



Teaching
Regulation
Agency

Mr Craig Bozic: Professional conduct panel outcome

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

April 2019

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

Teacher: Mr Craig Bozic
Teacher ref number: 3645948
Teacher date of birth: 13 September 1982
TRA reference: 17216
Date of determination: 1 April 2019
Former employer: King's School, Hove

A. Introduction

A professional conduct panel ("the panel") of the Teaching Regulation Agency ("the TRA") convened on 1 April 2019 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT to consider the case of Mr Craig Bozic.

The panel members were Ms Sarah Evans (teacher panellist – in the chair), Dr Robert Cawley (teacher panellist) and Ms Gill Tomlinson (lay panellist).

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

The presenting officer for the TRA was Mr Stephen Hocking of DAC Beachcroft LLP solicitors.

Mr Craig Bozic was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 23 November 2018.

It was alleged that Mr Craig Bozic was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that, whilst applying for employment as a maths teacher at King's School, Hove, he:

- i. provided false information regarding his degree qualifications in order to obtain a teaching position;
- ii. was dishonest in doing so to obtain an advantage for himself, namely paid employment at King's School, Hove.

In the absence of a response from the teacher, the allegations have been taken as not admitted.

C. Preliminary applications

The panel first considered the potential prejudicial effect on itself, as an impartial tribunal, as one member of the panel had seen additional evidence not included in the bundle. This evidence comprised of administrative documents relating to the initial referral and decision to proceed to hearing. The panel applied the test of whether the risk of prejudice was so grave that no direction, could reasonably be expected to remove that prejudice from the mind of the panellist, and whether the teacher's right to a fair hearing was compromised.

The panel's focus over the course of the hearing was on whether the evidence heard and admissible documents were sufficient to prove that it is more probable than not that the alleged facts occurred. That focus, combined with the directions given by the legal adviser for the panellist to put other evidence out of their mind upheld the teacher's right to a fair hearing. This was an experienced and trained panellist, well used to putting inadmissible evidence from their mind when reaching a decision.

The panel considered an application from the presenting officer to proceed in the absence of Mr Bozic.

The panel was satisfied that the TRA had complied with the service requirements of paragraph 19 a to c of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations").

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

The panel had determined to exercise its discretion under paragraph 4.29 of the Procedures to proceed with the hearing in the absence of the teacher.

The panel understood that its discretion to commence a hearing in the absence of the teacher had to be exercised with the utmost care and caution, and that its discretion was a severely constrained one.

In making its decision, the panel had noted that the teacher may waive his right to participate in the hearing. The panel had taken account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC 1. The notice was sent to an address the teacher had previously responded to. A number of enquiries had been made to try to trace and contact the teacher. The panel therefore considered that the teacher had waived his right to be present at the hearing in the knowledge of when and where the hearing was taking place.

The panel had regard to the requirement that it was only in rare and exceptional circumstances that a decision should be taken in favour of the hearing taking place. There was no indication that an adjournment might result in the teacher attending the hearing.

The panel had regard to the extent of the disadvantage to the teacher in not being able to give his account of events, having regard to the nature of the evidence against him. The panel noted that all witnesses relied upon were to be called to give evidence and the panel could test that evidence in questioning those witnesses, considering such points as were favourable to the teacher, as are reasonably available on the evidence. The panel had not identified any significant gaps in the documentary evidence provided to it and if such gaps arose during the course of the hearing, the panel might take such gaps into consideration in considering whether the hearing should be adjourned for such documents to become available and in considering whether the presenting officer had discharged the burden of proof. The panel was also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account.

The panel had regard to the seriousness of this case, and the potential consequences for the teacher and had accepted that fairness to the teacher was of prime importance. However, it considered that in light of the teacher's waiver of his right to appear; by having taken such measures referred to above to address that unfairness insofar as was possible; and taking account of the inconvenience an adjournment would have caused to the witnesses; that on balance, these were serious allegations and the public interest in the hearing proceeding within a reasonable time was in favour of the hearing continuing.

The presenting officer applied to admit an updated Notice of Proceedings and correspondence regarding Mr Bozic's attendance at the hearing. Those documents were not served in accordance with the requirements of paragraph 4.20 of the Procedures, and as such the panel was required to decide whether those documents should be

admitted under paragraph 4.25 of the Procedures at the discretion of the panel. The panel took into account the representations from the presenting officer. The panel exercised caution in exercising this discretion given that it had determined to proceed with the hearing in the absence of the teacher.

Under paragraph 4.18 of the Procedures, the panel may admit any evidence, where it was fair to do so, which may reasonably be considered to be relevant to the case.

The panel was satisfied that the documents may reasonably be considered to be relevant. The documents outlined the steps which had been taken to inform Mr Bozic of the hearing and included the Notice of Proceedings with the amended address. The panel did not consider these documents to be prejudicial to Mr Bozic in his absence.

