



National College for
Teaching & Leadership

Mr Colin Coleman: Professional conduct panel outcome

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

March 2016

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

Teacher: Colin Coleman

Teacher ref number: 8848089

Teacher date of birth: 27 January 1967

NCTL case reference: 12648

Date of determination: 8 March 2016

Former employer: Linaker Primary School, Southport

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 24 to 27 November 2015 at Hilton Hotel, Paradise Way, Walsgrave Triangle, Coventry CV2 2ST and on 7 to 8 March 2016 at Ramada Hotel and Suites, Butts, Coventry CV1 3GG to consider the case of Mr Colin Coleman.

The panel members were Ms Jean Carter (lay panellist – in the chair), Mr John Elliot (lay panellist) and Mr Peter Cooper (teacher panellist).

The legal adviser to the panel was Peter Shervington of Eversheds LLP, solicitors.

The presenting officer for the National College was Ms Samantha Paxman of Brown Jacobson, solicitors.

Mr Coleman was represented by Mr Nicholas Kennan of Counsel

The hearing took place in public, save for certain parts of the evidence and closing submissions relating to Mr Coleman’s medical condition, which were heard in private. The entire hearing was recorded.

B. Allegations

The panel considered the allegation(s) set out in the Notice of Proceedings dated 6 August 2015.

It was alleged that Mr Coleman was guilty of unacceptable professional conduct and / or conduct that may bring the profession into disrepute in that whilst employed as Headteacher at Linaker Primary School, Southport, he:

1. misused school funds by
 - a) making a credit card purchase of a Sony projector and a Celexon screen and
 - b) arranging for their installation at the Shirdley Hill Guide Centre;
2. inappropriately used the school budget to pay for the expenses of an external group, the Linaker Links Community Trust;
3. used the school budget and/ or the school fund inappropriately to pay for trips to India and China in that he:
 - a) overspent on the allocated budget for international trips;
 - b) allocated payments for the 2013-2014 trips to the 2012 -2013 trips;
 - c) failed to account for the use of petty cash until questioned about this by the auditors; and
 - d) failed to return the unused monies until questioned by the auditors;
4. inappropriately used expenditure from the school budget in relation to the North Pole Challenge in that he:
 - a) used school funds to pay a £15,000 deposit without approval or guarantee of repayment;
 - b) failed to return some of the fundraised monies to the school until questioned by the auditors;
 - c) used the school credit card to pay for the expenses of an organisational trip to Bristol; and
 - d) failed to repay the funds set out at c) to the school;
5. inappropriately used School expenditure to pay for photographic equipment in that:
 - a) he spent funds amounting to £24,000 within a 4 term period;
 - b) he purchased such equipment for his own personal use;
6. inappropriately used expenditure from the school budget to pay for;
 - a) a building survey on behalf of Friends of the Botanic Group to the Edward Jackson Partnership, a firm in which he had an undeclared personal interest;
 - b) a Union Jack footstool;
 - c) a web hosting page for the benefit of the Shirdley Hill Guide group;
 - d) a specialist photography course;

7. failed to comply with financial regulations through the expenditure of the school budget in that he:
 - a) failed to obtain three competitive written quotes as required by regulation 7.2.1b of the School's finance manual in relation to the following expenditure:
 - i. the building survey undertaken by the Edward Jackson Partnership;
 - ii. a Canon Camera;
 - iii. a promotional North Pole Challenge video;
 - b) failed to undertake a formal tender process for the RM Furniture lease as required by regulation 7.2.1c of the School's finance manual;
 - c) failed to obtain authorisation in relation to a write off from sale of I-Pads in accordance with regulation 13.5.2 of the School's finance manual;
8. failed to provide Governors with accurate information in relation to the School's finances;
9. failed to comply with the school's credit card procedures;
10. attempted to compromise the investigation process in that he;
 - a) sent a note to the School finance manager with the intention of deceiving the auditor;
 - b) contacted the School caretaker on 15 February 2014 in direct contravention to the terms of his suspension;
11. His conduct in relation to one or more of allegations 1- 10 above was dishonest in that he:
 - a) sought to obtain personal benefit for himself and/or others from school funds;
 - b) intentionally concealed information from the school governors in relation to the financial position of the School.

Asked to confirm whether he admitted or denied the alleged facts, Mr Coleman confirmed that his position was as set out in the statement of agreed facts dated 30 October 2015, found at pages 18-22 of the bundle. The effect of this was that the facts of allegations 3, 5,6(b), 6(d) 7, 8 and 11 were not admitted. Certain facts contained within the remaining allegations were admitted, as set out in the statement, but he did not accept that they amounted to unprofessional conduct or conduct that may bring the profession into disrepute.

There was one clarification of his position: Mr Coleman clarified that the reference to returning funds at paragraph 17 of the agreed statement of facts was intended to refer only to the return of funds to the school from the race night and that he was not responsible for funds raised from other events.

Subsequently, prior to closing submissions, which were heard at an adjourned hearing on 7 March 2016, Mr Kennan circulated an additional document setting out in detail the aspects of the allegations which were admitted and denied. The panel added this as page 1039-1044.

C. Preliminary applications

The panel considered an application from Mr Coleman that evidence relating to Mr Coleman's health would be dealt with in private. The panel decided that it would hear matters relating to Mr Coleman's health in private as this was not contrary to the public interest.

During the course of the evidence, amendments were applied for by the Presenting Officer during the course of the hearing and accepted by the panel:

- Allegation 1b was removed and Allegation 1a amended with the addition of the words 'for the benefit of the Shirdley Hill Guide Centre.'
- Allegation 5a was amended to remove the words £24,000 and replace it with the words 'more than £20,000'.

D. Summary of evidence

Documents

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

Section 1: Chronology and list of key people – pages 1 to 5

Section 2: Notice of Proceedings and Response – pages 6 to 24

Section 3: NCTL witness statements – pages 25 to 81

Section 4: NCTL documents – pages 82 to 548

Section 5: Teacher documents – pages 549 to 1038

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

Prior to submissions in mitigation, Mr Kennan provided the panel with a letter dated 29 February 2016. This was added as page 1045.

Witnesses

The panel heard oral evidence from the following witnesses called by the Presenting Officer:

- Witness A – School Finance Officer, Sefton Metropolitan Borough Council
- Witness B - Principal Auditor, Sefton Metropolitan Borough Council
- Witness C – Former Chair of Governors, Linaker Primary School
- Witness D – Chair of Governors, Linaker Primary School
- Witness E – Finance Manager, Linaker Primary School

The panel also heard oral evidence from Mr Coleman himself.

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.

Mr Coleman had been employed as headteacher at Linaker Primary School, Southport, since 2003. It was alleged that he had misused school funds, inappropriately used the school budget to pay for expenses of an external group, failed to comply with financial regulations, and failed to provide Governors with accurate information in relation to the School's finances and credit card procedures. It was further alleged that he attempted to compromise the investigation process and that his actions had been dishonest.

Findings of fact

Our findings of fact are as follows. We follow the allegations in the order as set out in the Notice of Proceedings.

