



National College for
Teaching & Leadership

Mr Thomas Bisset: Professional conduct panel outcome

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

March 2016

Contents

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

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

Teacher:	Mr Thomas Bisset
Teacher ref number:	9104661
Teacher date of birth:	22 March 1968
NCTL case reference:	14361
Date of determination:	31 March 2016
Former employer:	St Hild's Church of England School, Hartlepool

A. Introduction

A professional conduct panel ("the panel") of the National College for Teaching and Leadership ("the National College") convened on 31 March 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Thomas Bisset.

The panel members were Cllr Gail Goodman (teacher panellist – in the chair), Mr Martin Greenslade (lay panellist) and Mr Michael Lewis (former teacher panellist).

The legal adviser to the panel was Miss Eszter Horvath-Papp of Eversheds LLP.

The presenting officer for the National College was Miss Jennie Roddy of Nabarro LLP.

As this was a meeting, neither party was present.

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

B. Allegations

The panel considered the allegations set out in the notice of meeting dated 2 March 2016.

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

1. On 26 April 1999, at Hartlepool Magistrates Court, he was convicted of driving a motor vehicle on 25 April 1999, having consumed alcohol in excess of the prescribed limit, contrary to section 5(1)(A) of the Road Traffic Act 1998 and Schedule 2 to the Road Traffic Offenders Act 1988. He was sentenced to have his licence endorsed, disqualification from driving for 3 years, referred to a Drink Drive Rehabilitation Course and ordered to pay a fine of £400 and costs of £40.
2. On 19 August 2015, at Teeside Crown Court, he was found guilty of fraud in that between 1 November 2011 and 9 April 2014 he dishonestly and intending thereby to make a gain for himself or another or to cause loss to another or to expose another to risk of loss, abused his position as a teacher at St Hild's Church of England School, in which he was expected to safeguard or not to act against the financial interests of another, namely St Hild's Church of England School, by making false declarations as to the number of pupils attending school trips and overcharging attendees, in breach of section 4 of the Fraud Act 2006. On 15 September 2015, at Teeside Crown Court, he was sentenced to 12 months' imprisonment suspended for 24 months and ordered to pay a victim surcharge of £100.

It was further alleged that Mr Bisset was guilty of unacceptable professional conduct and/or conduct which may bring the profession into disrepute in that:

3. On 29 July 2008, he received a police caution for the offence of common assault.

In the agreed statement of facts, Mr Bisset admitted the facts of the allegations and that his convictions at allegations 1 and 2 were relevant offences for the purposes of NCTL proceedings, and that his conduct at allegation 3 amounted to unacceptable professional conduct and conduct which may bring the profession into disrepute.

C. Preliminary applications

Whilst there were no preliminary applications, the panel considered at the outset whether the allegation should be considered at a public hearing at which the parties would be entitled to attend, or a private meeting without the parties present. The panel considered the interests of justice and given that the facts of the allegation have been admitted, that Mr Bisset had requested a meeting and the panel had the benefit of his representations,

the panel was of the view that justice would be adequately served by considering this matter at a meeting.

The panel carefully considered the public interest. The panel noted that if the case proceeded in a meeting, there would be a public announcement of the panel's decision. The panel also had in mind that if a hearing was convened, there would be a cost to the public purse, which may not be justified if the matter could be determined in a meeting. The panel also had regard to the delay that would be caused by convening a hearing and considered it to be in the public interest to reach a final determination in this matter without further delay. The panel therefore decided to proceed with a meeting, but noted that it could, at any stage of the meeting, reconsider this issue.

D. Summary of evidence

Documents

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

Section 1: Chronology – page 2

Section 2: Notice of referral and response – pages 4 to 9

Section 3: Agreed statement of facts and presenting officer representations – pages 11 to 22

Section 4: NCTL documents – pages 24 to 113

Section 5: Teacher documents – pages 115 to 128

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

Witnesses

The matter was convened as a meeting and no oral evidence was heard.

