



National College for  
Teaching & Leadership

# **Mr James King: Professional conduct panel outcome**

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

**August 2015**

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

<b>Teacher:</b>	Mr James King
<b>Teacher ref number:</b>	9842291
<b>Teacher date of birth:</b>	23 February 1973
<b>NCTL case reference:</b>	14612
<b>Date of determination:</b>	1 August 2016
<b>Former employer:</b>	St Peter's Church of England Primary School, Swinton

### **A. Introduction**

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 1 August 2016 at the Ramada Hotel and Suites, Butts, Coventry, CV1 3GG to consider the case of Mr James King.

The panel members were Mr John Pemberton (former teacher panellist – in the chair), Mrs Alison Walsh (teacher panellist) and Ms Surinder Dhillon (lay panellist).

The legal adviser to the panel was Miss Clare Strickland of Blake Morgan solicitors.

Mr James King was not present and was not represented.

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

## B. Allegations

The panel considered the allegations set out in the Notice of Meeting dated 3 June 2016.

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

1. on 01/10/2015 before Manchester and Salford Magistrates' Court he was convicted of the following criminal offences:
  - a. theft by an employee on 01/09/14-23/07/2015 in contravention of the Theft Act 1968, s.1;
  - b. making false representation to make gain for himself or to cause loss to another or to expose another to a risk of loss on 18/02/15 – 01/04/15 in contravention of the Fraud Act 2006, s.1(2)(a) and s.2;
  - c. making false representation to make gain for himself or to cause loss to another or to expose another to a risk of loss on 06/12/14 – 03/01/15 in contravention of the Fraud Act 2006, s.1(2)(a) and s.2;
  - d. making false representation to make gain for himself or to cause loss to another or to expose another to a risk of loss on 20/02/15 – 19/03/15 in contravention of the Fraud Act 2006, s.1(2)(a) and s.2;
  - e. theft on 28/12/14-31/03/15 in contravention of the Theft Act 1968, s.1.
2. for his actions in respect of 1 above he was sentenced to:
  - a. imprisonment for 12 weeks wholly suspended for 12 months;
  - b. 150 hours unpaid work requirement;
  - c. pay compensation totalling £2660;
  - d. pay a victim surcharge of £80.

The teacher admits the facts of the allegations against him and that they amount to convictions of a relevant offence.

## C. Preliminary applications

There were no preliminary applications.

## **D. Summary of evidence**

### **Documents**

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

Section 1: Section 1: Anonymised pupil list and Chronology – pages 2 to 4

Section 2: Notice of Referral, response and Notice of Meeting – pages 6 to 12(b)

Section 3: Statement of Agreed Facts and presenting officer representations – pages 14 to 21

Section 4: NCTL documents – pages 23 to 36

Section 5: Teacher documents – pages 38 to 44

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

## **E. Decision and reasons**

The panel announced its decision and reasons as follows:

We have carefully considered the case before us and have reached a decision.

We confirm that we have read all the documents provided in the bundle in advance of the hearing.

Mr King was employed as a primary school teacher and head of year key stage 2 at St Peter's Church of England Primary School ("the School"), Swinton between September 2014 and March 2015.

On 1 October 2015 he pleaded guilty to five offences of dishonesty (theft and fraud), particulars of which are set out in allegation 1.

### **Allegation 1.a.**

Mr King stole four iPad Airs and three Asus Netbooks from the School. The iPads were used by pupils in classes to assist with their learning and development.

He attended a meeting at the School which had been convened to ask who had the iPads. The panel considered that this was an important opportunity for him to disclose what he had done, but he did not take this opportunity and remained silent.

He pawned them at three separate pawnbrokers to obtain short term loans to a total value £1620. Two of the iPads were recovered by police. Mr King admitted that he used some of the money to fund his gambling habit.

#### **Allegation 1.b.**

Mr King was a tenant and lived at [redacted] ("the Property") between September 2014 and March 2015. The Property was above a bar called [redacted]. One of the co-owners of The Laundrette was also Mr King's landlord.

Mr King misled Victim A into believing that he was the landlord of the Property. Victim A had responded to an online advertisement for a tenancy at the Property. Mr King met her there on 18 February 2015, and showed her the flat. He told her that if she wanted the tenancy she would have to pay a deposit of £400 and £400 per month rent. Victim A gave him a cheque for £400 to pay for the deposit. Mr King agreed with her a "move in" date of 1 April 2015.

Thereafter, Victim A made numerous attempts to contact Mr King and to obtain a key to the flat. On 22 March 2015, Mr King sent her an online message to say that the tenancy was no longer available.

Mr King admits that he had spent the money given to him by Victim A on gambling. He did not repay the money until after he had been interviewed by the police. It was repaid in full by 4 September 2015.

#### **Allegation 1.c.**

This allegation is similar in nature to allegation 1.b. above. Mr King pretended to be landlord of the Property and on 7 December 2014, Victim B paid him a deposit of £250 having responded to an online advertisement for a tenancy. Mr King agreed she could move in on 29 December 2014.