Whilst employed as Headteacher at Linaker Primary School, Southport you:

1. misused school funds by making a credit card purchase of a Sony projector and a Celexon screen for the benefit of the Shirdley Hill Guide Centre;

The facts are set out at page 3 of the school's investigatory report at page 88 of the bundle. In short, Mr Coleman purchased a Sony projector (£981.88) and a screen (£259.99) in July 2013, for the benefit of the Shirdley Hill Guide Centre, after they had requested his help in sourcing such equipment.

Mr Coleman admitted he had used school funds to make a credit card purchase of these items for the centre, but denied that this was inappropriate.

It is relevant at this point to set out the basic principles governing the school's expenditure. The school in question was a maintained school and therefore had its own delegated budget. Sefton Council's guidance at page 361, stipulates that governing bodies may spend budget shares 'for the purposes of the school'. In addition, Section 27 of the Education Act 2002, at page 397, also provided that 'the governing body of a maintained school shall have the power to provide any facilities or services whose provisions furthers any charitable purpose for the benefit of (a) pupils at the school, or (b) people who live or work in the locality in which the school is situated.' Sefton Council's guidance document, at page 387 and 388, outlined a set of procedures applying to the application of funds under Section 27. These included a requirement that the governing body consult their authority at least eight weeks before exercising its power, providing detailed information relating to the financial viability of the proposal and including a detailed financial plan.

The Governing Body authorised the Headteacher to spend up to £20,000 without seeking prior approval. Witness D, a governor, stated that, 'If any bills came in that were related to the detailed expenditure that are to do with teaching and learning or health and wellbeing...he would then be able to pay those bills without having to keep coming back to the governing body. So it's paying money out for something that has already been agreed that would be paid out'. However, she did not accept that Mr Coleman was free to spend in areas not directly related to such matters without consulting the Governors. Asked specifically about the spending on the projector and screen, she said that, 'you couldn't have spent school money on it, but also it's nowhere near the school so I would have no expectation that any of the families would be using it at all'.

Mr Coleman told the panel that the guide group was approximately two miles away from the school. His wife was involved in the group. He pointed to the fact that the school had

in fact used its facilities, and that some pupils were members of the group. He said that on this basis it was right to support the group. When questioned in oral evidence, Mr Coleman accepted that, 'it was wrong to use it [the funds] in the first place'. Asked whether he misused school funds to make the purchase, Mr Coleman stated, 'I accept I shouldn't have done what I did, if that is defined in your terms as misuse then yes'. He later stated, 'my view of misuse is where the school misuses funds... where it spends money on things which might not be recuperated.....in this case the money came back in..' He accepted that there was a risk of non-payment, but characterised this as a 'calculated risk'.

Although it has given careful consideration to Mr Coleman's argument, the panel is satisfied that this spending was inappropriate. Firstly, it may well be that a limited number of pupils happened to be members of the group, or that the school even used its facilities from time to time. However, the panel concludes that these facts are too tenuous a link for it to be properly said that the equipment would 'bring an educational benefit to pupils at the school' (the characterisation of 'purposes of the school' given in the handbook at page 396). Secondly, Mr Coleman did not consult the Governors on the expenditure, and there was no attempt to consult the local authority as required for an exercise of the power under Section 27 of the Education Act.

The panel does not doubt that the purchase was motivated by a desire on the part of Mr Coleman to help an external organisation with which he had connections in relation to a purchase of equipment of a type with which he had some familiarity and knowledge. However, the purchase of such equipment using school funds was inappropriate. In the panel's view, neither the likelihood that the money would be paid back nor the date on which Mr Coleman provided a cheque repaying the expenditure have any bearing on the appropriateness or otherwise of the spending. Mr Coleman was running a school, not a bank. The principles governing purchasing decisions in schools cannot be bypassed by reference to the hope or anticipation that sums paid out to third parties will be recouped. This allegation is found to have been proved.

2. inappropriately used the school budget to pay for the expenses of an external group, the Linaker Links Community Trust;

Mr Coleman admitted that the school budget was being used for Linaker Links but denied that this was inappropriate.

The panel heard evidence as to the origins of Linaker Links. The statement of Individual A, at page 35 of the bundle, summarises some of the background. Linekar Links was established for the benefit of the community for the use of local groups. Mr Coleman played a central role in its establishment. The charity received an initial grant of £80,000 and since May 2011 had operated out of premises close to the school. Whilst close links were retained, Linaker Links was a registered charity and was a separate entity to the school.

Mr Coleman, in his evidence to the panel, emphasised the close links between the charity and the school. That such close links existed was not in dispute. The school's development objectives on Page 585 include an intention to 'embed the work of the community trust in the development of a community vision for Linaker', however it also states that the cost of this was to be 'nil to the school'.

Witness D, in her evidence (paragraph 17 of her statement at page 35) stated that the charity was intended to be a separate entity to the school, precisely in order that it could access grants and services that could not be accessed by the school. Witness E stated that she knew about the charity but that she 'tried to stay away from its finances as I felt there was a conflict of interest' (page 72). She stated that she occasionally received invoices in relation to the charity but would always give them back to Mr Coleman. Individual A, who was a trustee of the charity, stated, at paragraph 5 of his statement at page 35, that, as far as he was concerned, the school 'was to have no financial involvement with the trust'. He was not aware himself that the school was paying more than the charges for use of the building.

The school's investigation identified that the school budget was used to pay £29,989.72 to cover Linaker Link's rental payments in the years 2010-11, 2011-2012 and 2012-13. The details are outlined in the report at page 90 and referred to in the statement of the local authority auditor who undertook the review, Witness B, from page 42. In addition to rental payments, the school was also charged room hire at a cost totalling £9,600.

The evidence of Witness C and Witness D, both governors, was that they had not been made aware that the rent was to be paid by the school. Mr Coleman accepted in his evidence that he had not specifically told the governors that the school would be used to pay the rent of the trust. In his statement, he was candid: 'I should have informed the Governing Body that I was allowing school funds to be used to cover the Trust's income shortfall in this way, but these payments should not have resulted in actual expenditure'.

Mr Coleman contended that using the school's funds to pay the charity's rent was not inappropriate because the work of the charity helped the educational attainment of the pupils. He said that the charity provided lessons for pupils whose parents did not speak English, enabling their parents to take a more effective role in their learning. Mr Coleman also explained in oral evidence that the facilities were used by the school for storage.

The panel notes these contentions. The panel accepts that the school may have had some benefit from the services provided by the charity. It may well have been appropriate for the charity to have invoiced the school for the services it provided. However, the panel considers it wholly inappropriate for school funds to have been used to assist the charity by stepping in to cover its rental obligations without consulting the governors.

This allegation has therefore been found to have been proved.

- 3. used the school budget and/ or the school fund inappropriately to pay for trips to India and China in that you:**
 - a. overspent on the allocated budget for international trips;**
 - b. allocated payments for the 2013-2014 trips to the 2012 -2013 trips;**
 - c. failed to account for the use of petty cash until questioned about this by the auditors; and**
 - d. failed to return the unused monies until questioned by the auditors;**

Allegation 3a

The details were identified in the investigatory report at page 91 and in the statement of Witness B, principal auditor for Sefton Council at page 45. £10,000 was allocated in the 2013/14 budget for International Links, but in excess of £30,000 was spent on two trips – one to India (on which, as Mr Coleman confirmed in oral evidence, no students attended) and one to China (on which 10 students attended).

