



National College for  
Teaching & Leadership

# **Mr Jonathan Statter: Professional conduct panel outcome**

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

**April 2016**

## Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	5
D. Summary of evidence	8
Documents	8
Witnesses	9
E. Decision and reasons	9
Panel's recommendation to the Secretary of State	15
Decision and reasons on behalf of the Secretary of State	18

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

**Teacher:** Mr Jonathan Statter  
**Teacher ref number:** 0145603  
**Teacher date of birth:** 17 June 1975  
**NCTL case reference:** 13630  
**Date of determination:** 8 April 2016  
**Former employer:** Shuttleworth College

### **A. Introduction**

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 08 April 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Jonathan Statter.

The panel members were Ms Carolyn Robson (teacher panellist – in the chair), Mr Phillip Riggon (teacher panellist), and Ms Nicolé Jackson (lay panellist).

The legal adviser to the panel was Ms Patricia D’Souza of Eversheds LLP.

The presenting officer for the National College was Mr Ben Rich of 2 Hare Court chambers solicitors.

Mr Statter was not present and was not represented.

The hearing took place in public and was recorded.

## B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 08 January 2016 (as amended as set out below).

It was alleged that Mr Statter was guilty of having been convicted of a relevant offence, in that:

1. On 22 April 2004 at Wigan and Leigh Magistrates' Court, he was convicted of the offence of making dishonest representation to obtain benefit on 8 April 2002, contrary to Section 111A of the Social Security Administration Act 1992. He was sentenced to a Community Punishment Order of 150 Hours (ran concurrently with the sentence referred to in allegation 2.);
2. On 22 April 2004 at Wigan and Leigh Magistrates' Court, he was convicted of the offence of making dishonest representation to obtain benefit on 28 May 2002, contrary to Section 111A of the Social Security Administration Act 1992. He was sentenced to a Community Punishment Order of 150 Hours and ordered to pay costs of £350;
3. On 22 April 2004 at Wigan and Leigh Magistrates' Court, he was convicted of the offence of failing to notify a change of circumstances between 1 January and 31 March 2003 required by regulations under the Section 111A of Social Security Administration Act 1992. He was sentenced to a Community Punishment Order of 150 Hours (ran concurrently with the sentence referred to in allegations 1 and 2.);
4. On 10 September 2004 at Ormskirk Magistrates' Court, he was convicted of the offence of breaching his community punishment order between 2 May 2004 – 16 May 2004, contrary to Schedule 3 of the Powers of Criminal Courts (Sentencing) Act 2000. He was ordered to pay a £50 fine.
5. At Burnley Pendle and Rossendale Magistrates' Court, on 11 March 2015 he was convicted of the offence of false representation to make a gain for self or another and cause loss to another or expose another to risk, between 26 February and 4 March 2014, contrary to the Fraud Act 2006 Section 1 and 2. On 20 March 2015, he was sentenced to 20 weeks imprisonment wholly suspended for 12 months, and ordered to pay costs of £500 and a victim surcharge of £80;
6. At Burnley Pendle and Rossendale Magistrates' Court, on 11 March 2015 he was convicted of using a vehicle while uninsured on 5 June 2014, contrary to s.143 of the Road Traffic Act. His driving licence was endorsed by 8 penalty points;
7. On 11 March 2015 at Burnley Pendle and Rossendale Magistrates' Court, he was convicted of the offence of exceeding 30mph on a restricted road on 5 June 2014, contrary to Section 81(1) and Section 89(1) of the Road Traffic Regulation Act 1984. He received no separate penalty.

It was also alleged that Mr Statter was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

8. On 9 January 1997 at Ormskirk Magistrates' Court, he was convicted of the offence that on 6 December 1996 he was: a) driving whilst disqualified; and b) using a vehicle while uninsured contrary to Sections 103 and 143 of Road Traffic Act 1988. He was sentenced to a community service order of 200 hours (which was varied on 26 February 1998 to a conditional discharge and ordered to pay a £200 fine.

