher
- In his own account in his personal statement he says that his relationship with student A was a "supervisory and mentoring role" but "developed in to more of a supportive role." There is no evidence in the case bundle that the school placed this particular responsibility on Mr Thomas.
- There is no evidence in the case papers that student A had any particular personal difficulties which required him to adopt a supervisory, mentoring or supportive role
- He had received warnings about his conduct towards student A from staff members and the Vice Principal on more than one occasion and in particular the need for him to ensure that "you are fully safeguarded at all times and to ensure that your interactions and relationship cannot be perceived as inappropriate."
- Mr Thomas was also warned by student A's brother (himself a teacher) at around Easter 2013 that he should not have any further contact with student A. In the course of his conversation with student A's brother Mr Thomas told him that "he had strong feelings for student A."
- Against this background Mr Thomas and student A continued to communicate with each other, particularly during the summer holidays in 2013, by telephone and text using their personal mobile telephones.
- He allowed student A to stay overnight at his flat in July 2013 and went to the cinema with her.
- He is now living with student A, who has since left school, and, according to his personal statement signed on 30 November 2014 (p.60) she was expecting their first child.

Given the considerations set out above we are satisfied that the evidence of how this relationship developed between teacher and student while she was a student at the school allows no explanation for Mr Thomas' conduct other than it became sexually motivated. We are satisfied that this is the only credible and realistic explanation for what occurred. We therefore find this particular is proved on the balance of probabilities notwithstanding Mr Thomas' denials.

We have found the following particulars of the allegation(s) against Jeffrey Thomas not proven, for these reasons:

1e. Kissed student A on at least one occasion.

Mr Thomas admits that he told his wife, as she asserts (p.50) that he had kissed student A but says this occurred during a heated argument and “it was not the case.” There is no evidence other than his wife’s account of the conversation which allows the panel to determine whether he was telling the truth when he said it or whether he made it up, as he explains in his personal statement (p.60), in a “hurt for hurt” argument. We therefore do not find this particular proven.

Findings as to unacceptable professional conduct

We have found the majority of the particulars in this case to have been proved. Mr Thomas himself acknowledges in his response to the notice of proceedings that this is a case of unacceptable professional conduct. He says in his personal statement that he wholeheartedly agrees that his actions were professionally unacceptable and that there is a need for his actions to be reviewed in relation to his ability to teach in the future (p.59)

Unacceptable professional conduct is defined as misconduct of a serious nature falling significantly short of the standard of behaviour expected of a teacher.

We have had regard to this definition and to the Teacher’s Standards and particularly part two of the standards which provides guidance as to the personal and professional conduct standards expected of members of the profession.

Teachers are expected to demonstrate consistently high standards of personal and professional conduct.

The standards state that –“Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour inside and outside school by:-

- treating pupils with dignity, building relationships built on mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position
- having regard to the need to safeguard pupils’ well-being in accordance with statutory provisions.”

Measured against those standards Mr Thomas’ conduct towards student A, over a period of many months fell very seriously short. He allowed the relationship to develop in a way that was wholly irresponsible and inappropriate and paid no regard to the professional boundaries that the public expects to attend the teacher/pupil relationship.

Notwithstanding the fact that he and student A are now living together, during the period covered by these allegations he ignored his safeguarding responsibilities towards student A. He did so despite having received both guidance and warnings from members of the school staff and student A’s brother. We view the fact that he continued to maintain and develop the relationship with student A whilst she was a student, in the face of very clear

advice and warnings as to his behaviour, as an aggravating factor in this case. Mr Thomas' conduct represents a fundamental abuse of his position of trust as one of student A's teachers and is behaviour that undermines public confidence in the profession and damages its collective reputation.

In the panel's judgement this is a clear case of unacceptable professional conduct.

Panel's recommendation to the Secretary of State

Prohibition Orders are made in the public interest which includes:-

- the protection of pupils and other members of the public
- the maintenance of public confidence in the profession
- declaring and upholding proper standards of conduct.

In this case we judge that all three considerations are engaged by Mr Thomas' conduct. We are concerned by Mr Thomas' poor judgement in the face of the clear advice and guidance that he received from senior members of the school staff on several occasions and, particularly, the warning given by student A's brother. We would have expected Mr Thomas to have responded positively to the advice and warnings he received but he failed to do so and allowed the relationship with student A to continue and develop.