E. Decision and reasons

The panel announced its decision and reasons as follows:

The panel had carefully considered the case before it and reached a decision.

The panel confirmed that it had read all the documents provided in the bundle in advance of the meeting.

Mr Bisset was a history teacher at St Hild's Church of England School, Hartlepool (the "school"), since September 1991. He became Assistant Head of Year in 1994 and Year Co-ordinator in 1995. In June 2014, the school conducted an investigation into school trips organised by Mr Bisset and found a discrepancy between the number of tickets purchased and the number of students recorded as having signed up to the trips. In May 2015 Mr Bisset was summarily dismissed from the school. In September 2015 he was convicted of fraud. Checks on the Police National Computer ("PNC") revealed that he had a conviction of driving with excessive alcohol from 1999 and he received a police caution for common assault in 2008.

Findings of fact

Our findings of fact are as follows:

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

1. On 26 April 1999, at Hartlepool Magistrates Court, he was convicted of driving a motor vehicle on 25 April 1999, having consumed alcohol in excess of the prescribed limit, contrary to section 5(1)(A) of the Road Traffic Act 1998 and Schedule 2 to the Road Traffic Offenders Act 1988. He was sentenced to have his licence endorsed, disqualification from driving for 3 years, referred to a Drink Drive Rehabilitation Course and ordered to pay a fine of £400 and costs of £40.

The record of this conviction was confirmed in Mr Bisset's PNC record (p.107).

The panel was therefore satisfied that there was sufficient evidence to support Mr Bisset's admission and it found this allegation proven.

2. On 19 August 2015, at Teeside Crown Court, he was found guilty of fraud in that between 1 November 2011 and 9 April 2014 he dishonestly and intending thereby to make a gain for himself or another or to cause loss to another or to expose another to risk of loss, abused his position as a teacher at St Hild's Church of England School, in which he was expected to safeguard or not to act against the financial interests of another, namely St Hild's Church of England School, by making false declarations as to the number of pupils attending school trips and overcharging attendees, in breach of section 4 of the Fraud Act 2006. On 15 September 2015, at Teeside Crown Court, he was sentenced to 12 months' imprisonment suspended for 24 months and ordered to pay a victim surcharge of £100.

The bundle of documents contained a certificate of conviction from Teeside Crown Court dated 13 November 2015 confirming this conviction (p.110).

The panel was therefore satisfied that there was sufficient evidence to support Mr Bisset's admission and it found this allegation proven.

3. On 29 July 2008, he received a police caution for the offence of common assault.

There was a record of Mr Bisset's caution at page 112 of the bundle.

The panel was therefore satisfied that there was sufficient evidence to support Mr Bisset's admission and it found this allegation proven.

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

In respect of allegation 1, the panel was of the view that Mr Bisset's conviction for driving a motor vehicle with excess alcohol in April 1999 was not a relevant offence for the purposes of these disciplinary proceedings. He had clearly been teaching in the 15 years since his conviction and had been promoted in that time. The school had been aware of his conviction and was content to allow him to continue to teach. Whilst the panel noted that it was a serious offence to be 2.5 times over the limit, the panel did not consider that it was now relevant to his on-going suitability to teach, in the full circumstances of this case.

In respect of allegation 2, the panel considered that his conviction for fraud was a "relevant offence" for the purposes of these proceedings. The panel noted that the "Teacher misconduct: The prohibition of teachers" advice document indicated in section 5(ii)(c) that offences involving fraud or serious dishonesty was likely to be a "relevant offence". The panel found no reason to depart from that guidance. It was satisfied that Mr Bisset's conduct, over an extended period of time, involved defrauding his pupils and their parents, to the extent of approximately £15,000. His actions were relevant to his role as a teacher and his work in an education setting, given that they arose from his organising of school trips. His conduct went to the heart of his role as a teacher and the position of trust he had with the school, the children and their parents.