Mr Coleman admitted that the allocated budget for international trips was overspent but denied that the school budget and/or school fund was used inappropriately. He emphasised the school's reputation for international work, which had been encouraged by the governors, and had resulted in the school receiving an International School Award on three successive occasions. He asserted that there were wider benefits to the students over and above the direct benefits for those attending the trips, including from presentations given by those returning, continuing contact with children overseas and engagement in relevant projects.

The school admin and finance manager, Witness E, in her evidence, said she had queried with Mr Coleman whether the school should still be running the trips as the funding had stopped and the school was now subsidising them (page 74).

Evidence from the Governors suggests that they understood that the cost centre in the budget was notional and that the full costs of the international trips would be covered. Witness C, in his oral evidence, said that as far as he understood things, the money would come in from the children or from other sources, including British Council funding. Witness D said that she had understood that the funds were guaranteed.

In his evidence Witness B said that although the head's financial position statement (page 602), had referred to a £5,000 grant from the British Council, in fact Mr Coleman had only applied for £1,000 funding, and none was actually received.

The panel has considered Mr Coleman's account of the broader benefits arising from the trips. It acknowledges that the school had established a reputation for international links. However, the panel has concluded that it was wholly inappropriate for Mr Coleman to spend substantially in excess of the budgeted amount, especially against the backdrop of a tight budgetary position and where the governors were left with the misunderstanding that the money would be recouped. The panel note that the school's annual budgeted provision for spending on literacy, a school priority, was £5,000.

Allegation 3(a) is found to have been proved.

Allegation 3(b)

In relation to Allegation 3(b), it was admitted by Mr Coleman that payments for the 2013-2014 trips were allocated to the 2012-2013 trips, but Mr Coleman challenged the assertion that this could be said to amount to *using* the school budget and/or the school fund inappropriately.

Having heard from Witness E that Mr Coleman directed her to pay the deposits into the 2012/13 budget in order to reduce the overspend for that financial year, the panel is satisfied that they were allocated in this way.

The panel has considered Mr Coleman's contention that the allocation of payments relating to one year's trips into a previous year's budget cannot be considered to constitute inappropriate use. However, the panel considers that the plain meaning of the term, 'use' is sufficiently broad to encompass the allocation of funds within and between annual budgets. The panel is satisfied that the allocation of funds in this way amounted to an inappropriate use of the school budget.

This allegation has therefore been found to have been proved.

Allegation 3 (c) and (d)

In relation to Allegation 3(c) and (d) it was admitted that there was a failure to account for the use of petty cash until questioned by the auditors, and that the unused monies were not returned until questioned by the auditor but, again, Mr Coleman questioned how either action could comprise *using* the school budget and/or the school fund inappropriately

Witness B's statement (page 45) records that £2000 and £500 in cash was withdrawn from the school fund in relation to the China (November 2013) and India (April 2013) trips respectively. When initially questioned by the auditors he said that the funds had been returned. His account was that he then reflected and realised that he had not returned the cash. Witness B's audit report (page 92) confirms that these sums were only returned

after Mr Coleman was interviewed. By this point the India monies had been held by Mr Coleman for several months.

Asked in oral evidence whether it was an inappropriate use, Mr Coleman stated 'I don't disagree that the money should have been handed in'.

The panel has considered Mr Coleman's argument that the retention of funds or failure to repay them until questioned should not be construed as a 'use'. The panel disagrees. We will return to the subject of motivation later, but for present purposes, the panel considers that, whether or not Mr Coleman had intended to retain the monies, the retention of them, and failure to return them, was in itself a 'use' – that is, they were being applied for *his* purposes, and further, that use was inappropriate: they should have been paid back to the school on completion of the trips, and there was no justification for his retention of them.

Allegation 3 is therefore found to have been proved in its entirety.

4. inappropriately used expenditure from the school budget in relation to the North Pole Challenge in that you:

- a. used school funds to pay a £15,000 deposit without approval or guarantee of repayment;**
- b. failed to return some of the fundraised monies to the school until questioned by the auditors;**
- c. used the school credit card to pay for the expenses of an organisational trip to Bristol; and**
- d. failed to repay the funds set out at c) to the school;**

We take each particular in turn:

Allegation 4(a)

Mr Coleman admitted that the school funds were used to pay a £15,000 deposit for the North Pole Challenge without approval. He denied that there was no guarantee of repayment or that expenditure from the school budget was inappropriately used.

The panel heard oral evidence from Mr Coleman and others in relation to the facts behind this allegation. In short, Mr Coleman, together with other members of staff, had intended to undertake an expedition to the North Pole to raise money for charity. Mr Coleman explained to the panel that he was looking to raise funds for Help for Heroes and the Teenage Cancer Trust. He chose the charities because they both had particular relevance for staff or former students of the school. The scale of the expedition, which initially involved several members of staff, was later reduced to Mr Coleman and one

colleague and, eventually, abandoned altogether. Mr Coleman asserted that there was a, 'secondary educational value' in that the expedition demonstrated to pupils that 'anything is possible if you put your mind to it'.

Mr Coleman paid a £15,000 deposit from school funds. Mr Coleman accepted that this was not an expedition being undertaken on behalf of the school. He said, however, that he had never intentionally hidden the payments from the school Governors. They were indeed expressly referred to in financial position statements at pages 606 and 675. Mr Coleman said that he was at no stage challenged as to the appropriateness or otherwise of this expenditure, albeit he acknowledged that he had not obtained approval from the Governors.

Witness C and Witness D both expressed that they had understood the challenge was operating completely separately from the school and would not cost the school anything at all. This is consistent with the explanation given in the financial position statement at page 607. Witness C said he would have expected Mr Coleman to seek approval before using £15,000 of the school's money to pay deposits. Witness D stated that she never expected to see any expense in the accounts relating to it. She said that she thought that a line included in the accounts in November 2013 was explained as potentially being necessary if monies were raised using school premises.

Mr Coleman denied that there was no guarantee of repayment and stated that he had made a commitment to repay the funds himself. However in his oral evidence he accepted that 'at the particular time that the actual £15,000 deposit was paid there was no actual guarantee'.

The panel has considered carefully the appropriateness of Mr Coleman's actions in paying the deposit from school funds without approval. The panel has reached a clear view that the use of school funds to finance a private venture was wholly inappropriate. If the expedition had any educational benefit at all to the children, it was of such tangential relevance to the education of pupils that it cannot properly be considered to fall within the range of appropriate expenditures. The panel notes that Witness C acknowledges that he and the other governors 'should have asked more searching questions'. However, the panel does not consider that the inclusion of reference to the £15,000 in documents put before the governors by Mr Coleman can absolve him of his own responsibility for the matter. The panel does consider it worthy of note that, whilst the school required parents to pay deposits in advance for their children's international trips, when it came to his own trip to the North Pole, Mr Coleman was prepared to spend £15,000 of the budget without any guarantee that they would be able to return the money to the school. The school is not a bank. The purpose of its budget is not to provide leverage for senior staff to pursue their personal projects, however laudable they may be. Such payments should certainly not have been made without the approval of governors or guarantee of repayment. The panel is satisfied on the balance of probabilities that Mr Coleman used school funds to

pay the deposit, without approval, and without a guarantee of repayment, and that such actions were wholly inappropriate. Allegation 4(a) is therefore found to have been proved.

