



National College for
Teaching & Leadership

Ms Suzanne Lee: Professional conduct panel outcome

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

September 2016

Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	4
D. Summary of evidence	5
Documents	5
Witnesses	5
E. Decision and reasons	5
Panel's recommendation to the Secretary of State	8
Decision and reasons on behalf of the Secretary of State	10-11

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

Teacher: Ms Suzanne Lee

Teacher ref number: 0946010

Teacher date of birth: 14 September 1980

NCTL case reference: 14865

Date of determination: 22 September 2016

Former employer: Darton College, Barnsley

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 22 September 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Ms Suzanne Lee.

The panel members were Cllr Gail Goodman (lay panellist – in the chair), Ms Gill Tomlinson (lay panellist) and Mr Martin Greenslade (lay panellist).

The legal adviser to the panel was Mrs Luisa Gibbons of Eversheds LLP solicitors.

The presenting officer for the National College was Rachel Cooper of Nabarro LLP solicitors.

Ms Lee was not present and was not represented.

The meeting took place in private, save for the announcement of the panel’s decision, which was announced in public and recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 7 September 2016.

It was alleged that Ms Lee was guilty of having been convicted of relevant offences, in that:

1. On 8 October 2015 at Sheffield Magistrates Court, she was convicted of possessing a controlled drug (class A) on 25 April 2015, contrary to section 5(2) Misuse of Drugs Act 1971. She was fined £75.00 and was ordered to forfeiture and destruction of cocaine and to pay a criminal courts charge of £180.00.
2. On 8 October 2015 at Sheffield Magistrates Court, she was convicted of common assault/battery of Ms JB, on 25 April 2015, contrary to section 39 of the Criminal Justice Act 1988. She was fined £150.00 and ordered to pay £40.00 in compensation.
3. On 8 October 2015 at Sheffield Magistrates Court, she was convicted of common assault/battery of Mr DB, on 25 April 2015, contrary to section 39 of the Criminal Justice Act 1988. She was fined £150.00, and ordered to pay £85.00 in costs and £40.00 in compensation.

Ms Lee has admitted the facts of the allegation; and that she knew or ought to have known that the convictions she received were relevant offences for the purpose of NCTL proceedings.

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 and that Ms Lee has requested a meeting the panel was of the view that justice would be adequately served by considering this matter at a meeting. The panel has no evidence from Ms Lee other than that contained in the Statement of Agreed Facts, but considered that it was a matter for Ms Lee as to whether she wished to make any further representations. Since the allegations relate to convictions, there are no evidential difficulties since the certificate of conviction is conclusive proof that establishes the relevant facts.

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.

The panel noted that the Notice of Meeting refers only to an allegation of a conviction of a relevant offence, but that the Statement of Agreed Facts provides the teacher's response to whether her conduct amounts to unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel were cautious of Ms Lee's right to a fair trial and to be informed of the nature of the accusation against her. The panel therefore decided to confine itself to considering only the allegation of conviction of a relevant offence, since that was clearly alleged in the Notice of Meeting. The panel noted that the Advice enabled the panel to make a judgement about whether to recommend a prohibition order, regardless of whether it confined itself to only considering an allegation of conviction of a relevant offence.

D. Summary of evidence

Documents

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

Section 1: Chronology – page 2

Section 2: Notice of Referral, response and Notice of Meeting – pages 3 to 8b

Section 3: Statement of Agreed Facts and presenting officer representations – pages 9 to 14

Section 4: NCTL documents – pages 15 to 22

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:

The panel has carefully considered the case before us and have reached a decision.

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing.

Ms Lee was employed as a teacher at Darton College, Barnsley. On 25 April 2015, she was arrested at a Sheffield nightclub for assaulting members of door staff. She was found to be in possession of 1.3 grams of cocaine. Whilst in police custody she tested positive for cocaine. She subsequently pleaded guilty to one offence of possession of a controlled drug and two offences of common assault/battery.

Findings of fact

The panel confined its deliberations to the convictions alleged, and did not take into consideration the reference in the chronology contained in the panel bundle to a matter that did not lead to a conviction.

Our findings of fact are as follows:

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

- 1. On 8 October 2015 at Sheffield Magistrates Court, you were convicted of possessing a controlled drug (class A) on 25 April 2015, contrary to section 5(2) Misuse of Drugs Act 1971. You were fined £75.00 and were ordered to forfeiture and destruction of cocaine and to pay a criminal courts charge of £180.00.**

The panel has seen a Statement of Agreed Facts signed by you on 5 August 2016 in which you have admitted this allegation. The panel has also seen the memorandum of an entry in the register of the Magistrates Court recording a conviction printed on 15 June 2016 evidencing this conviction and accepts the conviction as having proved the facts of the case that relate to the conviction. This allegation is therefore found proven.

- 2. On 8 October 2015 at Sheffield Magistrates Court, you were convicted of common assault/battery of Ms JB, on 25 April 2015, contrary to section 39 of the Criminal Justice Act 1988. You were fined £150.00 and ordered to pay £40.00 in compensation.**

The panel has seen a Statement of Agreed Facts signed by you on 5 August 2016 in which you have admitted this allegation. The panel has also seen the memorandum of an entry in the register of the Magistrates Court printed on 15 June 2016 evidencing this conviction and accepts the conviction as having proved the facts of the case that relate to the conviction. This allegation is therefore found proven.