In the Notice of Referral form, Mr Statter indicated that he admitted the allegations set out in a letter of 13 August 2015 (which is not before the panel). However, as he has failed to complete and sign the Statement of Agreed Facts included in the bundle, the facts of these allegations and whether they amount to convictions of relevant offence, and/or unacceptable professional conduct and/or conduct that may bring the profession into disrepute are taken to have not been admitted. This matter is therefore proceeding as a disputed case.

## **C. Preliminary applications**

The presenting officer made an application for the hearing to proceed in the absence of Mr Statter.

The panel is satisfied that the National College has complied with the service requirements of regulations paragraph 19 a to c of the Teachers' Disciplinary (England) Regulations 2012 ("the Regulations").

The panel is also satisfied that the Notice of Proceedings complies with paragraphs 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession ("the Procedures").

The panel has determined to exercise its discretion under paragraph 4.29 of the Procedures to proceed with the hearing in the absence of the teacher. The panel understands that its discretion to commence a hearing in the absence of Mr Statter has to be exercised with the utmost care and caution, and that its discretion is a constrained one.

The panel noted that Mr Statter had returned the Notice of Referral form which was signed and dated 17 August 2015. The panel is therefore satisfied that Mr Statter is actually aware of the proceedings.

In making its decision the panel has noted that Mr Statter may waive his right to participate in the hearing. The panel has taken account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC 1. The panel considered that service of the Notice of Proceedings dated 8 January 2016 has been effective, as it was sent to Mr

Statter's last known email address (which Mr Statter provided to the National College) and provided more than 8 weeks' notice of the hearing date. The panel considered that the National College has made further attempts to notify Mr Statter of today's hearing by emailing him again on 12 February 2016, 10 March 2016 and 21 March 2016. In addition, the panel considered that the mail delivery message included in the service documents in the bundle reflect the message of 21 March 2016 being delivered to Mr Statter's Hotmail address as there was no indication that an error message was received or that the email "bounced back" as the email address was not valid. Despite no delivery notification being received by email, the panel consider that Mr Statter did receive the message of 21 March 2016 and is aware of the hearing date.

The presenting officer submitted to the panel that there are a large number of cases that have proceeded without a professional being present. The presenting officer referred to the case of GMC v Adeogba 2016 EWCA Civ 162 in which the Court of Appeal indicated that after service has been established within the relevant rules (in this case the Procedures), whether to proceed in the absence of a professional must be by reference to the principles developed by criminal law in relation to trials taking place in the absence of a defendant. The legal advisor drew the panel's attention to the various factors relating to this outlined in the Jones case.

The presenting officer submitted that the primary purpose of regulatory proceedings such as this, is the protection of the public and there is a need for hearings to proceed expeditiously, even in a teacher's absence, to serve the public interest and the profession.

The panel has had regard to the general principle that it is only in rare and exceptional circumstances that a decision should be taken in favour of the hearing taking place without a teacher present. However, there is no indication in the written documents that an adjournment might result in Mr Statter attending the hearing, particularly given, he had indicated on the Notice of Referral form, that the allegations be considered without a hearing. The presenting officer submitted that case law has moved away from it being only in rare and exceptional cases that a hearing should proceed in a professional's absence as public interest can take precedence.

The panel considers that Mr Statter has voluntarily waived his right to be present at the hearing in the knowledge of when and where the hearing is taking place.

The panel has had regard to the extent of the disadvantage to Mr Statter in not being able to give his account of events, in the light of the evidence against him. The panel has the benefit of information in the bundle relating to the reasons for his convictions which form the basis of the allegations. The panel is able to ascertain lines of defence in relation to whether those convictions amount to convictions of a relevant offence, and/or unacceptable professional conduct and/or conduct which may bring the profession into disrepute.

The panel can test the evidence presented by the presenting officer, considering such points favourable to Mr Statter, that are reasonably available on the evidence. The panel is also able to exercise vigilance in making its decision, taking into account the degree of risk of reaching the wrong decision as a result of not having heard Mr Statter's account.

The panel has had regard to the seriousness of the case, and the potential consequences for Mr Statter. The panel understands that fairness is of prime importance. These are serious allegations and it is in the public interest that this hearing should proceed today.