Victim B also set up a standing order to pay £500 per month in rent to Mr King. The first payment was made on 2 January 2015.

He subsequently sent her a text message saying that as a result of "devastating news" about his parents he could not take a lodger. This was not true. He asked her to provide her bank details so that he could repay her money. She did so, but her £750 was not repaid immediately. Mr King repaid her £200 on 15 June 2015, and the outstanding £550 was repaid following his police interview.

#### **Allegation 1.d.**

In December 2014, Mr King bought a car using a finance agreement. The purchase price was £7100 and the amount payable under the agreement was £12,150. He paid a deposit of £400 and agreed to pay the balance over 36 monthly payments.

He did not make any of the monthly payments.

Mr King advertised the car for sale on the website "Gumtree", saying that it had belonged to his aunt. This was not true.

On 23 February 2015, Victim C bought the car from Mr King for £2300. He did not tell her that the car was subject to a finance agreement.

On 19 March 2015 the finance company recovered the car.

Mr King has repaid £700 to Victim C.

### **Allegation 1.e.**

This allegation is similar in nature to allegations 1.b. and 1.c. On 28 December 2014, Victim E signed a contract with Mr King to move into the Property. She paid him a total of £2500, representing a deposit and three months' rent in advance.

Victim E moved into the Property in mid-January 2015. She discovered that Mr King was not the landlord when the real landlord told her that Mr King was in arrears with his rent and was being evicted.

Mr King has not repaid any money to Victim E.

Mr King has admitted that the money obtained through these offences was used by him to fund his gambling habit and associated debts.

### **Findings of fact**

Our findings of fact are as follows:

We have found the following particulars of the allegations against you proven, for these reasons:

- 1. On 01/10/2015 before Manchester and Salford Magistrates' Court you were convicted of the following criminal offences:**
  - a. Theft by an employee on 01/09/14-23/07/2015 in contravention of the Theft Act 1968, s.1**

This allegation has been admitted and therefore is found proved.

- b. Making false representation to make gain for himself or to cause loss to another or to expose another to a risk of loss on 18/02/15 – 01/04/15 in contravention of the Fraud Act 2006, s.1(2)(a) and s.2**

This allegation has been admitted and therefore is found proved.

- c. Making false representation to make gain for himself or to cause loss to another or to expose another to a risk of loss on 06/12/14 – 03/01/15 in contravention of the Fraud Act 2006, s.1(2)(a) and s.2**

This allegation has been admitted and therefore is found proved.

- d. Making false representation to make gain for himself or to cause loss to another or to expose another to a risk of loss on 20/02/15 – 19/03/15 in contravention of the Fraud Act 2006, s.1(2)(a) and s.2**

This allegation has been admitted and therefore is found proved.

- e. Theft on 28/12/14-31/03/15 in contravention of the Theft Act 1968, s.1**

This allegation has been admitted and therefore is found proved.

**2. For your actions in respect of 1 above you were sentenced to:**

- a. Imprisonment for 12 weeks wholly suspended for 12 months;**
- b. 150 hours unpaid work requirement;**
- c. Pay compensation totalling £2660;**
- d. Pay a victim surcharge of £80.**

This allegation has been admitted and therefore is found proved.

## **Findings as to conviction of a relevant offence**

The panel is satisfied that the conduct of Mr King in relation to the facts it has found proved, involved breaches of the Teachers' Standards. The panel considers that by reference to part two of the Teachers' Standards, Mr King 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.

The panel notes that the individual's actions were relevant to teaching, working with children and working in an education setting. Teachers are role models and must lead by example. In this instance, Mr King has not done so. One of the offences involved theft of property from his school, which deprived children of the opportunity to use equipment for learning.

The panel does not consider that the teacher's actions had a potential impact on the safety or security of pupils or members of the public.



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

The panel has noted that the teacher's behaviour has ultimately led to him receiving criminal convictions and a sentence of imprisonment, albeit that it is suspended, which is indicative of the seriousness of the offences committed.

This is a case involving offences of theft from a school (his employer), theft from a person, and fraud on three occasions. As noted above, the theft from the school deprived pupils at his school of equipment for their learning. This was a serious breach of trust. In addition to the theft from the school, there were four individual victims who suffered financial loss as a result of Mr King's actions. The panel notes that the offences were premeditated, systematic and repeated. The document *Teacher Misconduct: The Prohibition of Teachers ("the Advice")* states that fraud and theft from a person or other serious theft are likely to be considered relevant offences.

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

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

Given the panel's findings in respect of convictions of a relevant offence, 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 a punitive effect.

The panel has taken account of 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.

Mr King's offending was premeditated, systematic and repeated. He singularly failed to act as a role model to pupils, parents and the wider public. By stealing property from his school he deprived children there of the opportunity to use equipment for their learning. The panel also considered that his other offences were serious, as they were capable of causing emotional distress to his victims, as well as financial loss.