Allegation 4(b)

This relates to funds raised at a “race night” held at the school in April 2013. When questioned during the school’s investigation in February 2014, Mr Coleman initially stated that he had no recollection of the funds raised, but he then provided a further statement identifying that he had the funds at home and would bring them in.

It was admitted that there was a failure to return some of the fundraised monies until questioned by the auditors. Mr Coleman accepted that the funds were only returned in February 2014 and stated that he had simply forgotten to return the money to the school. This was, he said, the first time it had entered his head that he had the sums. However, Mr Coleman questioned whether forgetting to return fundraised monies can comprise *using* expenditure from the school budget inappropriately. The panel is satisfied that it does. Mr Coleman failed to return the money raised. In doing so, he was retaining money which should properly have been accounted for. The panel is content that this amounts to a *use*. The panel finds Allegation 4(b) proved.

Allegation 4(c)

Witness B’s investigation (summarised in his statement at page 46) established that the school budget had been used to pay for the costs of an overnight trip to Bristol for staff intending to participate in the expedition to the North Pole. Individual A was one of these members of staff. In his statement (paragraph 21 at page 39) he recalls that Mr Coleman paid for the hotel and a Chinese meal, and that each of the participants paid Mr Coleman £88 to cover their share.

Mr Coleman admitted that the school credit card was used to pay the expenses of this trip, but he denied that this was inappropriate. In oral evidence Mr Coleman accepted that the use of the card in this way had not been in compliance with the school credit card procedures. However, he felt it was fully justified on the basis that all of the participants were members of staff. The panel disagrees: had the staff been on official school business, Mr Coleman’s actions might have been justified. However, the North Pole expedition was not school business. The school should not have been used to fund the expedition costs. The use of the school credit card to pay for the expenses was therefore an inappropriate use of expenditure from the school budget. This allegation has therefore been found to have been proved.

Allegation 4(d)

The National College alleged that Mr Coleman had failed to repay the funds set out at (c) to the school.

The panel heard from Witness E. She said (see page 76) that when she questioned Individual A about the use of the credit card for the costs of the trip, he had informed her that he and the other staff had paid their own expenses and given the cash to Mr Coleman. She could not recall receiving the funds from Mr Coleman, and could find no record of them having been returned. In her oral evidence, Witness E went so far as to say that she had, 'wanted' to find a record of these sums but could find none.

Mr Coleman's evidence contradicted the account given by Witness E. He was adamant that he had returned the monies to her and said that this had stuck in his memory. However, having weighed up the evidence carefully, the panel prefer the account of Witness E. She came across as a very organised and diligent individual. Mr Coleman, in contrast, acknowledged in evidence that he had failed to account for other sums received in relation to the expedition. The panel was satisfied that it is more likely than not that if the monies had been passed to her she would have made a record. The panel considers that the failure to repay funds was an inappropriate use of the school budget. The panel therefore finds this allegation to have been proved.

5. inappropriately used School expenditure to pay for photographic equipment in that:

- a. you spent funds amounting to more than £20,000 within a 4 term period;**
- b. you purchased such equipment for your own personal use;**

Allegation 5(a)

The audit report by Witness B, at page 94, identified expenditure to a value of 'approximately £24,000 during 12/13 and to date in 13/14' and notes that this includes high value items, including a lens costing £799.99, a camera worth £1,945.83 and a camcorder worth £2,112.45.

Mr Coleman admitted that funds exceeding £20,000 were spent on photographic equipment in a four term period. In his witness statement at page 13 (paragraph 37) he identifies the amount of the expenditure as £21,500. He denied that the spending was inappropriate.

Mr Coleman, in his written and oral evidence, referred to some of these funds having come from National ICT awards. As far as specific figures are concerned, Witness E provided evidence of an award of £4,000 (see page 490 and 491) Further awards of £1,200 and £2,500 are referred to in the minutes of a Governor's meeting at page 984. In his statement at page 562, Mr Coleman identifies that the remainder was paid for from the sale of older equipment and from the IT budget. However, the panel noted that of the £32,000 IT budget, over £22,000 was allocated to the RM lease.

Mr Coleman gave evidence that in addition to the high value items the spending included purchasing 30 cameras at a low price, for use by children in the school, and 6 cameras

worth £350 each. Mr Coleman asserted that all of the purchases individually fell within his delegated authority. He stated that the equipment enabled him to take photographs at award ceremonies which he could provide to parents at no charge, and that photography was also used to engage the children in a creative activity.

Whilst acknowledging that he had seen children using cameras, and Mr Coleman using photography equipment at awards evenings, Witness C nevertheless stated that he was shocked when he was told by the auditors of the level of spending on photographic equipment (page 32). He stated that he would have expected this to have been reported to the Governors with an itemised list of equipment and explanations. Witness E also described the level of spending as 'inappropriate' (page 76). The panel agrees. The panel considers that, in circumstances where the school was in a challenging financial position and where literacy had an allocated budget of just £5,000, a spend on photographic equipment equating to approximately £40 per student across a 500 student primary school was excessive and amounted to an inappropriate use of expenditure from the school budget.

Allegation 5(a) is therefore found to have been proved.

Allegation 5(b)

The National College identified a number of factors which it suggested should lead the panel to conclude that the equipment was bought for Mr Coleman's own use. Firstly, Mr Coleman has a self-confessed interest in photography. This was not in dispute. Mr Coleman readily acknowledged that photography was his hobby and it was noted that he runs his own photography website. Secondly, the National College asserts that the fact that the expenditure was not reported to the Governors indicates he knew it was inappropriate and might suggest that the equipment was intended for his own use. Thirdly, the National College pointed to the evidence that much of the equipment was signed out to Mr Coleman. Logs at pages 224-225 show copies of the school's signing out sheet, and identify seven items signed out to Mr Coleman in July 2013. 3 items are recorded as having been returned in September, and in relation to the remaining 4 there is no record of their return. The audit investigation report indicates that this equipment was not returned until after the audit.

Mr Coleman strongly denied that the photographic equipment was purchased for his personal use. In oral evidence he referred to his use of the camera to take photographs for flyers and promotional material for the school, and to save parents money by providing them with award photographs, amongst other uses. Whilst it has considered his account carefully, the panel is persuaded, on the balance of probabilities, that the higher value equipment was purchased by Mr Coleman for his own personal use. The panel finds it particularly significant that the equipment is recorded in the log at page 224 as having been taken out over the summer period, retained in some cases until September, and in other cases not returned, according to the notes at page 227, until January. These

records strongly suggest to the panel that the equipment was retained by Mr Coleman for very significant periods of time, and in the panel's view such evidence is simply not consistent with the contention that it was purchased for the benefit of the school.

The panel finds allegation 5(b) to have been proved.