The Legal Advisor also advised the panel that it should consider whether it was necessary to amend the wording of the allegations under rule 4.56 of the Teacher Misconduct – Disciplinary procedures for the teaching profession ("the Procedures") to ensure consistency with the content of the evidence in the bundle. This paragraph of the Procedures indicates that at any stage before making its decision about whether the facts of the case have been proved, the panel may amend the allegations if it deems this is in the interests of justice.

The panel considered whether it was appropriate for it to amend the text of allegations 1 and 2 in light of a potential error referring to the sentence of a Community Punishment Order of 150 hours and being ordered to pay costs of £350 being included in allegation 1. This is potentially contrary to the information in the record of the Police National Computer ("PNC") included in the bundle, which includes this detail in relation to the conviction referred to in allegation 2 instead. It appears that there is a further error in the allegations, as the PNC record reflects that the sentence given in relation to the conviction referred to in allegation 1 was concurrent with the sentence given in relation to allegation 2 and not the other way round, as the allegations currently state. The panel were mindful that Mr Statter was not present to provide his view on whether such amendments were necessary.

In addition, the panel also considered whether it was appropriate to add in missing details from the legislation referred to in allegation 3, which had the word "Administration" missing from the Social Security Administration Act 1992 ("the Act") and "A" missing from section 111A of the Act. In addition, the panel considered whether the sentence information in allegation 3 should be amended further if any amendments were made to the sentence information in allegations 1 and 2.

Further, the panel also considered whether the date of sentence referred to in allegation 5 should be amended from 31 March 2015 to 20 March 2015 as reflected by the PNC record. Finally, the panel considered whether the date of variation of sentence reflected in allegation 8 should be amended from 26 February 1997 to 26 February 1998, as stated in the PNC record.

The panel had regard to the presenting officer's submission that it is not necessary to amend the sentencing information referred to in allegations 1 and 2, as the sentence

relating to costs is concurrent for allegations 1, 2 and 3. However, the presenting officer had no objection if the panel wished to amend allegations 1, 2, 3, 5 and 8 as suggested by the legal advisor.

The panel considered that the error in sentencing information in allegations 1 and 2, omissions relating to the legislation referred to in allegation 3, error in the date of sentence and date of variation of sentence in relation to allegation 5 and 8 respectively made no material difference to the nature of the allegations being considered by the panel. The panel was mindful that as Mr Statter was not present, any amendment contemplated should not introduce a more serious allegation. The panel considered the amendments contemplated were all typographical errors and reflected inaccuracies in the drafting of allegations 1, 2, 3, 5 and 8 rather than any substantive amendment and did not introduce more serious allegations.

In view of the fact that the amendments would not cause prejudice to Mr Statter, the panel decided the sentencing information reflected in allegations 1 and 2 should be reversed (as reflected above) and the missing detail relating to the legislation should be added to allegation 3, in addition the sentence information included in allegation 3 should be amended to indicate that it ran concurrently with the sentence information in allegations 1 and 2. In addition, the panel decided that the date of sentence in allegation 5, and date of variation of sentence in allegation 8 should be rectified as set out above.

In addition, the presenting officer made an application to withdraw allegation 7 as the presenting officer does not intend to submit to the panel that speeding more than 30 miles per hour is indicative of conduct that is either a relevant criminal offence or would cause the profession to be brought into disrepute. The panel agreed to accept this application.

## **D. Summary of evidence**

### **Documents**

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

Section 1: Chronology – pages 1 to 2

Section 2:

- Notice of Proceedings and Response and Service Documents – pages 3 to 10
- Service Documents – pages 11 to 20

Section 3:

- National College's documents – pages 21 to 28



- PNC Report and Court Documents – pages 29 to 45
- School Document – pages 46 to 47

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

## **Witnesses**

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 has reached a decision.

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

Mr Statter was employed at Shuttleworth College (“the College”) as a teacher. On 11 March 2015, Mr Statter was convicted for making false representations to make a gain for himself or cause loss to other. Mr Statter was suspended from the College on 12 March 2015 following an allegation of insurance fraud. An investigation meeting was due to take place on 23 March 2015 however Mr Statter was unable to attend the investigation meeting for health reasons. Mr Statter was dismissed by the College in July 2015.

