



Teaching
Regulation
Agency

Mr Jeremy Clutson: Professional conduct panel outcome

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

July 2018

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Professional conduct panel decision

Teacher: Mr Jeremy Marcus Clutson
Teacher ref number: 9556504
Teacher date of birth: 22 May 1968
TRA reference: 15643
Date of determination: 24 July 2018
Employer: St Francesca Cabrini Primary School, London

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 23 to 24 July 2018 at The Study Inn, 175 Corporation Street, Coventry CV1 1GU to consider the case of Mr Jeremy Clutson.

The panel members were Ms Mary Speakman (teacher panellist – in the chair), Dr Geoffrey Penzer (lay panellist) and Mr Paul Bompas (lay panellist).

The legal adviser to the panel was Ms Zeena Williams of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Ms Kayleigh Brooks of Counsel.

Mr Clutson was present and was represented by Mr Chris Hopkins of Counsel.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 18 May 2018.

It was alleged that Mr Clutson was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or having been convicted of a relevant offence, in that:

1. On or around 13 September 2006, he was convicted of driving a vehicle with excess alcohol contrary to Section 5 (1)(a) of the Road Traffic Act 1988 for which he was disqualified from driving, had his licence endorsed and was ordered to pay a fine and costs;
2. On 6 November 2007, he was convicted of pursuing a course of conduct which amounted to harassment on 1 October 2006, contrary to the Protection from Harassment Act 1997 s.2(1) / s.2(2) for which he received a conditional discharge;
3. On 9 April 2013, he was convicted of:
 - a. burglary for which he was initially sentenced to 4 months imprisonment suspended for 24 months, ordered to undergo alcohol treatment and made the subject of a supervision order. This sentence was subsequently varied to 3 months imprisonment (consecutive) when he breached his suspended sentence;
 - b. harassment contrary to the Protection from Harassment Act 1997 s.2(1) / s.2(2) for which he was initially sentenced to 2 months (consecutive) imprisonment suspended for 24 months, directed to undergo a domestic abuse program and alcohol treatment, made the subject of a supervision order and was made a subject of a restraining order. The sentence was subsequently varied to 2 months imprisonment (concurrent) when he breached his suspended sentence;
 - c. threatening to damage or destroy property contrary to the Criminal Damage Act 1971 s.2(a) for which he was initially sentenced to 2 months (consecutive) imprisonment suspended for 24 months, made the subject of a supervision order and directed to undergo a domestic abuse program and alcohol treatment. The sentence was subsequently varied to 2 months imprisonment (concurrent) when he breached the suspended sentence;
4. On 5 June 2013 he was:
 - a. convicted of burglary for which he was sentenced to 12 months imprisonment;

- b.** found to be in breach of his previous suspended sentence for burglary for which he was sentenced to 3 months imprisonment (consecutive);
 - c.** found to be in breach of his previous suspended sentence for harassment for which he was sentenced to 2 months imprisonment (concurrent);
 - d.** found to be in breach of his previous suspended sentence for threatening to destroy property for which he was sentenced to 2 months imprisonment (concurrent);
- 5. On 24 March 2014 he was convicted on 7 counts of breaching a restraining order contrary to the Protection from Harassment Act 1997 s.5(5) / s.5(6) and for each count he was concurrently sentenced 6 months imprisonment suspended for 24 months, were made the subject of a supervision order and were directed to complete a total of 100 hours unpaid work, undergo a domestic abuse program and pay a victim surcharge.
- 6. On 25 November 2014 he was found to be in breach of the terms of his suspended sentence for breaching a restraining order and was directed to complete an additional 20 hours unpaid work.
- 7. When applying for a teaching role at St Francesca Cabrini Primary School in London (“the School”) in or around September 2016 he failed to disclose fully or at all his criminal convictions as detailed in Allegations 1 – 6.
- 8. His conduct as may be found proven at Allegation 7 demonstrated a lack of integrity and/or was dishonest in that he misled the School about his prior convictions.