6. inappropriately used expenditure from the school budget to pay for;

- a. a building survey on behalf of Friends of the Botanic Group to the Edward Jackson Partnership, a firm in which you had an undeclared personal interest;**
- b. a Union Jack footstool;**
- c. a web hosting page for the benefit of the Shirdley Hill Guide group;**
- d. a specialist photography course;**

Allegation 6(a)

Mr Coleman admitted that the school budget was used to pay for a building survey by the Edward Jackson Partnership, and he had an undeclared personal interest in that firm. However, it was denied that the survey was undertaken on behalf of the Friends of the Botanic Group or that it was an inappropriate use of expenditure.

Mr Coleman explained the context in his evidence to the panel: another school had withdrawn from the project to provide a new children's centre. Following discussions with the local authority around March 2012, Mr Coleman agreed to take it on, with certain funding to be provided by the local authority. One option being explored was the use of a former botanic museum. The Governors agreed to give Mr Coleman certain discretion, as set out in a document at page 974.

A survey was undertaken by the Edward Jackson partnership on Mr Coleman's instructions. Mr Coleman admitted to having an undeclared interest in the firm. He confirmed to the panel that his mother in law had worked there as a secretary.

The National College asserted that the survey had been undertaken on behalf of the Friends of the Botanic Group. Witness B, in his evidence (p48) said that the Children's Centre Management had, by the time the survey was undertaken, indicated to Mr Coleman that the building was not viable for the Children's Centre to use. However, Mr Coleman's understanding, as he explained in oral evidence, was that the Children's Centre Manager meant it was not suitable in its current form. He said that this explained the need for the survey. Emails at page 787-8 clearly suggest that the manager was not only still involved in exploring the use of the site, but was aware that the survey was proceeding. In the absence of oral testimony from the centre manager, the panel finds that the National College has failed to establish on the balance of probabilities that the

survey undertaken was on behalf of the Friends of the Botanic Group as alleged. Thus allegation 6(a) is not proved.

Allegation 6(b)

It was admitted by Mr Coleman that the school budget was used to purchase a Union Jack footstall but it was denied that this was an inappropriate use of expenditure.

The facts were, as identified by Witness B in his investigation (referred to at page 48 of his statement), that Mr Coleman purchased a Union Jack footstall costing £199 using the school's credit card. The children's centre manager had told the investigators she was not aware of the request and, had the midwives required such equipment, she would have known about this (page 48). Mr Coleman acknowledged having purchased the footstall, but said that he had done so in response to a request by a member of staff. The footstall was purchased for the midwives to use in the children's centre. Mr Coleman accepted that the purchase was a mistake (page 565) and with hindsight was not appropriate for its intended purpose. In oral evidence he explained that the reason for this was that it could not be wiped down. Mr Coleman said that he collected the stool from Waitrose, but when the auditors asked him to account for the stool it was still in the boot of his car.

Having considered the evidence in the round, the panel concludes that the purchase by Mr Coleman of this footstall was inappropriate. Firstly, because the children's centre manager should have been made aware of the request before the stool was purchased. Secondly, because Mr Coleman failed to take sufficient steps to enquire as to the specific requirements of the midwives and assess whether the purchase was appropriate. Had he done so, he would have established that the footstall purchased was entirely unsuitable. For these reasons, the panel conclude that the purchase was inappropriate and therefore the allegation is found to have been proved.

Allegation 6(c)

Mr Coleman admitted that he had used the school budget to pay for a web hosting page for the guide group. He said (page 565 of the bundle) that payments were going to be charged to the school's card as part of an account held by the school for its internet services. Although he accepted that he should have notified the request to Governors in his termly report, he denied that this was inappropriate expenditure and maintained that the guides were always going to be billed at the end of the year.

Witness B, in his audit report, concluded that the use of monies to facilitate the website of an external group on the basis of an informal arrangement to repay later was inappropriate. The panel agrees: it was inappropriate, inconsistent with the requirement to use the budget for the purposes of the school, and in effect amounted to an informal loan. Allegation 6(c) is found to have been proved.

Allegation 6(d)

Mr Coleman gave evidence about the photography course. He said that he undertook the course in his own time following a Performance Management Review in which he was 'encouraged to undertake some non-work activity to improve my work-life balance'. He admitted that the school budget had been used to pay for a specialist photography course costing £315. Mr Coleman maintained that he had chosen the course partly because it would help the school and provided him with 'skills and training insights which I was able to pass on to the pupils' (page 566).

The panel accepts that the school's Staff Learning and Development Policy contemplates professional development encompassing activity which 'develop[s] a new interest or activity that would benefit the school'. It notes that Mr Coleman's review, shown at page 639, had stated that 'the governors will wish to support the head teacher in taking CPD opportunities as they arise'.

Whilst acknowledging that there was some flexibility around CPD, the panel does not consider that it can properly be characterised as extending to a studio photography course, which the panel considers was essentially for Mr Coleman's own benefit. The panel prefers the evidence of Witness D and Witness C, who it notes were not consulted before the course was undertaken. The panel considers that they were well placed to comment on the usefulness of the course to the school. Witness D considered the course to be 'of no benefit to the school'. She said that Mr Coleman's skills were perfectly adequate and he should have been able to afford the course himself. Witness C agreed and said that he did not accept the course was properly part of Mr Coleman's CPD and he should have undertaken it using his own funds.

Allegation 6(d) is therefore found to have been proved.

7. failed to comply with financial regulations through the expenditure of the school budget in that you:

a. failed to obtain three competitive written quotes as required by regulation 7.2.1b of the School's finance manual in relation to the following expenditure:

i. the building survey undertaken by the Edward Jackson Partnership;

ii. a Canon Camera;

iii. a promotional North Pole Challenge video;

b. failed to undertake a formal tender process for the RM Furniture lease as required by regulation 7.2.1c of the School's finance manual;

c. failed to obtain authorisation in relation to a write off from sale of I-Pads in accordance with regulation 13.5.2 of the School's finance manual;

Mr Coleman admitted allegation 7(a)(i) and (iii), (b) and (c). He denied allegation 7(a)(ii).

Allegation 7(a)

The school's finance manual, at 7.2.1b on page 266, required that where the estimated value of the goods is in excess of £1,000 and less than £30,000, 3 written quotations were required.

In relation to allegation 7(a)(i), it was accepted by Mr Coleman that no quotations were obtained from other firms before the Edward Jackson partnership was instructed to undertake the survey. Mr Coleman stated that, having asked the Edward Jackson partnership, he received assurances from them that they were able to do this at the lowest cost. It is plain, however, that it was inappropriate to proceed simply on the basis of an assurance from the business, which quite clearly had a vested interest in promoting their own services. In the absence of the required written quotations Mr Coleman had failed to comply with the school's financial procedures.

In relation to allegation 7(a)(ii), Mr Coleman asserted that he had obtained 3 quotes, but the auditors found no evidence that 3 quotes had been obtained, and Mr Coleman has been unable to produce them. Having considered the matter carefully, the panel concludes that, had the quotes been obtained, they would have been identified during the course of the investigation. The panel finds it more likely that they were not obtained at all.

In relation to Allegation 7(a)(iii), Mr Coleman accepts that competitive quotes were not obtained for the video. Mr Coleman said that the supplier used for the service already had footage of the relevant area from his work for a television series. The panel is not

convinced by this argument. The rules are clear and require that quotes are obtained. Mr Coleman may well have believed that he was adopting the most economical option, but it was incumbent on him to test this by obtaining written quotes.