## Findings of fact

The panel's findings of fact are as follows:

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

**You are guilty of a conviction, at any time, of a relevant offence in that:**

- 1. On 22 April 2004 at Wigan and Leigh Magistrates' Court, you were convicted of the offence of making dishonest representation to obtain benefit on 8 April 2002, contrary to Section 111A of the Social Security Administration Act 1992. You were sentenced to a Community Punishment Order of 150 Hours (ran concurrently with the sentence referred to in allegation 2.);**
- 2. On 22 April 2004 at Wigan and Leigh Magistrates' Court, you were convicted of the offence of making dishonest representation to obtain benefit on 28 May 2002, contrary to Section 111A of the Social Security Administration Act 1992. You were sentenced to a Community Punishment Order of 150 Hours and ordered to pay costs of £350;**

The panel had regard to the PNC record included in the bundle, which indicates that on 22 April 2004, at Wigan and Leigh Magistrates' Court, Mr Statter was convicted of two charges of making dishonest representation to obtain a benefit on 08 April 2002 and 28 May 2002 respectively, in breach of section 111A of the Social Security Administration Act 1992.

The PNC record further indicates that Mr Statter was sentenced to a Community Punishment Order of 150 hours and was ordered to pay costs of £350 in respect of the conviction set out in allegation 2. In addition the PNC record indicates that the sentence for allegation 1 was a Community Punishment Order of 150 hours, which the PNC reflected was concurrent with the Community Punishment Order of 150 hours referred to in allegation 2.

Allegations 1 and 2 are therefore found proven.

- 3. On 22 April 2004 at Wigan and Leigh Magistrates' Court, you were convicted of the offence of failing to notify a change of circumstances between 1 January and 31 March 2003 required by regulations under the Section 111A of Social Security Administration Act 1992. You were sentenced to a Community Punishment Order of 150 Hours (ran concurrently with the sentence referred to in allegations 1 and 2.);**

The panel had further regard to the PNC record included in the bundle, which indicates that, in addition, on 22 April 2004, at Wigan and Leigh Magistrates' Court, Mr Statter was convicted of failing to notify a change of circumstances in breach of

section 111A of the Social Security Administration Act 1992, between 01 January 2003 to 31 March 2003.

The PNC record further indicates that Mr Statter was sentenced to a Community Punishment Order of 150 hours. The panel considered this sentence was concurrent with the Community Punishment Order of 150 hours referred to in allegations 1 and 2.

Allegation 3 is therefore found proven.

**4. On 10 September 2004 at Ormskirk Magistrates' Court, you were convicted of the offence of breaching your community punishment order between 2 May 2004 – 16 May 2004, contrary to Schedule 3 of the Powers of Criminal Courts (Sentencing) Act 2000. You were ordered to pay a £50 fine.**

The PNC record included in the bundle further indicates that on 10 September 2004, at Ormskirk Magistrates' Court, Mr Statter was convicted of an offence of breach of the community punishment order on 2 May 2004 to 16 May 2004 in breach of schedule 3 of the Powers of Criminal Courts (Sentencing) Act 2000. Mr Statter was sentenced to a fine of £50.

Allegation 4 is therefore found proven.

**5. At Burnley Pendle and Rossendale Magistrates' Court, on 11 March 2015 you were convicted of the offence of false representation to make a gain for self or another and cause loss to another or expose another to risk, between 26 February and 4 March 2014, contrary to the Fraud Act 2006 Section 1 and 2. On 20 March 2015, you were sentenced to 20 weeks imprisonment wholly suspended for 12 months, and ordered to pay costs of £500 and a victim surcharge of £80;**

The panel noted that the PNC record also indicates that at the Burnley Pendle and Rossendale Magistrates' Court, Mr Statter was convicted on 11 March 2015 for making false representation to make gain for self or another or cause loss to other or expose other to risk, on 27 February 2014 in breach of section 1(2)(a) and section 2 of the Fraud Act 2006. The panel noted that 27 February 2014 was between 26 February 2014 and 4 March 2015.