As set out in the Statement of Agreed and Disputed Facts signed and dated by Mr Clutson on 11 July 2018, Mr Clutson admits the facts of allegations 1 to 8.

Mr Clutson does not admit that these facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or conviction, at any time, of a relevant offence.

C. Preliminary applications

The panel considered an application from the presenting officer to amend the Notice of Proceedings by amending the wording at allegation 8 to refer to “allegation 7” as opposed to “allegation 1”.

The panel considered that the amendment proposed was a correction of a typographical error and did not change the nature, scope or seriousness of the allegation. There was no prospect of the teacher’s case being presented differently had the amendment been made at an earlier stage, and therefore no unfairness or prejudice caused to the teacher.

The teacher's representative did not make any submission in respect of the matter and the panel therefore decided to amend the allegation as proposed.

D. Summary of evidence

Documents

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

Section 1: Notice of Referral, Notice of Proceedings and Response – pages 2 to 12

Section 2: Teaching Regulation Agency witness statements – pages 14 to 19

Section 3: Teaching Regulation Agency documents – pages 21 to 86

In addition, the panel agreed to accept the following:

Statement of Agreed and Disputed Facts – pages 87 to 92

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

Witnesses

The panel heard oral evidence from Mr Clutson.

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 Clutson has worked as a teacher since 2000. Following the breakdown of his marriage and subsequent divorce in May 2008, Mr Clutson embarked upon a series of events which resulted in him being convicted of a number of criminal offences including driving a vehicle with excess alcohol, harassment, burglaries and threatening to damage or destroy property over the course of an 8 year period. As a result of these crimes, Mr Clutson was sentenced to 15 months imprisonment and received a number of additional suspended sentences, including a remand and recall to prison. These sentences were in addition to supervision orders, alcohol treatment and domestic abuse programmes. Mr Clutson states that he recognises the impact of these offences, but when applying for a teaching post at the School, Mr Clutson failed to declare his offences in a timely manner, an omission which he now accepts was dishonest and showed a lack of integrity.

Following a belated disclosure to the headteacher of the School regarding his DBS status, Mr Clutson was subject to a disciplinary hearing and given a final written warning. He remains employed at the School and disputes that his actions in respect of both his convictions and in failing to disclose those convictions to the School, amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or conviction of a relevant offence.

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:

- 1. On or around 13 September 2006, you were convicted of driving a vehicle with excess alcohol contrary to Section 5 (1)(a) of the Road Traffic Act 1988 for which you were disqualified from driving, had your licence endorsed and were ordered to pay a fine and costs;**
- 2. On 6 November 2007, you were convicted of pursuing a course of conduct which amounted to harassment on 1 October 2006, contrary to the Protection from Harassment Act 1997 s.2(1) / s.2(2) for which you received a conditional discharge;**
- 3. On 9 April 2013, you were convicted of:**
 - a. burglary for which you were initially sentenced to 4 months imprisonment suspended for 24 months, ordered to undergo alcohol treatment and made the subject of a supervision order. This sentence was subsequently varied to 3 months imprisonment (consecutive) when you breached your suspended sentence;**
 - b. harassment contrary to the Protection from Harassment Act 1997 s.2(1) / s.2(2) for which you were initially sentenced to 2 months (consecutive) imprisonment suspended for 24 months, directed to undergo a domestic abuse program and alcohol treatment, made the subject of a supervision order and were made a subject of a restraining order. The sentence was subsequently varied to 2 months imprisonment (concurrent) when you breached your suspended sentence;**
 - c. threatening to damage or destroy property contrary to the Criminal Damage Act 1971 s.2(a) for which you were initially sentenced to 2 months (consecutive) imprisonment suspended for 24 months, made the subject of a supervision order and directed to undergo a domestic abuse program and alcohol treatment. The sentence was**

subsequently varied to 2 months imprisonment (concurrent) when you breached the suspended sentence;