Allegation 7(a) is therefore found to have been proved in its entirety.

Allegation 7(b)

7.2.1c of the school finance manual at page 266 requires that there should be an advertisement for tenders where spending exceeds £30,000. It was admitted by Mr Coleman that no such process was undertaken in relation to the RM lease, which was valued at over £200,000.

In a document at page 641 of the bundle Mr Coleman asserted that there was only one supplier and 'therefore no value/merit in tendering these items'. This was accepted by the Governors. Witness C acknowledged that they should have asked more questions. However, the panel considers that Mr Coleman had a professional duty to ensure that the school was complying with the regulations. Asked during his oral evidence about his reference to there being 'only one supplier', Mr Coleman accepted that he had meant there was only one supplier of the specific type of furniture. The panel heard evidence that the year before the school had undertaken quotes for a small number of items of furniture to be produced. However, it does not follow from this that a competitive tender process should not have been undertaken.

The panel notes the work undertaken by the local authority as part of the audit process. They were able to obtain what Witness B described at page 49 as 'like for like' quotes, for at least £16,000 less than the lease entered into. The panel accepts that these figures might be called into question on the basis that the price of IT equipment fluctuates significantly. However, the National College has not sought to prove that the RM Lease was obtained at an excessive cost. It has sought to prove only that Mr Coleman failed to undertake the correct procedure. He clearly did so fail and the panel therefore finds Allegation 7(b) to have been proved.

Allegation 7(c)

Mr Coleman admitted that he had failed to obtain authorisation in relation to a write off from the sale of iPads. However, whilst Regulation 13.5.2, at page 266 clearly provides governors with the ability to dispose of assets, it is not clear to the panel that it prohibits the headteacher disposing of assets. Various witnesses expressed their view that the governors should have been consulted, but the panel is not satisfied that Mr Coleman's decision not to obtain authorisation amounted to a failure to comply with financial regulations. This allegation is therefore not proved.

8. failed to provide Governors with accurate information in relation to the School's finances;

The panel heard evidence from Witness A, a School Finance Officer for Sefton Council. He attended the school on a monthly basis to reconcile the accounts and produce a budget monitoring report. He provided these by email to Mr Coleman and Witness E. He stated (page 30) that he was unaware that the reports provided to the Governors were different to his. He assumed his information was provided to Governors.

The panel heard from Witness A in relation to a substantial difference in the year end estimates of Mr Coleman and himself. The panel was directed to finance reports at pages 253-256 which shows that there was an unspent balance of £12,000 and uncleared expenditure of £58,000 with further expenditure to be incurred in the financial year. In contrast Mr Coleman's budget prepared for the Governors showed a surplus of £15,440. Witness A told the panel that he had never seen this document.

Mr Coleman, in his evidence, said that he produced his budget before seeing an email from Witness A raising points of concern. The panel notes that Mr Coleman's budget monitoring form for December 2013, at p 674-676, still shows an end of year surplus of £15,440. Witness A said he never saw a response from Mr Coleman to his email.

Mr Coleman was unable to provide the panel with any satisfactory explanation for the difference between the budgets. Even if Mr Coleman disagreed with the figures from Witness A, the panel considers that he should have discussed the difference with Witness A, and further, that he should have provided Witness A's budget forecast to the Governors.

Both Witness C and Witness D, as Governors, told the panel that they had expected that the budgets put before them included the figures from Witness A. Witness C stated that 'I did not realise that the reports from the Assistant Finance Officer were not being reported to Governors. I would have expected these to be provided in order to be fully transparent'. He assumed that all reports had been through the council.

Mr Coleman said that he believed where his figures differed he would have provided an accompanying commentary. However he accepted in evidence that he did not put Witness A's figures before the Governors. The panel considers that, in circumstances where the school was paying for the services of Witness A, it was reasonable and proper to expect that the headteacher would, in the interests of transparency, bring the attention of the Governors to the reports produced by Witness A and identify and explain each instance in which his own figures and projections differed from those put forward by Witness A. Having considered the evidence before it, the panel is satisfied that Mr Coleman failed to do this.

The panel also heard of a series of specific instances where there was a failure to provide accurate information to the Governors. These included a failure to include a line

in the budget on page 624 and 625 referencing Linaker Links – despite evidence in the bundle at pages 493 to 496 that expenditure was being incurred by the school at this time. Mr Coleman’s budget monitoring form dated November 2013 (p258) includes a cost centre for Linaker Links with figures set at zero. However, the document at page 496 of the bundle shows that in May 2013 there had been an accrual of £11,239.72 in relation to Linaker Links costs. That was subsequently paid off, but not until March 2014. So at the time of budgets in November and December 2013 the school had incurred over £11,000 costs in relation to Linaker Links which was not included in the budget reports presented to the Governors by Mr Coleman.

The panel notes that the financial commentary at page 610 shows a current balance of minus £11,240. However, the panel was persuaded by the clear evidence of Witness C and Witness D that they were not aware of these costs and they had been told there were nil costs. In any event, the position set out on page 610 contradicts that outlined on the budget monitoring form, a point which Mr Coleman was unable to explain. Further, Mr Coleman accepted in oral evidence that he had not told Governors that school funds were being used to pay for the rent.

The second specific area in which there was a failure to provide accurate information related to International Links. In an email dated 21 November 2013 on page 254, Witness A highlighted an overspend of over £12,000 on International Links. In contrast Mr Coleman’s figures in relation to international links simply did not match up. He was unable to explain this, but in any event it is clear that they did not anticipate what became a £17,000 overspend as identified in Witness A’s report in January 2014 (p213). It was incumbent on Mr Coleman to highlight and explain the true position as regards International Links and any discrepancies between his analysis and that of Witness A. The panel finds that he failed to do so, with the result that the governors were left, at best, confused as to the correct position: as illustrated by Witness C’s evidence that he had understood the sums would be offset by incoming funds.

The third specific area in which there was a failure to provide accurate information was in relation to the North Pole Challenge. We have already considered this in the context of Allegation 4. Mr Coleman did not inform the Governors prior to the payment of the deposit that the school funds would be used for this purpose. Both Witness C and Witness D expressed in their evidence to the panel that they had understood the Challenge was operating completely separately from the school and would not cost the school anything at all. Witness D stated that she never expected to see any expense in the accounts relating to it. She said that she thought that a line included in the accounts in November 2013 was explained as potentially being necessary if monies were raised using school premises. The panel is satisfied that Mr Coleman failed to provide the Governors with accurate information as to the way in which he was using school funds to finance the North Pole Challenge.

The panel has carefully considered Mr Coleman's contention that any failures were on the part of the Governors rather than himself. The Governors have acknowledged that they should have asked more questions. However, the panel does not accept that this serves to absolve Mr Coleman of his own responsibilities. The panel accepts that there was debate, and sometimes uncertainty, as to what the correct financial position was. However, the panel considers that it is the duty of any headteacher to provide an accurate account of the school finances. In order to discharge this duty it was incumbent on Mr Coleman to outline any discrepancies, risks and areas of disagreement. The panel considers that for all the above reasons, Mr Coleman has repeatedly failed to provide accurate information to the Governors in relation to the school's finances. Allegation 8 is therefore found to have been proved.