The PNC record reflects that on 20 March 2015, Mr Statter was sentenced to imprisonment for 20 weeks, wholly suspended for 12 months and was ordered to pay costs of £500 and a victim surcharge of £80.

This allegation is found proven.

**6. At Burnley Pendle and Rossendale Magistrates' Court, on 11 March 2015 you were convicted of using a vehicle while uninsured on 5 June 2014, contrary**

**to s.143 of the Road Traffic Act. Your driving licence was endorsed by 8 penalty points;**

The panel noted that the PNC record also indicates that at the Burnley Pendle and Rossendale Magistrates' Court, Mr Statter was convicted on 11 March 2015 for using a vehicle while uninsured, on 5 June 2014 in breach of section 143(2) of the Road Traffic Act 1988.

The PNC record reflects that on 20 March 2015, Mr Statter's driving licence was endorsed with 8 penalty points.

This allegation is therefore found proven.

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

**You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:**

**8. On 9 January 1997 at Ormskirk Magistrates' Court, you were convicted of the offence that on 6 December 1996 you were: a) driving whilst disqualified; and b) using a vehicle while uninsured contrary to Sections 103 and 143 of Road Traffic Act 1988. You were sentenced to a community service order of 200 hours (which was varied on 26 February 1998 to a conditional discharge) and ordered to pay a £200 fine**

The panel noted that the PNC record also indicates that at the Ormskirk Magistrates' Court, Mr Statter was convicted on 9 January 1997 for driving whilst disqualified and using a vehicle while uninsured on 6 December 1996 in breach of section 103(1)(b) and section 143(2) of the Road Traffic Act 1988 respectively.

The PNC record reflects that Mr Statter was sentenced to a community service order of 200 hours which was subsequently varied on 26 February 1998, to a conditional discharge and Mr Statter was ordered to pay a fine of £200.

The presenting officer advised the panel that there is case law which indicates that a conviction for which the sentence is a conditional discharge cannot amount to a relevant criminal conviction and therefore conduct which led to the conviction can form the basis for a misconduct allegation instead.

This allegation is found proven.

The panel has also found the following particular of the allegations against you not proven, for these reasons:

- 7. On 11 March 2015 at Burnley Pendle and Rossendale Magistrates' Court, you were convicted of the offence of exceeding 30mph on a restricted road on 5 June 2014, contrary to Section 81(1) and Section 89(1) of the Road Traffic Regulation Act 1984. You received no separate penalty.**

In light of the panel accepting the presenting officer's application to withdraw this allegation, this allegation is found not proven.

### **Findings as to conviction of a relevant offence and/or unacceptable professional conduct and/or conduct that may bring the profession into disrepute**

Having found all of the allegations pursued by the National College at the hearing to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to either convictions of relevant offences and/or 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 is satisfied that the conduct of Mr Statter in relation to the facts it has found proved, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Statter is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs; (emphasis added).

The presenting officer submitted that the convictions referred to in allegations 1 to 3 related to Mr Statter indicating that his only source of income was job seeker's allowance when he was working as a supply teacher at the time. The presenting officer submits that this amounted to "benefit fraud" as dishonest representations (as specified in allegations 1 and 2). Mr Statter was sentenced to 150 hours of community service for these offences.

The presenting officer submitted that the panel should use its judgment as to whether this is behaviour that calls into question Mr Statter's fitness to be a teacher. The presenting officer submits that such convictions would cause pupils and parents concern over their ability to trust Mr Statter and also the risk of pupils seeing Mr Statter undertaking community service would cause the profession to be brought into disrepute.

The panel noted that it was arguable that Mr Statter's actions were not relevant to teaching, working with children and/or working in an education setting as none of his offences were committed, in the panel's view, whilst in the education setting.

The behaviour involved in committing the offence of driving whilst uninsured in relation to allegation 6 could, in the panel's view, have had an impact on the safety of members of the public.