In light of the panel's findings against Mr King, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr King were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel considers that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr King was outside that which could reasonably be tolerated.

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

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 King. 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 the rule of law;
- a deep-seated attitude that leads to harmful behaviour, as evidenced by his repeated and systematic dishonest offending;
- abuse of position of trust (by stealing equipment from his school);
- dishonesty especially where it has been repeated and/or covered up (Mr King did not take the opportunity to confess to taking the equipment from the school when a meeting was called to discuss their whereabouts);
- the commission of serious criminal offences, 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.

Mr King pleaded guilty to the offences and has made full admissions and cooperated fully in these proceedings.

During his police interview he apologised for his conduct, which demonstrates some remorse. He has partially repaid the money he obtained through his offending.

Mr King has attributed his offending to his gambling habit, and says that he has taken steps to address this, although the panel has not seen any independent evidence about this. The panel would have been assisted by such evidence.

In light of the panel's findings:

- the teacher's actions were deliberate.
- although Mr King maintains that his actions were prompted by his gambling addiction, there is no independent evidence to show that he was acting under duress.
- the panel has no evidence to suggest he has a bad teaching record. Mr King says he has an outstanding record as a teacher over 15 years, but the panel has no independent evidence of this.

The panel has not been provided with any character evidence or references from third parties in respect of Mr King.

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 King. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for them to decide to recommend that a review period of the order should be considered. The panel were mindful that the Advice advises that a prohibition order applies for life, but there may be circumstances in any given case that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include fraud or serious dishonesty and theft from a person or other serious cases of theft.

The panel has found that Mr King has been responsible for a fundamental breach of trust against his employer, as well as other dishonest behaviour resulting in criminal convictions and a suspended sentence of imprisonment.

However, he has made full admissions and demonstrated some remorse. He has provided information about his teaching record and his gambling addiction, which, if correct, does provide some mitigation. As noted above, the panel has seen no independent evidence of this, but it also recognises that Mr King has not been represented in these proceedings. His offences are serious but are not at the most serious end of the spectrum of offending. For these reasons, the panel considers that Mr King should, after an appropriate period of time, be given the opportunity to come before

another panel and demonstrate insight, remorse, and remediation of the underlying issues that led to his offending.

The panel felt the findings indicated a situation in which a review period would be appropriate and as such unanimously 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 considered the appropriate review period, and recommends a period of 5 years. This is long enough to reflect the seriousness of the offences and the damage that they may have caused to public confidence, while giving Mr King a reasonable opportunity to demonstrate that he is fit to return to teaching in the future. The panel is unanimous on this.

## **Decision and reasons on behalf of the Secretary of State**

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

This is a case involving theft and fraud and the teacher has been convicted by the courts.

The panel has found that Mr King's conduct in relation to the facts it has found proved, involved breaches of the Teachers' Standards. The panel has set out, by reference to part two of the Teachers' Standards, where Mr King is in breach of the standards:

- teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school.

The panel has noted that the individual's actions were relevant to teaching, working with children and working in an education setting. Teachers are role models and must lead by example. Mr King has failed to do that. One of the offences involved theft of property from his school, which deprived children of the opportunity to use that equipment for learning.

The panel has set out clearly how it has taken account of the Advice published by the Secretary of State. That advice 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 the rule of law;
- a deep-seated attitude that leads to harmful behaviour, as evidenced by his repeated and systematic dishonest offending;

- abuse of position of trust (by stealing equipment from his school);
- dishonesty especially where it has been repeated and/or covered up (Mr King did not take the opportunity to confess to taking the equipment from the school when a meeting was called to discuss their whereabouts);
- the commission of serious criminal offences, 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 have taken into account the recommendation made by the panel in this case. I have also taken into account the need to balance the rights and interests of the individual teacher with the wider public interest. I have also taken into account the need to be proportionate. I have read the advice published by the Secretary of State.

Taking all of that into consideration I support the recommendation of the panel that Mr King should be prohibited from teaching.

I have gone on to consider the matter of a review period. I have taken careful consideration of the recommendation of the panel. This is a serious case, but the panel has noted that Mr King has made full admissions and demonstrated some remorse. He has provided information about his teaching record and his gambling addiction, which, if correct, does provide some mitigation.

A prohibition order is for life, but the panel are of the view that in the particular circumstances of this case, Mr King should be given the opportunity to come before a new panel and provide evidence that he is a suitable person to be able to teach again. The panel recommend that a period of at least 5 years should elapse before that opportunity is provided. The panel argue that this is a reasonable opportunity for Mr King to be able to demonstrate that he is fit to return to teaching.

Taking all of this into consideration, and recognising that the onus will be on Mr King to prove that he is indeed a fit person to return, I support that recommendation.

**This means that Mr James King is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England.** He may apply for the prohibition order to be set aside, but not until 9 August 2021, 5 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr James King remains prohibited from teaching indefinitely.

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

Mr James King 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.

Alan Meyrick

**Decision maker: Alan Meyrick**

**Date: 2 August 2016**

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