- 4. On 5 June 2013 you were:**
 - a. convicted of burglary for which you were sentenced to 12 months imprisonment;**
 - b. found to be in breach of your previous suspended sentence for burglary for which you were sentenced to 3 months imprisonment (consecutive);**
 - c. found to be in breach of your previous suspended sentence for harassment for which you were sentenced to 2 months imprisonment (concurrent);**
 - d. found to be in breach of your previous suspended sentence for threatening to destroy property for which you were sentenced to 2 months imprisonment (concurrent);**
- 5. On 24 March 2014 you were convicted on 7 counts of breaching a restraining order contrary to the Protection from Harassment Act 1997 s.5(5) / s.5(6) and for each count you were concurrently sentenced 6 months imprisonment suspended for 24 months, were made the subject of a supervision order and were directed to complete a total of 100 hours unpaid work, undergo a domestic abuse program and pay a victim surcharge.**
- 6. On 25 November 2014 you were found to be in breach of the terms of your suspended sentence for breaching a restraining order and was directed to complete an additional 20 hours unpaid work.**
- 7. When applying for a teaching role at St Francesca Cabrini Primary School in London (“the School”) in or around September 2016 you failed to disclose fully or at all your criminal convictions as detailed in Allegations 1 – 6.**
- 8. Your conduct as may be found proven at Allegation 7 demonstrated a lack of integrity and/or was dishonest in that you misled the School about your prior convictions.**

As set out above, allegations 1 to 8 have been admitted in the Statement of Agreed and Disputed Facts signed by Mr Clutson and therefore are found proved.

The panel carefully considered the evidence in the bundle and concluded that the evidence provided fully supports each of the matters alleged.

In particular, in relation to allegations 1 to 6, the panel reviewed as part of the bundle the certificates of conviction, Police National Computer record in relation to the offences and

the sentencing remarks of the various sentencing judges and recorders that Mr Clutson had come before. It is the panel's belief that these documents set out Mr Clutson's convictions and court appearances, which cannot be disregarded.

In relation to allegation 7, the panel also considered alongside Mr Clutson's own admission both in the Statement of Agreed and Disputed Facts and as part of his oral evidence at the hearing, the witness statement of the former headteacher of the School included in the bundle. Whilst the witness did not attend and give oral evidence at the hearing, the panel did not consider this to impact on the credibility or weight to be given to this information in respect of Mr Clutson's omissions regarding his convictions upon his application to the School for a full time role. Whilst the panel did note that this was an act of omission, as opposed to a deliberate act, as put forward by Mr Clutson's representative, the panel was not persuaded that this should impact upon its decision as to the findings of fact.

Furthermore, the panel placed weight on page 86 of the bundle which formed part of a confidential declaration completed and signed by Mr Clutson in January 2017 setting out his criminal record. In respect of this document, the panel found the information provided to be lacking, the reason for which, it was informed by Mr Clutson, was due to space on the form, thereby failing to show the full extent and seriousness of his offences, although it is clearly stated that additional sheets can be used if necessary. The panel was therefore not minded to accept Mr Clutson's reasoning on this matter and found his evidence to be disingenuous.

Finally, the panel went on to consider allegation 8 which set out that Mr Clutson's actions were dishonest and/or demonstrated a lack of integrity. The panel found Mr Clutson's own admissions in both the Statement of Agreed and Disputed Facts and as part of his oral evidence at the hearing lacked honesty and integrity. Furthermore, his actions when commencing employment with the agency, Expert Education (in providing a DBS reference number, to avoid having to supply a new full DBS certificate showing his convictions when undertaking short term supply work) was highly persuasive of his dishonesty. The panel therefore considered the allegation and considers that Mr Clutson's actions were dishonest according to the standards of ordinary decent people. This is particularly relevant given the fact that Mr Clutson subsequently went on to lie when giving his oral evidence at the hearing.