In addition, the panel noted from the memorandum of an entry entered in the register of the Burnley, Pendle and Rossendale Magistrates' Court of 20 March 2015 indicates that Mr Statter's conviction (referred to in allegation 5) for making a false representation, namely that his vehicle had been stolen, thereby intending to make a gain for himself, namely the settlement of his vehicle finance, and driving whilst uninsured, was so serious that it warranted a sentence of imprisonment for 20 weeks given the premeditation and planned nature of Mr Statter's behaviour. The sentence of imprisonment albeit suspended is indicative of the seriousness of this particular offence.

The panel has also taken account of how the teaching profession is viewed by others. The panel considered that Mr Statter's behaviour in committing four separate offences of making dishonest or false representations to obtain a benefit for himself (as the presenting officer submitted as "benefit fraud"), in breach of the Social Security Administration Act 1992 and a separate offence under the Fraud Act 2006 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 therefore considered that allegations 1, 2, 3 and allegation 5 involved elements of fraud or serious dishonesty, and where such behaviour is involved the Advice indicates such convictions are likely to amount to relevant offences.

In addition, the panel considered that the conviction referred to in allegation 4 for breaching a community punishment order, is reflective of Mr Statter's disregard for the rule of law. His lack of respect for the Courts and the criminal justice system calls into his question his fitness as a teacher. As a result the panel considered allegation 4 also amounted to a relevant offence.

The panel noted that the sentence for the conviction referred to in allegation 6 amounted to penalty points which could, in accordance with the Advice, be considered a minor sentence for a minor driving offence. However, the panel considered that this conviction did amount to a relevant offence as driving whilst uninsured could threaten the safety and security of members of the public, and such conduct further called into question Mr Statter's fitness to be a teacher.

There is no evidence included in the bundle which relates to any mitigating circumstances that could explain Mr Statter's behaviour and there is no evidence before the panel of Mr Statter's teaching proficiency. However, the panel has found the seriousness of the offending behaviour relating to each of allegations 1, 2, 3, 4, 5 and 6

is relevant to Mr Statter's ongoing suitability to teach. The panel considers that a finding that such convictions are relevant offences is necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

In addition, the panel is satisfied that the conduct of Mr Statter in relation to allegation 8 for which Mr Statter received a conviction for driving whilst disqualified and using a vehicle whilst uninsured fell significantly short of the standards expected of the profession. Such conduct again threatened the safety and security of members of the public.

The Advice indicates that where behaviours associated with any offence listed on page 8 exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct. The panel found the reference to "serious driving offences" relevant.

The panel notes that the conduct related to allegation 8 took place outside of the education setting. Driving whilst disqualified and using a vehicle whilst uninsured affects the way that Mr Statter fulfils his teaching role or may lead to pupils being exposed to or influenced by the behaviour in a harmful way because this is poor role modelling for pupils.

Accordingly, as a result of the conviction referred to in allegation 8, the panel is satisfied that Mr Statter 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.

The finding of misconduct in relation to allegation 8 is serious and the conduct displayed would likely have a negative impact on Mr Statter's status as a teacher, potentially damaging the public perception. The panel therefore finds that Mr Statter's actions relating to allegation 8 constitutes conduct that may bring the profession into disrepute.

## **Panel's recommendation to the Secretary of State**

Given the panel's findings in respect of convictions of relevant offences, 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 protection of 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 Mr Statter, which involved driving whilst disqualified and uninsured, and acting in breach of the Fraud Act 2006 and the Social Security Administration Act 1992, there is a strong public interest consideration in respect of the protection of members of the public.

Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Statter was 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 Mr Statter was outside that which could reasonably be tolerated.

Notwithstanding the public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order taking into account the effect that this would have on Mr Statter.

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 Statter. 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;
- actions or behaviours that undermine fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs; or that promote political or religious extremism. This would encompass deliberately allowing the exposure of pupils to such actions or behaviours, including through contact with any individual(s) who are widely known to express views that support such activity, for example by inviting any such individuals to speak in schools (emphasis added);
- a deep-seated attitude that leads to harmful behaviour;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up;



- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures.

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. However, the panel were presented with no evidence which indicates that Mr Statter's actions in committing the various offences, referred to in the allegations, were not deliberate. In fact the memorandum of an entry from the register of Burnley, Pendle and Rossendale Magistrates' Court, included in the bundle, reflects the Court finding that Mr Statter's actions in relation to the conviction referred to in allegation 5, were premeditated and planned.