3. On 8 October 2015 at Sheffield Magistrates Court, you were convicted of common assault/battery of Mr DB, on 25 April 2015, contrary to section 39 of the Criminal Justice Act 1988. You were fined £150.00, and ordered to pay £85.00 in costs and £40.00 in compensation.

The panel has seen a Statement of Agreed Facts signed by you on 5 August 2016 in which you have admitted this allegation. The panel has also seen the memorandum of an entry in the register of the Magistrates Court printed on 15 June 2016 evidencing this conviction and accepts the conviction as having proved the facts of the case that relate to the conviction. This allegation is therefore found proven.

Findings as to conviction of relevant offences

Having found the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to conviction of relevant offences.

In doing so, the panel has had regard to the document Teacher Misconduct: The Prohibition of Teachers, which the panel refers to as “the Advice”.

The panel is satisfied that the conduct of Ms Lee in relation to the facts it has found proved, involved breaches of the Teachers’ Standards. We consider that by reference to Part Two, Ms Lee is in breach of the expectation that she demonstrate consistently high standards of personal and professional conduct. Specifically, the panel finds Ms Lee to have breached the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - showing tolerance of and respect for the rights of others;

The panel noted that the individual’s actions were relevant to teaching, working with children and/or working in an education setting since teachers have to provide an example to pupils that upholds the rule of law.

The panel noted that the behaviour involved in committing the offence could have had an impact on the safety of members of the public.

The panel has also taken account of how the teaching profession is viewed by others. The panel considered that Ms Lee’s behaviour in committing the offences could affect the public confidence in the teaching profession given the influence that teachers may have on pupils, parents and others in the community.

The panel noted that the teacher’s behaviour did not lead to a sentence of imprisonment though nevertheless was considered to be serious by the panel.

This is a case involving an offence of violence and possession of class A drugs which the Advice states is likely to be considered a relevant offence.

Ms Lee has placed no evidence of any mitigating circumstances in committing the offences before the Panel, although the Panel has noted that Ms Lee has a previously good history, in the absence of any evidence to the contrary.

Although the panel finds Ms Lee's previous good history to be of note, the panel has found the seriousness of the offending behaviour that led to the conviction is relevant to the teacher's ongoing suitability to teach. The panel considers that a finding that these convictions are relevant offences is necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of conviction of relevant offences, 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 Advice and having done so has found a number of them to be relevant in this case, namely the protection of pupils and other members of the public; the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In light of the panel's findings against Ms Lee, which involved violence and possession of a Class A drug, there is a strong public interest consideration in respect of the protection of pupils given the serious findings of violence, albeit not committed against pupils.

Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Lee 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 Lee 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 Ms Lee.

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 Lee. The panel took further account of the Advice, 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;
- the commission of a serious criminal offence,

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. In light of the panel's findings there is no evidence that the teacher's actions were not deliberate or that the teacher was acting under duress. The teacher has a previously good record. However, the panel has no evidence of references regarding Ms Lee's character.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Ms Lee. The seriousness of the offences, and the influence that teachers have over pupils 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 were mindful that the Advice 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 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include violence and class A drug abuse. The panel has found that Ms Lee has been convicted of such offences. There is no evidence of Ms Lee having shown any insight into her actions or remorse.

The panel felt the findings indicated a situation in which a review would not be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provision for a review period.

Decision and reasons on behalf of the Secretary of State

I have considered very carefully the findings and recommendations of the panel in this case. The panel has found the allegations proven, given Ms Lee has been convicted as alleged of relevant offences.

I note that the panel has taken due regard to the fact that the offences were not specifically related to Ms Lee's teaching, but that they are plainly relevant to her fitness to teach, working with children and/or working in an education setting. Teachers have to provide an example to pupils that upholds the rule of law.

The panel also noted that the behaviour involved in committing the offences could have had an impact on the safety of members of the public.

I have taken into account the guidance published by the Secretary of State. That guidance 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;
- the commission of a serious criminal offence.

I have considered the public interest considerations in this case. I have balanced the public interest and the interests of Ms Lee. I have also taken into account the need to be proportionate.

In light of the panel's findings there is no evidence that the teacher's actions were not deliberate or that the teacher was acting under duress

The panel has recommended that prohibition is both proportionate and appropriate. I note the seriousness of the offences, and the influence that teachers have over pupils was a significant factor in the panel forming that opinion. I agree with the panel's view.

I now turn to the matter of a review period. The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include violence and class A drug abuse. The panel has found that Ms Lee has been convicted of such offences. I also note that there is no evidence of Ms Lee having shown any insight into her actions or remorse.

Due to the serious nature of this case and for the reasons set out above, I agree with the panel's recommendation, that a prohibition order should be imposed and that no review period should be allowed.

This means that Ms Suzanne Lee 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 Lee 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 Lee 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 be 'J. Millions', written on a light-colored background.

Decision maker: Jayne Millions

Date: 27 September 2016

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