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 a number of the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or 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 Clutson in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Clutson is in breach of the following standards:

- Teachers act with honesty and integrity (as taken from the preamble of the Teachers’ Standards);
- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions;
 - showing tolerance of and respect for the rights of others;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach;
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel is satisfied that the conduct of Mr Clutson amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel has also considered whether Mr Clutson’s conduct displayed behaviours associated with any of the offences listed in the Advice document before the panel, and the panel has found that the offences of:

- fraud or serious dishonesty (as set out at allegations 7 and 8);
- theft from a person (two burglaries under the Theft Act 1968 as set out at allegations 3 and 4);
- serious driving offences, particularly those involving alcohol (as set out at allegation 1); and
- other serious offences involving alcohol (as set out at allegation 3) are relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual’s conduct would amount to unacceptable professional conduct.

The panel notes that allegations 1 to 6 took place outside of the education setting, but that the behaviours associated with the offence of fraud or serious dishonesty at allegations 7 and 8 did take place within the education setting.

In behaving in the way that Mr Clutson did, he placed his own personal gain before the honesty and integrity expected of teachers and it is the panel's belief that these actions suggest that he is not fit to act as a role models for pupils. In particular, the panel was influenced by the serious nature of his varied convictions and breaches over a period of 8 years and the failure of Mr Clutson to rehabilitate himself and reassess his actions, given the warnings provided by both the National College of Teaching and Leadership in its letter of 27 September 2013 and the sentencing remarks of the judge following his conviction on 9 April 2013 (as set out at allegation 3). These points have been considered alongside the lack of insight shown by Mr Clutson, particularly in addressing his behaviours and any suggested alcohol dependency, as well as attempting to justify his actions.

Accordingly, the panel is satisfied that Mr Clutson 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 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. In particular, the panel considered the letter written by Mr Clutson to the former headteacher of the School in which he downplayed and significantly misrepresented his previous criminal convictions, by falsely implying that the sole victim of his crimes was his ex-wife. This was despite him seeing this opportunity to teach as his "being given a lifeline" or a "second chance".

The panel therefore finds that Mr Clutson's actions constitute conduct that may bring the profession into disrepute.

Having found the facts of allegations 1 to 8 proved, the panel further found that Mr Clutson's conduct amounts to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

In respect of Mr Clutson's criminal convictions, the panel is satisfied that the conduct of Mr Clutson in relation to the facts it has found proven, involved breaches of the Teachers' Standards, as set out above.

The panel noted that the individual's actions were not relevant to teaching, working with children and/or working in an education setting, however the panel found that Mr Clutson's actions did show a complete disregard of insight into the importance of honesty and integrity in the teaching profession and the need for teachers to act as role models

for pupils, upholding standards of personal and professional conduct expected of a teacher.

The panel noted that the behaviours involved in committing the offences could have had an impact on the safety of pupils and members of the public in that Mr Clutson failed to understand the importance of observing proper boundaries and showing respect for the rights of others. Furthermore, in deliberately seeking to circumvent the DBS system, Mr Clutson failed to have regard for the need to safeguard pupils and naively understood his criminal actions to be “minor”. In doing so, Mr Clutson sought to justify his actions by his repeated assertion that they were not related to his ability to teach.

The panel has also taken account of how the teaching profession is viewed by others. The panel considered that Mr Clutson’s behaviour in committing the offences 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 has noted that Mr Clutson’s behaviour has ultimately led to him serving a sentence of imprisonment which is indicative of the seriousness of the offences committed. In addition, further sentences of imprisonment could have been imposed and the panel noted that Mr Clutson furthermore went on to breach restraining orders and subsequent associated court orders.

This is a case involving offences including:

- theft from a person (two burglaries under the Theft Act 1968 as set out at allegations 3 and 4);
- serious driving offences, particularly those involving alcohol (as set out at allegation 1); and
- other serious offences involving alcohol (as set out at allegation 3),

which the Advice states are likely to be considered relevant offences.