In the panel's view, this conviction was directly relevant to Mr Bisset's on-going suitability to teach. His actions were contrary to the standards of personal and professional conduct expected of a teacher, and would be likely to affect public confidence in the teaching profession if the teacher were allowed to continue teaching. In addition, the panel considered that a finding that this conviction is a "relevant offence" was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession. In any event, Mr Bisset admitted in the agreed statement of facts that this conviction was a "relevant offence".

In respect of allegation 3, the panel noted that Mr Bisset had received a police caution for common assault [redacted] in 2008. Whilst the panel found the actions underlying the

caution reprehensible, the panel noted that Mr Bisset had been allowed to continue teaching for a further 7 years after that incident. There was no evidence before the panel that this police caution was indicative of anything other than a one-off incident.

The panel considered the guidance in section 5(ii)(a) of the advice document with regards to unacceptable professional conduct. The panel was satisfied that Mr Bisset's conduct was misconduct of a serious nature, falling significantly short of the standards of behaviour expected of a teacher. In particular, the panel was of the view that Mr Bisset was in breach of the Teachers' Standards, in particular the requirement to "uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school".

In addition, the panel noted that the assault had taken place outside of the education setting. In such cases, the advice document indicated that the behaviour would only amount to unacceptable professional conduct "if it affects the way the person fulfils their teaching role or if it may lead to pupils being exposed to or influenced by the behaviour in a harmful way". The panel was satisfied that pupils could be exposed to or influenced by his behaviour in a harmful way, given the serious nature of his conduct, and his position as a role model to children.

In the circumstances, the panel was satisfied that Mr Bisset's common assault, for which he received a police caution, amounted to unacceptable professional conduct.

The panel also considered whether Mr Bisset's behaviour amounted to conduct that may bring the profession into disrepute. The panel took 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 took 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. In the panel's view, the conduct displayed by Mr Bisset would likely have a negative impact on his status as a teacher, potentially damaging the public perception of the teaching profession as a whole.

The panel therefore also found that Mr Bisset's actions constituted 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, conduct that may bring the profession into disrepute and a conviction of a relevant offence, it was 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. The panel therefore considered whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. The panel was mindful that prohibition

orders should not be given in order to be punitive, or to show that blame has been apportioned, although they would be likely to have a punitive effect.

As a preliminary point, the panel was of the view that its findings in respect of allegation 3 added relatively little to the overarching context of Mr Bisset's recent conviction for fraud, which was carried out in his role as a teacher and was a serious breach of his position of trust. The seriousness of his actions was highlighted by the fact that his conviction passed the custody threshold, though his prison sentence was suspended for 24 months.

The panel considered the particular public interest considerations set out in the advice document at section 5(iii) and found all of them to be relevant in this case, namely:

- there was significant public interest in the protection of pupils and other members of the public, given Mr Bisset's conviction for fraud, arising from his role as a teacher and which was perpetrated over a number of years;
- the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Bisset was not treated with the utmost seriousness when regulating the conduct of the profession; and
- there was also a strong public interest consideration in declaring proper standards of conduct in the profession, as Mr Bisset's conduct was outside that which could reasonably be tolerated.

The panel took further account of the advice document, which suggested that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours, the panel considered that the following were relevant:

- serious departure from the personal and professional conduct elements of the Teachers' Standards, which expect that teachers "demonstrate consistently high standards of personal and professional conduct";
- abuse of position or trust...; and
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up.

Notwithstanding the clear public interest considerations that were present, the panel considered whether or not it would be proportionate to impose a prohibition order taking into account the effect that this would have on Mr Bisset. In carrying out the balancing exercise the panel considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Bisset. In particular, the panel considered 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 particular, the panel acknowledged the sentencing judge's remarks that: "You are a good teacher ... it is perfectly plain that for some time you had been suffering from significant mental difficulties, and indeed I have no doubt they have been exacerbated by the difficulties suffered [redacted] ... and in those circumstances it is perfectly clear to see that basically you were just unable to deal with the financial pressures that you were faced with ... effectively you just closed your mind to those difficulties, thought there was a simple way out, chose it and the difficulties have been quadrupled by your conduct" (p.119-120).