D. Summary of evidence

Documents

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

Section 1: Chronology – pages 1 to 2

Section 2: Notice of Hearing – pages 3 to 5

Section 3: Teaching Regulation Agency witness statements – pages 6 to 9

Section 4: Teaching Regulation Agency documents – pages 10 to 60

In addition, the panel agreed to accept the following:

- Notice of Proceedings and correspondence – pages 61 to 72

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

Witnesses

The panel heard oral evidence from the [Redacted] of King's School (the "School"), called by the presenting officer.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing, and has read the additional documents prior to commencing the substantive part of the hearing.

In May 2017, the School received an application from Mr Bozic for the position of teacher of maths. In the education and academic qualifications section of the application form, Mr Bozic listed his qualifications as including a BA (hons) degree (2:1) [Redacted], awarded in June 2003. The School appointed Mr Bozic to the position in May 2017 and requested certificates of his qualifications. Mr Bozic started at the School in September 2017 and resigned from the position in March 2018.

Findings of fact

Our findings of fact are as follows:

The panel has found the following particulars of the allegation(s) against you proven, for these reasons:

Whilst applying for employment as a maths teacher at King's School, Hove you:

- i. provided false information regarding your degree qualifications in order to obtain a teaching position;**

The panel noted that in the application form for the teaching position, Mr Bozic had stated that he held a BA (hons) in [Redacted]. The application form was signed and dated by Mr Bozic, declaring that the information he had given in the form was correct and that he understood that any inaccurate information could result in disciplinary action or dismissal. The panel noted that the job description and person specification, specific to the role Mr Bozic applied for, stated that the successful candidate will 'be qualified to degree level'.

The panel heard from the [Redacted] of the School that a degree certificate had not been provided by Mr Bozic. The panel has seen and heard evidence of the attempts made to obtain a degree certificate from Mr Bozic over a period from May 2017 to March 2018, through email, letter, telephone conversations and face to face conversations. The panel has seen a number of emails from Mr Bozic in response to the requests made by the School, in which he had provided a number of reasons why he was unable to produce the documentation and that he was taking steps to provide the certificates.

The panel heard evidence of a conversation between the [Redacted] of the School and the headteacher of another school [Redacted], in which it had been disclosed to the [Redacted] that Mr Bozic had lied about his degree qualification for years. The panel has seen evidence in which the [Redacted] of the School had contacted Mr Bozic following this conversation. Mr Bozic then admitted that he had 'left university prematurely'. When asked to explain the potential gap in his employment history for safeguarding reasons, Mr

Bozic confirmed that he had in fact had temporary employment in the year in which he would have completed his final year of his degree.

In the light of all of the evidence, the panel considered that Mr Bozic had admitted to not completing his degree and therefore provided false information regarding his degree qualifications in order to obtain a teaching position.

The panel, therefore, found the allegation proven.

ii. were dishonest in doing so to obtain an advantage for yourself, namely paid employment at King's School, Hove.

Having found part 1 of the allegations proven, the panel considered whether Mr Bozic acted dishonestly.

The panel received and accepted the legal advice that if it found the facts of allegation 1 proven, it should first consider the defendant's state of knowledge and belief as to the facts, and secondly whether that state of mind was dishonest, determining this by applying the standards of the ordinary honest person.

The panel considered Mr Bozic's state of knowledge and belief as to the facts. Qualification to degree level was required in the job description and person specification for the post of teacher of maths at the School. The panel considered that Mr Bozic was aware of the person specification and was concerned that he would not be successful in his application should he not hold a degree qualification. As such, the panel considered that Mr Bozic did not want to disclose that he did not hold a degree qualification and provided false information in order to gain paid employment at the School.

The panel considered that Mr Bozic had signed the declaration confirming that the information in the application form was correct when this was not the case, as he had not completed a degree qualification. The panel did not consider this to be a reckless or careless act, but a deliberate one. The panel considered that Mr Bozic had stated he held a degree qualification in full knowledge that this was not the case. This was an intentional and deliberate act to conceal the truth, further shown by the amendments to his employment history in the application form to make it appear that he had completed a degree. The panel noted that Mr Bozic had consistently implied that he held a degree qualification throughout the period of time in which the School attempted to obtain a copy of his degree certificate, by virtue of his pretence to endeavour to locate the documentation.

Having established this state of knowledge and belief, the panel considered whether the ordinary person would consider this state of mind to be dishonest. The panel considered that Mr Bozic's actions in providing false information regarding his degree qualifications in order to obtain a teaching position, would be considered dishonest according to the standards of the ordinary honest person.

The panel, therefore, found that Mr Bozic had acted dishonestly.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute

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.

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour.
- 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 Bozic, having provided false information regarding his degree qualification in order to obtain a teaching position and in doing so acting dishonestly, 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 Bozic’s conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice.

The panel has found that the offence of serious dishonesty is relevant. Mr Bozic, by deliberately falsifying his application form and maintaining this deception over a prolonged period, gained materially from his dishonest actions.

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.