9. failed to comply with the school's credit card procedures;

Mr Coleman admitted that he had failed to comply with the school's credit card procedures. The procedures are set out from page 650 of the bundle. These stipulate a monthly credit card limit of £8,000, which was frequently exceeded.

After concerns had been identified by Witness A and Individual B, the local authority School Finance Manager, Mr Coleman undertook a review, which he presented to the Governors. He identified in his report (page 646) that he had been using the credit card 'more frequently than expected' and that it had been used for personal purchases. He suggested that this was sometimes because websites stored the school's card as a default. Mr Coleman identified £3,867 of payments which should not have been paid via the school budget. Mr Coleman was candid in his evidence that the credit card 'became a tool of convenience'. This extended to purchases being made for non-school purposes, including (page 686) amongst others, endurance jackets (at a cost of £442) and poles (which cost £787) for the North Pole expedition, which it was said were going to be repaid by fundraising.

The panel is satisfied that Mr Coleman had failed, repeatedly and over a significant period of time, to comply with the school's credit card procedures. Allegation 9 is therefore found to have been proved.

10. attempted to compromise the investigation process in that you;

- a. sent a note to the School finance manager with the intention of deceiving the auditor;**
- b. contacted the School caretaker on 15 February 2014 in direct contravention to the terms of your suspension;**

In relation to allegation 10(a) it was admitted that a note was sent to the school finance manager, but it was denied that there was any attempt to compromise the investigation process.

Witness B in his evidence accepted that the notes did not compromise the process. However, the allegation is that they were an attempt to do so.

The first note can be found at page 261. Whilst this predates the formal investigation undertaken by Witness B, it was produced in the context of an initial audit exercise being undertaken by his colleague, Individual C. The panel has not had the benefit of seeing the information which was attached to the note. Mr Coleman stated in his evidence to the panel that he had been asked to produce certain information to Individual C, and had not done so. No one else was able to shed any real light on the material which had been attached.

The wording of the note itself is unusual and significant. It is an instruction to Witness E. It states, amongst other things that she should 'put [the document] in my room for him when he comes – so it looks like I've let [sic] it for him' and 'I'm pretending that this was written for when Individual C was due back – so it doesn't look like I've been given any info'. It concludes 'once you've read this note, please shred it'.

Mr Coleman stated in his oral evidence that he had wanted to give the impression to Individual C that he was on top of things, and that he had told Witness E to shred the note to avoid embarrassment. He did not accept that he was attempting to compromise the investigation. However, the panel considers it plain from the wording of the note that Mr Coleman was attempting to give to Individual C, an impression which did not reflect reality, and that his instruction to Witness E to shred the note is clear evidence that he was trying to hide this fact so as to cover his tracks. The panel is satisfied on the balance of probabilities that it is more likely than not Mr Coleman was intending to deceive the auditor and to compromise the wider investigatory process of which Individual C's work formed part. Allegation 10(a) is therefore found to have been proved.

Allegation 10(b) related to an email found at page 263 and 264, in which Mr Coleman identifies to Individual that Sefton MBC was seeking payment from the trustees of Linaker Links of bills paid by the school. Mr Coleman refers to the suggestion that Linaker Links was nothing to do with the school as 'outrageous and not right'. In a covering email, Mr Coleman states 'please read attached and then delete this email'.

Mr Coleman admitted that the caretaker was contacted in breach of the terms of suspension, but denied that there was any attempt to compromise the investigation. Mr Coleman's account is that he was simply seeking to reassure a man he thought to be a friend, who he knew would have been terrified to receive a bill of that nature. The panel acknowledges that Individual A (or indeed anyone) would likely have been terrified to receive such a substantial invoice. However, Mr Coleman was clearly aware that an investigation was ongoing at this stage, and in the panel's view, he is likely to have appreciated that Individual A may well have been interviewed as part of the investigatory process. If he had wished simply to reassure Individual A, Mr Coleman could have achieved this by passing a message through the Chair of Governors, or requesting permission from them. In reality, whilst it may have served a subsidiary purpose in reassuring Individual A, the panel considers that the principle reason for sending the email, and the reason for not doing so through a third party, was that Mr Coleman was attempting to influence Individual A's characterisation as to the relationship between the charity and the school. He was thereby seeking to compromise the investigation. Allegation 10(b) is therefore found to have been proved.

11. Your conduct in relation to one or more of allegations 1- 10 above was dishonest in that you:

- a. sought to obtain personal benefit for himself and/or others from school funds;**
- b. intentionally concealed information from the school governors in relation to the financial position of the School.**

The panel has only considered this allegation in so far as it relates to those allegations above which have been found to be proved. It has discounted Allegations 6(a) and 7(c) which were found not proved.

The panel did not find any dishonesty in relation to Allegations 6b or 7.

There is a common thread throughout the allegations found proved of Mr Coleman manipulating financial information and using school funds for his own purposes. The panel has reached the conclusion that Mr Coleman did not wish to reduce or restrict expenditure which bolstered his image of the school within the community and/or his own self-image. He regarded the school and school property as an extension of himself.

This is best demonstrated by his actions in relation to Allegations 1, 2, 3, 4 and 6(c). Allegations 1, 2, 4 and 6(c) all related to non-school activities or organisations. Having considered all the evidence, the panel has reached the conclusion that Mr Coleman was more likely than not to have been motivated by a desire to benefit himself or others personally by using resources which should have been spent on school business. In

relation to Allegation 3, the panel considers that the main purpose of Mr Coleman was to benefit his own reputation by focussing school expenditure on his flagship international projects during a period when the school faced financial uncertainty.

In relation to Allegation 5 and 6(d), the panel has already determined that Mr Coleman's purchase of photographic equipment and undertaking of a photography course using school funds was motivated by a desire for personal benefit.

In relation to Allegation 8 and 9, the panel is satisfied, after a careful consideration of the evidence, that Mr Coleman deliberately failed to draw proper accounting boundaries between the school, himself and other organisation or activities he had an interest in. In short, he mixed funds. The panel is satisfied that in so doing, he intentionally concealed information from the school governors in relation to the financial position of the school. This was not a one off, but a continuing course of conduct.

Finally, in relation to Allegation 10 the panel considers that Mr Coleman's actions amounted to concealment of information from governors which was relevant to the financial position of the school.

The panel applied its mind to the objective and subjective elements of the dishonesty test in accordance with the guidance provided by the Legal Advisor.

The fundamental principles here are not complex or technical. The panel is satisfied that any responsible and professional headteacher, indeed, any reasonable person, would consider that Mr Coleman's actions in seeking to obtain personal benefit for himself or others from school funds, and his intentional concealment of information from school Governors was dishonest. Further, the panel has considered whether it regards Mr Coleman to have appreciated that the reasonable person would have regarded such actions as dishonest. The panel is satisfied that this is the case. He had previously turned around this school from a deficit position and despite his evidence that he had not received formal training in finance, the panel is satisfied that he had a sound understanding of the principles under which he should have operated.

Accordingly, the panel finds Allegation 11 to have been proved.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute

Having found a number of the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

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 has also considered whether Mr Coleman conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel has found that none of these offences are relevant.