The presenting officer submitted that Mr Statter's conduct in alleging that his only source of income was job seeker's allowance involved dishonest conduct over a period of time. In addition, the presenting officer considered the breach of the community punishment order and the driving whilst uninsured and disqualified displayed a disregard of the criminal justice system.

There was no evidence to suggest that Mr Statter was acting under duress. The presenting officer submitted that there is no evidence that Mr Statter's teaching proficiency was anything other than good or that he was of previous good teaching history. However, his convictions relate to a period of 1997 to 2014 which spans some 17 years. This amounts, in the panel's view, to a sustained and serious departure from the personal and professional conduct elements of the Teachers' Standards. Mr Statter received a large number of convictions in this period for a range of fraud and dishonesty offences.

The panel was unable to refer to any character statements or references on behalf of Mr Statter as there were none included in the bundle and Mr Statter did not attend the hearing to provide such evidence.

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 Statter. Mr Statter's persistent criminal offending, displays a lack of regard for the rule of law. Respect of the rule of law is expected of all professionals but in particular teachers who have a uniquely influential role when educating children. This attitude along with Mr Statter's repeat offences relating to false representation and dishonesty related offences were significant factors in forming the panel's opinion. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend that a review period of the order should be considered. The panel was mindful that the Advice recommends 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. One of these behaviours includes fraud or serious dishonesty. The panel has found that Mr Statter has been responsible for making a number of false representations contrary to the Fraud Act 2006 and the Social Security Administration Act 1992.

There is no evidence in the bundle regarding Mr Statter's insight or remorse over his actions.

The panel felt its findings indicated a situation in which a review period would not be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provisions 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 all of the allegations pursued by the National College at the hearing to have been proven. Mr Statter has been convicted as alleged of relevant offences, and found guilty of unacceptable professional conduct and conduct that may bring the profession into disrepute.

I note the panel's findings against Mr Statter, involved driving whilst disqualified and uninsured, and acting in breach of the Fraud Act 2006 and the Social Security Administration Act 1992.

I note the panel has considered the particular public interest considerations, and that there is a strong public interest consideration in respect of the protection of members of the public. I agree with that view.

I agree with the panel that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Statter was not treated with the utmost seriousness. 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 Mr Statter was outside that which could reasonably be tolerated.

I note 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;
- actions or behaviours that undermine fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs; or that promote political or religious extremism. This would encompass deliberately allowing the exposure of pupils to such actions or behaviours, including through contact with any individual(s) who are widely known to express views that support such activity, for example by inviting any such individuals to speak in schools (emphasis added);
- a deep-seated attitude that leads to harmful behaviour;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures.

I note that the panel went on to consider whether or not there were sufficient mitigating factors. The panel were presented with no evidence which indicates that Mr Statter's actions in committing the various offences were not deliberate. There was no evidence to suggest that Mr Statter was acting under duress.

Mr Statter's convictions relate to a period from 1997 to 2014 which spans some 17 years. I agree with the panel that this amounts to a sustained and serious departure from the personal and professional conduct elements of the Teachers' Standards. Mr Statter received a large number of convictions in this period for a range of fraud and dishonesty offences.

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 Statter.

I have considered the public interest in this case and agree with the panel that prohibition is both proportionate and necessary.

I now turn to the matter of a review period.

Mr Slatter's behaviour includes fraud and serious dishonesty. The panel has found that Mr Statter has been responsible for making a number of false representations contrary to the Fraud Act 2006 and the Social Security Administration Act 1992. I note that the panel found no evidence in the bundle regarding Mr Statter's insight or remorse over his actions.

For the reasons set out above, I agree with the panel's recommendation, that no review period should be allowed.

**This means that Mr Jonathan Statter 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 him, I have decided that Mr Statter shall not be entitled to apply for restoration of his eligibility to teach.

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

Mr Statter 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 black ink, appearing to read 'J. Millions', with a small dot at the end of the signature.

**Decision maker: Jayne Millions**

**Date: 13 April 2016**

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