The panel was of the view that Mr Bisset's actions were deliberate, but in a wider context of being under significant stress. There was evidence of his previously good record in the classroom and the panel noted the references in the bundle (p.125- 128). The panel also noted the significant consequences of his actions on him and his family, which included the loss of his home and his pension rights.

However, the panel was of the view that his conduct in perpetrating the fraud was very serious and the public interest considerations outweighed the interests of Mr Bisset himself. In the circumstances, the panel was satisfied that a prohibition order would be both proportionate and appropriate.

Accordingly, the panel made 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 document stated that a prohibition order applied for life, but there might be circumstances in any given case that might 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 panel noted that page 12 of the advice suggested that there should be no review period in cases involving fraud or serious dishonesty. However, the panel was of the view that the other offences listed in this section were significantly more serious and generally carried substantial custodial sentences. In Mr Bisset's case, the sentencing judge found "no evidence of high living", and his actions appear to have been caused by difficult personal circumstances. Therefore, in the panel's view, Mr Bisset's fraud conviction was not in the same league of seriousness as that envisaged by this section of the guidance.

The panel felt that Mr Bisset still had something to offer the teaching profession and should be given the opportunity to return at some point in the future, and the judge acknowledged in his sentencing remarks that Mr Bisset had been a good teacher (p.119). The panel was of the view that this period needed to be longer than the minimum 2 years, to enable him to more fully reflect on his actions and gain deeper insight into their impact. In particular, the panel was concerned that Mr Bisset continued to refer to errors and mistakes on his part, rather than acknowledging his deliberate dishonesty.

In the circumstances, the panel felt the findings indicated a situation in which a review period of 4 years 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 of 4 years.

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. I have noted the allegations that the panel have found proven. Where the allegations were considered not a relevant offence for the purpose of the disciplinary hearing, I have put these from my mind. The panel is satisfied that Mr Bisset is guilty of unacceptable professional conduct and conduct that may bring the profession into disrepute.

I note the panel is satisfied that the conduct of Mr Bisset in relation to the facts found proved, involved breaches of the Teachers' Standards.

Mr Bisset's conviction for fraud, which was carried out in his role as a teacher was a serious breach of his position of trust. The seriousness of his actions was highlighted by the fact that his conviction passed the custody threshold, though his prison sentence was suspended for 24 months.

I have considered the public interest in this case. I agree with the panel that there is a significant public interest in the protection of pupils and other members of the public given the seriousness of the behaviour. I agree with the panel that the conduct found against Mr Bisset was outside that which could be reasonably tolerated. 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 Bisset. The panel was of the view that Mr Bisset's actions were deliberate, but in a wider context of being under significant stress.

The panel has decided that the public interest considerations outweigh the interests of Mr Bisset. I agree with the panel's view. Mr Bisset's conduct in perpetrating the fraud was very serious. I therefore agree with the panel that prohibition is both proportionate and appropriate.

I now turn to the matter of a review period. It is evident that the panel has thought very carefully about this issue, and the advice around cases involving fraud and serious dishonesty.

The panel has set out very clearly that it felt the findings indicated a situation in which a review period would be appropriate. As such the panel 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 Mr Bisset to more fully reflect on

his actions, gain a deeper insight into their impact and acknowledge his deliberate dishonesty. The panel considers that it would be appropriate for a prohibition order to be granted allowing for Mr Bisset to apply for a review after four years. I agree with the panel's recommendation. Any lesser period would undermine public confidence in the profession

This means that Mr Thomas Bisset 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 11 April 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 Bisset remains prohibited from teaching indefinitely.

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

Mr Bisset 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.

NAME OF DECISION MAKER: Jayne Millions

Date: 5 April 2016

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