The panel is satisfied that the conduct of Mr Coleman in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Coleman is in breach of the following standards:

- 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.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel is satisfied that the conduct of Mr Coleman fell significantly short of the standards expected of the profession.

A headteacher should be a role model and leader for the school, the Governing Body and the wider community. The panel is satisfied that Mr Coleman did not demonstrate behaviour which meets this standard. He showed a total disregard for financial and management regulations, he usurped the role of the Governing Body and bypassed it, flouted LEA controls, and pursued projects for his own purposes at the expense of pupils in his care. The panel particularly notes that literacy was a school priority but only £5,000 was allocated to this cost centre. By contrast, Mr Coleman spent over £20,000 on photographic equipment and approximately £30,000 on international trips attended by 10 students from a school of 500. Furthermore, Witness D, the Chair of the Curriculum Committee told the panel that the educational impact of this expenditure on pupils’ learning had not been explained. In addition to this expenditure Mr Coleman spent £24,000 on rent for a non-school organisation and £15,000 on his own North Pole project.

Accordingly, the panel is satisfied that Mr Coleman is guilty of unacceptable professional conduct.

The panel has taken into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel has taken account of the uniquely influential role that teachers can hold in pupils’ lives and that pupils must be able to view teachers as role models in the way they behave.

For all the reasons outlined above, the panel considers that Mr Coleman's conduct would bring the profession into disrepute. The panel therefore finds that Mr Coleman's actions constitute conduct that may bring the profession into disrepute.

The panel thus finds that Mr Coleman's conduct amounts to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, 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 maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

The panel's findings against Mr Coleman, involved dishonest management of finances and the diversion of funds to purposes in which he had a personal interest, resulting in substantial sums of money not being available for educating children. In view of these findings, there is a strong public interest consideration in ensuring that school finances are properly directed towards the education of children within the school, and in ensuring that the mismanagement of finances by senior staff is seen to be unacceptable.

The panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Coleman were not treated with the utmost seriousness when regulating the conduct of the profession.

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 Mr Coleman.

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 Mr Coleman. 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;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- a deep-seated attitude that leads to harmful behaviour;
- abuse of position or trust;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up;

The panel considers that Mr Coleman's actions impacted on the ability of the school to provide resources for the education of children and thereby risked an impact on their education. His dishonesty was repeated over a period of time, and amounted to an abuse of his position of trust as headteacher.

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 this case, there was no evidence that the teacher's actions were not deliberate. There was no evidence to suggest that the teacher was acting under duress, and in fact the panel found the teacher's actions to be calculated and motivated

The teacher did have a previous good history. The panel has been referred to references found at pages 691-698 of the bundle. The panel was satisfied from these references that, prior to these events, Mr Coleman had been a successful if somewhat charismatic headteacher who had resolved earlier financial problems at the school.

The panel notes in particular a reference by Individual D, who stated 'of course, Colin is not perfect, he can get very enthusiastic about things, but sometimes forgets to consider all possibilities and issues that may arise in implementing it... he sometimes does not always follow the rules – but this is inevitably because he wants to make a difference and can make that happen fast, a little impatient at times. In his quest to help others, Colin can put himself in the firing line and end up suffering the consequences personally when going out on a limb for others. Colin can sometimes rub people up the wrong way with his self-assuredness, but in general he gets things done to the benefit of others.'

Having seen and heard from Mr Coleman, the panel agree that this is an accurate and fair assessment of his character. However, the panel does not agree that 'in general he gets things done to the benefit of others'. In this case, it was at the expense of pupils in his school.

The panel has also been referred to medical evidence. [Redacted]. The panel believe that the medical condition may have had some impact on the course of events. The panel

notes that in his closing comments in mitigation, Mr Coleman stated that his illness was a 'reason but not an excuse'. The panel agrees that it is not an excuse in this case.

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 Mr Coleman. The need to uphold public confidence and to declare and uphold proper standards of professional conduct were significant factors 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. The panel does not consider that any of these behaviours apply. However, Mr Coleman's behaviour resulted in a substantial loss to the public purse and the diversion of funds which otherwise would have been spent on teaching and learning resources. The panel also considers that Mr Coleman has shown limited remorse. In his address to the panel he concentrated on the impact of the events on him personally, and did not show any significant insight as to the effect of his behaviour on pupils or acknowledge that his conduct might be seen by others as dishonest.

The panel felt the findings indicated a situation in which a review period would be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review period. The panel would wish to see clear evidence of reflection and insight into his behaviour, and that he was capable of listening to, reflecting on and acting on the views of others including constructive feedback. The panel considers that it would be appropriate for a prohibition order to be granted allowing for Mr Coleman to apply for a review after four years. Any lesser period would undermine public confidence in the profession.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendations of the panel both in respect of sanction and review period.

I have also noted where the panel has not found the allegations proven and I have put those matters from my mind. I have also noted where the panel did not find some of the allegations proven to amount to dishonesty.

I have also read the guidance published by the Secretary of State concerning the prohibition of teachers. I have given careful consideration to the interests of the public as well as the interests of the teacher. I have taken into account the need to be proportionate and the fact that a prohibition order should not be punitive even though it may have a punitive effect.

I have noted the mitigation that the panel took into account and the previous good record of Mr Coleman.

This is a serious case in which the panel did find dishonesty. The panel found that Mr Coleman is in breach of the following standards:

- 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.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel is satisfied that the conduct of Mr Coleman fell significantly short of the standards expected of the profession.

A headteacher should be a role model and leader for the school, the Governing Body and the wider community. The panel is satisfied that Mr Coleman did not demonstrate behaviour which meets this standard. He showed a total disregard for financial and management regulations, he usurped the role of the Governing Body and bypassed it, flouted LEA controls, and pursued projects for his own purposes at the expense of pupils in his care.

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. Those that are relevant in this case 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;

- a deep-seated attitude that leads to harmful behaviour;
- abuse of position or trust;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up.

The panel considers that Mr Coleman's actions impacted on the ability of the school to provide resources for the education of children and thereby risked an impact on their education. His dishonesty was repeated over a period of time, and amounted to an abuse of his position of trust as headteacher.

The panel has recommended prohibition and for the reasons set out I support that recommendation.

I turn now the matter of a review period. The panel are very clear that :

"The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. The panel does not consider that any of these behaviours apply."

It is evident that the panel has thought very carefully about this issue. They had the opportunity to question Mr Coleman.

The panel has set out very clearly that it felt the findings indicated a situation in which a review period would be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review period. The panel would wish to see clear evidence of reflection and insight into his behaviour, and that he was capable of listening to, reflecting on and acting on the views of others including constructive feedback. The panel considers that it would be appropriate for a prohibition order to be granted allowing for Mr Coleman to apply for a review after four years. Any lesser period would undermine public confidence in the profession.

I have considered that recommendation very carefully and I support it. A prohibition order is a lifetime prohibition and the panel have set out very clearly what would be required for Mr Coleman to be able to return to teaching.

This means that Mr Colin Coleman 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 18 March 2020, 4 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Colin Coleman remains prohibited from teaching indefinitely.

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

Mr Colin Coleman 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.

A handwritten signature in grey ink, appearing to read 'Alan Meyrick', with a checkmark at the end.

Decision maker: Alan Meyrick

Date: 11 March 2016

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