Accordingly, the panel is satisfied that Mr Bozic 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 panel therefore finds that Mr Bozic's actions constitute conduct that may bring the profession into disrepute.

Having found the facts of particulars 1 and 2 proved, we further find that Mr Bozic's conduct amounts to both unacceptable professional conduct and 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 and conduct that may bring the profession into disrepute, it is necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel has to consider whether it is an appropriate and proportionate measure, and whether it is in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel has considered the particular public interest considerations set out in the Advice and having done so has found a number of them to be relevant in this case, namely the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Bozic, which involved providing false information regarding his degree qualification and acting dishonestly, there is a strong public interest consideration in that the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Bozic was not treated with the utmost seriousness when regulating the conduct of the profession.

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

The panel noted the public interest consideration of retaining good teachers in the profession, but considered this to be outweighed by the negative public interest considerations present in this case.

In view of 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 Bozic.

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 Bozic. 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;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up.

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. There was no evidence to suggest that the teacher was acting under duress, and in fact the panel found the teacher's actions to be calculated and self-motivated. The panel noted that Mr Bozic had repeatedly covered up the truth regarding his degree qualification over a period of time up until March 2018.

The teacher did have a previous good history. However, the panel has not seen evidence that the incident was out of character. Although the panel had heard evidence that an observed lesson delivered at the interview stage by Mr Bozic was considered good, the panel noted that no references have been provided from any colleagues that can attest to his abilities as a teacher. The panel had seen and heard evidence relating to Mr Bozic's personal circumstances, but it did not consider this to have impaired Mr Bozic's judgment at the time the application was completed.

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 present in this case, despite the severity of consequences for the teacher of prohibition.

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 Bozic. Maintaining the public confidence in the profession and declaring proper standards of conduct was a significant factor in forming that opinion. The panel is of the view that this is a serious departure from the professional conduct expected of a teacher. 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. One of these behaviours includes serious dishonesty. The panel had found that Mr Bozic had been responsible for the deliberate and then consistent provision of false information regarding his degree qualification, and in doing so acted with serious dishonesty.

The panel did not consider that Mr Bozic has shown insight or remorse into his actions. The panel noted that in an email exchange with the [Redacted] of the School, Mr Bozic apologised for his actions and acknowledged his lack of honesty. However, the panel considered that Mr Bozic has not engaged in the proceedings, has not provided any explanation for his actions, and has not understood the severity of his actions. The panel felt that it was likely that Mr Bozic would not have apologised or informed the School of the truth relating to his degree qualification had he not been confronted by the School about his dishonesty when it was uncovered.

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 provisions 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 both sanction and review period.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Mr Craig Bozic should be the subject of a prohibition order, with no provision for a review period.

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour.
- 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.

In addition the panel has also considered whether Mr Bozic's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice.

The panel "has found that the offence of serious dishonesty is relevant. Mr Bozic, by deliberately falsifying his application form and maintaining this deception over a prolonged period, gained materially from his dishonest actions."

The findings of misconduct are therefore particularly serious as they include a finding of 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 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 Bozic, and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. In this case the panel has not identified any specific impact on children. I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel did not consider that Mr Bozic has shown insight or remorse into his actions. The panel noted that in an email exchange with the [Redacted] of the School, Mr Bozic apologised for his actions and acknowledged his lack of honesty. However, the panel considered that Mr Bozic has not engaged in the proceedings, has not provided any explanation for his actions, and has not understood the severity of his actions. The panel felt that it was likely that Mr Bozic would not have apologised or informed the School of the truth relating to his degree qualification had he not been confronted by the School about his dishonesty when it was uncovered."

In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour. 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 that it 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.”

I am particularly mindful of the finding of serious dishonesty in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order 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 Bozic himself. I have considered the panel’s comments, “ The teacher did have a previous good history. However, the panel has not seen evidence that the incident was out of character. Although the panel had heard evidence that an observed lesson delivered at the interview stage by Mr Bozic was considered good, the panel noted that no references have been provided from any colleagues that can attest to his abilities as a teacher. The panel had seen and heard evidence relating to Mr Bozic’s personal circumstances, but it did not consider this to have impaired Mr Bozic’s judgment at the time the application was completed.”

A prohibition order would prevent Mr Bozic 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.

I have also placed considerable weight on the finding of the panel that Mr Bozic, “ had been responsible for the deliberate and then consistent provision of false information regarding his degree qualification, and in doing so acted with serious dishonesty.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Bozic has made 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 intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended that no provision should be made for a review period.

I have considered the panel's comments that Mr Bozic "acted with serious dishonesty."

I have considered whether allowing for no review period reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. In this case, there are factors which mean that a no review period is necessary to achieve the aim of maintaining public confidence in the profession. These elements are the serious dishonesty found, the sustained nature of the serious dishonesty and the lack of either insight or remorse.

I consider therefore that allowing for a no review period is necessary to maintain public confidence and is proportionate and in the public interest.

This means that Mr Craig Bozic 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 Craig Bozic 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 Craig Bozic 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: 3 April 2019

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