The panel has taken into account Mr Clutson’s personal situation at the time of these offences, including the breakdown of his marriage, his relationships with his ex-wife and his subsequent partner and the fact that Mr Clutson was unable to have access to or contact with his children. The panel has also taken into consideration Mr Clutson’s account of the difficulties he faced in obtaining employment in the teaching profession following his custodial sentence and the statement of the former headteacher, that “Mr Clutson was a good teacher who has built effective relationships with his pupils and their parents and was missed by them during his period of suspension”. Whilst Mr Clutson has described the programmes and counselling he undertook as part of his court mandated rehabilitation, the panel is not convinced that Mr Clutson has ultimately developed strategies to help him cope with any subsequent challenges in his personal life. Consequently, the panel has found that the offending behaviours that led to the

convictions are serious. The panel therefore 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 a conviction 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 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 pupils, 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 Clutson, which involved findings of serious dishonesty and a lack of integrity involving disclosure of his criminal convictions and DBS status alongside a number of very serious convictions, there is a strong public interest consideration in respect of the protection of pupils given the blatant disregard of important safeguarding principles, in particular in respect of the DBS status of teachers.

Similarly, the panel considers that public confidence in the profession could be seriously weakened, should it be found that Mr Clutson not only had been convicted of a number of serious criminal offences over an extended period of time, even serving a prison sentence, but also saw fit to downplay and on some occasions, entirely disregard these convictions, due to his assertion of his good teaching abilities and reputation.

Furthermore, the panel noted there is a strong public interest consideration in declaring and upholding proper standards of conduct. It is the panel's belief that the public's perception of the teaching profession could be seriously weakened if conduct such as that found against Mr Clutson was not treated with the utmost seriousness when regulating the conduct of the profession. His conduct in lying to the School and also to the panel during his evidence-in-chief regarding the circumstances and victims of his crimes, not all being related to the breakdown of his marriage, only served to further highlight his dishonesty and deceit. These lies became apparent during the course of the panel's questioning, despite Mr Clutson having previously affirmed the truth of his

evidence. It is found that these actions were 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 Clutson.

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 Clutson. 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;
- 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.

There was no evidence that the teacher's actions were not deliberate and indeed, it is the panel's opinion that Mr Clutson's conduct and attitude could be seen as disingenuous, calculated and motivated by self-interest.

In light of the panel's findings, whilst the panel accepted Mr Clutson's submission that he has a previously good record as a teacher and is well liked by his pupils and parents alike, alongside his representative's submissions as to the impact of any loss of wages [redacted], it is the panel's view that this is not sufficient to justify a departure from its decision. Indeed, very limited mitigation evidence including character statements, were provided in respect of Mr Clutson and very little evidence put forward regarding his ability to teach. Indeed the only reference to his teaching ability was found in the witness statement of the former headteacher of the School.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel is sufficient.

The panel is of the view that applying the standard of the ordinary intelligent citizen recommending no prohibition order is not a proportionate and appropriate response. Recommending that publication of adverse findings is sufficient in the case would unacceptably compromise the public interest considerations, despite the severity of consequences of prohibition for the teacher.

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 Clutson. Mr Clutson's complete disregard for the School's responsibility in respect of safeguarding was a significant factor in forming that opinion. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for them to decide to recommend that a review period of the order should be considered. The panel 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 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 Clutson has been convicted of two instances of burglary under the Theft Act 1968 and showed serious dishonesty in both lying to the School and the panel as regarding his convictions during the course of the hearing.

Furthermore, the panel is not of the view that Mr Clutson has showed any true remorse for his actions or ongoing insight when stating "how many times do I need to be castigated and punished for things I've done in the past... you want a body on a slab from the looks of it... I'm fed up with it now".

The panel felt the 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 provision for a review period.