We are concerned that Mr Thomas appears not to have modified his conduct towards student A at all. The frequency of the telephone communications between them during the summer of 2013 and the fact that he allowed her to stay overnight in his flat and took her to the cinema suggests that he continued to ignore the responsibilities he carried as a member of the teaching profession. We note also that Mr Thomas is now 40 years of age and had been a teacher for 3-4 years at the time of these events.

We therefore take account of the fact that Mr Thomas was a member of the teaching staff and fostered a relationship with a pupil. This occurred over a period of many months while both were at the school until his resignation in September 2013. That relationship, we are told, continues to subsist and Mr Thomas and his former student are now living together and expecting a child. However the fact that a permanent relationship has now developed cannot, retrospectively, excuse or justify the very serious professional failings that are disclosed in this case and the teacher's paramount responsibility to observe and maintain appropriate professional boundaries. Quite simply teachers must not behave towards their pupils in the way that Mr Thomas acknowledges occurred in this case.

We have considered the representations made by Mr Thomas in his personal statement, the testimonials he has provided and the letter from student A's mother (pp 53-54). There is evidence in those documents that Mr Thomas has significant qualities to offer as a teacher, he had some personal difficulties at the time and he expresses his remorse and regret for what occurred and says that he made errors of judgement. It is, however,

difficult for the panel to assess his attitude to these events as he has chosen not to attend this hearing. We have therefore been deprived of the opportunity to hear from him in person which may have been helpful. Certainly while he was at the school it would appear that Mr Thomas failed to heed advice that he was given and his failure to do so causes the panel considerable concern.

We judge that in this case there has been a serious departure from the personal and professional conduct elements of the Teachers Standards as well as an abuse of trust towards student A. We have also decided, as indicated above, that Mr Thomas' conduct was sexually motivated. For the reasons given we are uncertain, based on what is disclosed in the case papers, whether Mr Thomas fully appreciates the gravity of his conduct. Teachers need to be seen as role models to those they teach and Mr Thomas has failed to achieve that important standard.

We therefore recommend that a Prohibition Order should be imposed in this case in the public interest both for the protection of pupils, to maintain public confidence in the profession and to uphold proper standards of conduct.

The panel is of the view, however, that it would be proportionate for Mr Thomas to be allowed to make an application for review of the Prohibition Order once a minimum period of five years has elapsed. We consider that such an Order would be proportionate in all the circumstances of this case and we hope that any panel that may hear a "set aside" application would be concerned to establish that Mr Thomas recognises the serious nature of his conduct and the paramount importance of complying with the essential safeguarding responsibilities that all members of the profession are required to observe.

Decision and reasons on behalf of the Secretary of State

I have given very serious and careful consideration to this case and to the recommendations that have been made by the panel both in respect of sanction and review.

This is a case in which the panel have found unacceptable professional conduct in relation to two particular areas:

treating pupils with dignity, building relationships built on mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position

having regard to the need to safeguard pupils' well-being in accordance with statutory provisions."

The case is all the more serious because after very careful consideration the panel found that the behaviour of Mr Thomas was sexually motivated.

Indeed, it is clear that during the period of time that is covered by these allegations Mr Thomas ignored the safeguarding responsibilities that he owed to student A. Mr Thomas did this even though he had been given both guidance and warnings from members of the school staff and student A's brother. The fact that Mr Thomas continued to maintain and develop the relationship with student A whilst she was a student, in the face of very clear advice and warnings as to his behaviour, is an aggravating factor in this case. In my view Mr Thomas' conduct represents a fundamental abuse of his position of trust. Mr Thomas's behaviour undermines public confidence in the profession and damages its collective reputation.

I have given careful consideration to the need to weigh the public interest with the interests of Mr Thomas. I have also considered the need to be proportionate and have taken into account the mitigation offered by Mr Thomas in this case.

I support the recommendation of the panel that this case should result in a prohibition order. In my view such an order is necessary in the public interest for the protection of pupils, to maintain public confidence in the profession and to uphold proper standards of conduct.

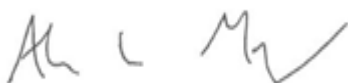
I have gone on to consider the panel's recommendation in respect of a review period. I support the recommendation of the panel for the reasons set out.

This means that Mr Jeffrey Thomas is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 9 March 2020, 5 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he/she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Jeffrey Thomas remains prohibited from teaching indefinitely.

This order takes effect from the date on which it is served on the teacher.

Mr Jeffrey Thomas 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.

NAME OF DECISION MAKER: Alan Meyrick



Date: 2 March 2015

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