



National College for
Teaching & Leadership

Mr Daniel Twigger: Professional conduct panel meeting outcome

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

June 2017

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

Teacher: Mr Daniel Twigger
Teacher ref number: 0984320
Teacher date of birth: 18 September 1982
NCTL case reference: 14549
Date of determination: 12 June 2017

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 12 June 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Daniel Twigger.

The panel members were Mrs Fiona Tankard (teacher panellist in the chair), Mr Tony James (former teacher panellist), and Mrs Catherine Boyd (lay panellist).

The legal adviser to the panel was Mr Tom Walker of Blake Morgan LLP solicitors.

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 Referral dated 10 February 2017 (pages 4 to 7).

It was alleged that Mr Twigger was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as a teacher he was convicted of the following offences:

1. Produced a Class B controlled drug namely cannabis on 1/1/2015-10/9/2015 and was subsequently imprisoned for 20 months at Northampton Crown Court on 7/11/2016.
2. Possessed a Class B controlled drug namely cannabis with intent to supply on 9/9/2015 and was subsequently imprisoned for 20 months concurrent at Northampton Crown Court on 7/11/2016.

C. Preliminary applications

In advance of the meeting, the National College agreed to a request from Mr Twigger that the allegations be considered without a hearing. The panel has the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel was content to proceed with this case as a meeting.

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 – pages 4 to 7

Section 3: Statement of Agreed Facts – pages 12 to 14

Section 4: NCTL documents – pages 18 to 32

Section 5: Teacher documents – pages 34 to 35

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 it 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 Twigger was employed as an IT supply teacher at a school in Northampton. On 9 September 2015 Mr Twigger was arrested and following a police search of his home, a hydroponics system and cannabis were seized. Mr Twigger was prosecuted and entered a guilty plea to two charges of producing and supplying cannabis before Northampton Crown Court on 7 November 2016. Mr Twigger was sentenced to 20 months' imprisonment.

Findings of fact

Our findings of fact are as follows:

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

It was alleged that you were guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as a teacher you were convicted of the following offences:

1. Produced a Class B controlled drug namely cannabis on 1/1/2015-10/9/2015 and were subsequently imprisoned for 20 months at Northampton Crown Court on 7/11/2016.

2. Possessed a Class B controlled drug namely cannabis with intent to supply on 9/9/2015 and were subsequently imprisoned for 20 months concurrent at Northampton Crown Court on 7/11/2016.

The panel has had regard to all the evidence within the bundle. The panel has had regard to the PNC record (pages 25 to 27) and the court record sheet (pages 28 to 30), which confirm that Mr Twigger was convicted of the offences outlined above, namely offences under s.4 (2) (a) and 5(3) respectively of the Misuse of Drugs Act 1971. The panel notes that the Notice of Referral does not explicitly refer to a 'relevant offence' and instead refers to an 'offence' (page 4).

In the Statement of Agreed Facts (pages 12 to 14) Mr Twigger accepts the factual allegations in this case, and also accepts that he has been convicted of a relevant offence. There is no reference in the Statement of Agreed facts to unacceptable professional conduct or conduct which may bring the profession into disrepute. However, the panel notes that in the Notice of Referral Form (page 8) Mr Twigger confirms his admission of the allegations and also confirms his admission that the facts amount to unacceptable professional conduct, conduct which may bring the profession into disrepute and conviction of a relevant offence.

The panel is satisfied that the facts of this case have been proven on the balance of probabilities. The panel is satisfied that the conviction is determinative of the facts upon which that conviction is based.

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

Having found 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 and/r conviction of a relevant offence.

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

- 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 the rule of law;

The panel is satisfied that the conduct of Mr Twigger fell significantly short of the standard expected of the profession.

The panel has also considered whether Mr Twigger's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. Mr Twigger has been convicted of a relevant offence, namely supplying illegal substances of any classification.

The Advice indicates that where behaviours associated with such an offence exist, even outside an education setting, a panel is likely to conclude that an individual’s conduct would amount to unacceptable professional conduct. The panel has indeed reached that conclusion. Mr Twigger was engaged in the production and supply of illegal substances, which was regarded as sufficiently serious by the Court to warrant an immediate custodial sentence of 20 months.

The panel has taken into account the way 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 findings of misconduct are serious and the conduct displayed would likely have a negative impact on the individual’s status as a teacher, potentially damaging the public perception.

Having found the allegations proved, the panel further finds that Mr Twigger’s conduct amounts to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel has noted that Mr Twigger's behaviour ultimately led to him receiving a sentence of imprisonment which is indicative of the seriousness of the offences committed.