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 also 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 all of the allegations proven and found that those proven facts variously amount to unacceptable professional conduct, conduct that may bring the profession into disrepute and relevant criminal convictions. The panel has made a recommendation to the Secretary of State that Mr Clutson should be the subject of a prohibition order, with no provision for a review period.

In particular the panel has found that Mr Clutson is in breach of the following standards:

- Teachers act with honesty and integrity (as taken from the preamble of the Teachers' Standards);
- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
 - showing tolerance of and respect for the rights of others;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach;
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel has also gone on to state that with reference to the published advice it has also found the following to be relevant;

- fraud or serious dishonesty (as set out at allegations 7 and 8);
- theft from a person (two burglaries under the Theft Act 1968 as set out at allegations 3 and 4);
- serious driving offences, particularly those involving alcohol (as set out at allegation 1); and
- other serious offences involving alcohol (as set out at allegation 3) are relevant.

The findings of misconduct are particularly serious as they include a finding of serious dishonesty.

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, conduct that may bring the profession into disrepute and relevant criminal convictions, 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 Clutson, 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 observed “ there is a strong public interest consideration in respect of the protection of pupils given the blatant disregard of important safeguarding principles, in particular in respect of the DBS status of teachers.” A prohibition order would therefore prevent such a risk from being present in the future. I have also taken into account the panel’s comments on insight and remorse which the panel sets out as follows, “the panel is not of the view that Mr Clutson has showed any true remorse for his actions or ongoing insight when stating “how many times do I need to be castigated and punished for things I’ve done in the past... you want a body on a slab from the looks of it...I’m fed up with it now”.”

The panel has also commented that Mr Clutson was involved, “in both lying to the School and the panel as regarding his convictions during the course of the hearing.”

In my judgement the lack of insight and remorse means that there is some risk of the repetition of this behaviour and this risks the future wellbeing of pupils in terms of the DBS regime. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “Mr Clutson’s behaviour in committing the offences could affect the public confidence in the teaching profession given the influence that teachers may have on pupils, parents and others in the community.”

I am particularly mindful of the finding of dishonesty in this case and the impact that such a finding has on the reputation of the profession. In addition I have noted the comment of the panel, “His conduct in lying to the School and also to the panel during his evidence-in-chief regarding the circumstances and victims of his crimes, not all being related to the breakdown of his marriage, only served to further highlight his dishonesty and deceit.”

I have had to 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 Clutson himself. The panel say that it, “accepted Mr Clutson’s submission that he has a previously good record as a teacher and is well liked by his pupils and parents alike”. I have also taken into account the panel’s statement that it has considered, “the statement of the former headteacher, that “Mr Clutson was a good teacher who has built effective relationships with his pupils and their parents and was missed by them during his period of suspension”.

A prohibition order would prevent Mr Clutson from teaching and would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case I have placed considerable weight on the panel’s comments concerning the lack of insight or remorse.

The panel has also said, “Mr Clutson’s complete disregard for the School’s responsibility in respect of safeguarding was a significant factor in forming that opinion.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Clutson 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. A published decision that is not backed up by remorse or insight does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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 that there should be no provision in the order for a review period.

I have considered the panel’s comments “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 Clutson has been convicted of two instances of burglary under the Theft Act 1968 and showed serious dishonesty in both lying to the School and the panel as regarding his convictions during the course of the hearing.”

I have considered whether allowing for no review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence

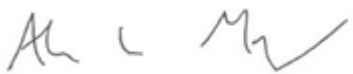
in the profession. In this case, there are three factors that in my view mean that a no review period is necessary and proportionate to achieve the aim of maintaining public confidence in the profession. These elements are the dishonesty found, the convictions found and the lack of either insight or remorse.

I consider therefore that allowing for a no review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Jeremy Clutson 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 Jeremy Clutson 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 Jeremy Clutson 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 blue ink, appearing to read 'Alan Meyrick', followed by a vertical line.

Decision maker : Alan Meyrick

Date: 27 July 2018

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