This case relates to offences involving the production and supply of illegal substances of Class B classification which the Advice states are likely to be considered relevant offences.

The panel has noted the mitigating circumstances put forward by Mr Twigger. The panel has no evidence before it to suggest that Mr Twigger has anything other than a good work history.

The panel has found the seriousness of the offending behaviour that led to the conviction is relevant to Mr Twigger'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 unacceptable professional conduct, conduct that may bring the profession into disrepute, and convictions of relevant offences, it is necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel has to decide 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 reviewed 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.

In light of the panel's findings against Mr Twigger, which involved his convictions for the production and supply of illegal substances, there is a strong public interest consideration in the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

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

The panel considered that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Twigger 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 Twigger.

The panel has also considered whether a finding of unacceptable professional conduct, conduct that may bring the profession into disrepute and convictions of relevant offences is a sufficient sanction in itself. The panel is of the view that given the seriousness of the conduct a prohibition order is necessary.

In carrying out the balancing exercise the panel has weighed the public interest considerations both in favour of and against prohibition as well as the interests of Mr Twigger. 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:

- actions or behaviours that undermine fundamental British values of ...the rule of law;
- 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 the appropriateness of a prohibition order, the panel went on to consider whether or not there were sufficient mitigating factors to militate against the appropriateness and proportionality of a prohibition order, particularly taking into account the nature and severity of the behaviour in this case.

Whilst Mr Twigger has a previously good history, the actions giving rise to the conviction were deliberate. Mr Twigger has provided some information in mitigation in relation to the particular stresses he was under at the time. However, this does not sufficiently explain or excuse the seriousness of his actions.

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 Twigger.

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 states 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 the recommendation of a review period. Mr Twigger's actions do not amount to any of the listed behaviours. The Advice refers to the abuse or supply of Class A drugs, and Mr Twigger's conviction relates to Class B drugs.

The panel took the view that 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 of 4 years. This would ensure that Mr Twigger has a sufficient period in which to re-establish himself following the expiry of his sentence in July 2018, should he wish to make an application to return to the profession.

Decision and reasons on behalf of the Secretary of State

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

In considering this case I have given very careful attention to the advice that is published by the Secretary of State concerning the prohibition of teachers.

In this case the panel has found the allegations proven and found that those proven facts amount to unacceptable professional conduct, conduct that may bring the profession into disrepute and are a relevant criminal conviction. The panel has made a recommendation to the Secretary of State that Mr Twigger should be the subject of a prohibition order, with a review period of four years.

In particular the panel has found that Mr Twigger 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 the rule of law;

The panel is satisfied that the conduct of Mr Twigger fell significantly short of the standard expected of the profession.

The panel has also considered whether Mr Twigger's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. Mr Twigger has been convicted of a relevant offence, namely supplying illegal substances of any classification.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher.

I have also asked myself whether or not a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Twigger, and the impact that will have on him, is proportionate.

In this case I have considered the extent to which a prohibition order would protect children. The panel has not made any findings concerning this element.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "In light of the panel's findings against Mr Twigger, which involved his convictions for the production and supply of illegal substances, there is a strong public interest consideration in the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct."

I consider that the public has a high expectation of professional standards of all teachers and that failure to impose a prohibition order might be regarded by the public as a failure to uphold those high standards. In weighing these considerations I have had to consider the matter from the point of view of an "ordinary intelligent and well-informed citizen."

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Twigger himself. I have taken into account the panel's comments concerning Mr Twigger's teaching history, "has a previously good history". I have also noted the comments made by the panel on mitigation.

A prohibition order would prevent Mr Twigger from teaching for the period that it is in force.

In this case I have placed considerable weight on the panel's comments concerning the seriousness of the conviction which resulted in a custodial sentence. I also note that the panel considered the behaviour to be deliberate.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Twigger has made and is making to the profession. In my view it is necessary to impose a prohibition order in order to maintain public confidence in the profession. The production and possession with intent to supply of a Class B drug is a serious matter.

For these reasons I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the aims which a prohibition order is intended to achieve.

I have gone on to consider the matter of a review period. In this case the panel has recommended a 4 year review period.

I have considered the panel's comments "ensure that Mr Twigger has a sufficient period in which to re-establish himself following the expiry of his sentence in July 2018, should he wish to make an application to return to the profession."

I have also considered the published guidance.

I have considered whether a 4 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, the factors are the seriousness of the offence which resulted in a significant custodial sentence.

I consider therefore that a four year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Daniel Twigger 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 23 June 2021, 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 Daniel Twigger remains prohibited from teaching indefinitely.

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

Mr Daniel Twigger 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.



Decision maker: Alan Meyrick

Date: 16 June 21017

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