



Teaching
Regulation
Agency

Mr Liam Buckley: Professional conduct panel outcome

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

November 2018

Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	4
D. Summary of evidence	5
Documents	5
Witnesses	5
E. Decision and reasons	5
Panel's recommendation to the Secretary of State	9
Decision and reasons on behalf of the Secretary of State	11

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

Teacher: Mr Liam Buckley
Teacher ref number: 9008379
Teacher date of birth: 10 August 1965
TRA reference: 16975
Date of determination: 20 November 2018
Former employer: Hope View School, Canterbury, Kent

A. Introduction

A professional conduct panel (“the Panel”) of the Teaching Regulation Agency (“the TRA”) convened on 19 to 20 November 2018 at Cheylesmore House, 5 Quinton Road, Coventry CV1 2WT to consider the case of Mr Liam Buckley.

The panel members were Mr Kevin Robertshaw (lay panellist – in the chair), Ms Mahfia Watkinson (lay panellist) and Mr Luke Graham (teacher panellist).

The legal adviser to the panel was Mr Nick Leale of Blake Morgan solicitors.

The presenting officer for the TRA was Mr Andrew Cullen of Browne Jacobson solicitors.

Mr Buckley 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 August 2018.

It was alleged that Mr Liam Buckley was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as a teacher at Hope View School (“the School”) from January 2017 until January 2018;

1. In or around January 2018, he;
 - a) Informed one or more members of staff at the School that he was ill and/or unable to go to the School, when this was not the case as he was working elsewhere on one or more occasions;
 - b) Failed to inform the School that he was working elsewhere when he was expected to be present at the School;
 - c) Attempted to claim sick pay at the School whilst working elsewhere.

2. His conduct as may be found proven at allegation 1 was dishonest and/or demonstrated a lack of integrity.

Mr Buckley had not offered any admissions so all of the allegations were considered to be denied and therefore in dispute.

C. Preliminary applications

i) The Presenting Officer applied to proceed with the hearing in the absence of Mr Buckley. The Panel were provided with copies of various email exchanges (10 to 16 November 2018) between Mr Buckley and the TRA/Presenting Officer and a hand written letter prepared by Mr Buckley. All of these documents were added to section 5 of the hearing bundle.

The Notice of Proceedings had been sent to the teacher in accordance with the Teacher Misconduct – Disciplinary Procedures for the Teaching Profession (“the Procedures”).

The Panel agreed to proceed with the hearing in Mr Buckley's absence having concluded that he had voluntarily absented himself from the proceedings. It was clear to the Panel from the correspondence between Mr Buckley and the Presenting Officer that a postponement of the hearing would not result in Mr Buckley attending the hearing on a later date. Despite several opportunities to do so, Mr Buckley had not in any of his many pieces of correspondence asked for the hearing to be adjourned to a later date.

The Panel concluded, having considered this issue with the utmost caution in mind, that it was fair to proceed with the hearing and ensure that the substantive consideration of the

case was completed in a timely way taking into account the interests of justice from the perspective of both parties and the witness in attendance at the hearing.

ii) The Panel also directed that any part of the hearing that made reference to issues relating to Mr Buckley's health would be held in private.

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 Proceedings and Response – pages 3 to 11

Section 3: Teaching Regulation Agency witness statements and exhibits– pages 13 to 114

Section 4: Teaching Regulation Agency documents – pages 116 to 191

Section 5: Teacher documents – pages 195 to 210.

In addition, the panel agreed to accept the following into the bundle:

i) Handwritten letter from Mr Buckley to Ms Matilda Hesleton of Browne Jacobson Solicitors 16 November 2018 (pages 212 to 217);

ii) Email exchanges between Mr Buckley, the TRA and the Presenting Officer 10 October 2018 and 16 November 2018 (pages 218 to 233);

iii) Email exchange between Mr Buckley and Matilda Hesleton of Browne Jacobson Solicitors 27 February 2018 (pages 234 to 235).

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

Witnesses

The panel heard oral evidence from:

i) Witness A – Senior Manager at the School.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

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

This case relates to a teacher who it is alleged stated to one school (who believed they continued to employ him) that he was unable to attend work due to ill-health when he had in fact taken up a position at another school and was attending for work at that other school on the days that he had reported himself as sick to the School that believed they continued to employ him.

Findings of fact

Our findings of fact are as follows:

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

Whilst employed as a teacher at Hope View School from January 2017 until January 2018;

1. In or around January 2018, you;

a) Informed one or more members of staff at the School that you were ill and/or unable to go to the School, when this was not the case as you were working elsewhere on one or more occasions;

It is not disputed that Mr Buckley told a number of his colleagues that he was ill and therefore unable to attend at Hope View School on the relevant dates in early January 2018. We find as a fact that he was not in fact ill and was in fact working at Wapping High School during the relevant period. This is confirmed by the documents at pages 29 to 34 of the bundle which show him to be on Wapping High School's staff list and within which the PA to the Headteacher at Wapping High School confirms that Mr Buckley took up his position at the School on 3 January 2018. Furthermore, and crucially, the Headteacher at Wapping High School confirms in his note to Matilda Heselton dated 15 February 2018 that Mr Buckley had attended at Wapping High School from 3 to 22 January 2018.

The above mentioned documents prove beyond any doubt that Mr Buckley was not too ill to attend Hope View School as he suggested. Mr Buckley was in fact working at Wapping High School.

b) Failed to inform the School that you were working elsewhere when you were expected to be present at the School;

The content of the text messages that Mr Buckley sent to colleagues at Hope View School indicate clearly that he believed he should have been present at Hope View School in the New Year of 2018 and considered himself to be 'in the employ' of the

School at that time (page 43 in particular). There is no document contained in the bundle to support the suggestion that Mr Buckley had informed those at Hope View School that he was working elsewhere at the relevant time. The evidence is in fact to the contrary, as stated above.

We reject the suggestion made by Mr Buckley that he submitted a letter of resignation to the School (page 210) in October 2017. Neither the Headteacher, Deputy Headteacher or Senior Manager of the School, all of whom have provided statements for these proceedings, received or saw a resignation letter from Mr Buckley. While we accept that Mr Buckley had requested references via colleagues and suggested that he would be seeking alternative employment he never formally submitted his resignation. We do not find credible Mr Buckley's assertion that he had "resigned from Hope View School last year in an impeccably professional way" (page 195) and had formally informed the School that he was not intending to return.

We have already found that Mr Buckley was working at Wapping High School at the relevant time, as stated above.

2. Your conduct as may be found proven at allegation 1 was dishonest and/or demonstrated a lack of integrity.

We have found that Mr Buckley lied to his colleagues and to the Senior Manager, who was in charge of monitoring sickness absence, at Hope View School when he stated to them by text message that he was ill in early January 2018 and could not attend the School when he was in fact working at Wapping High School. The nature of the text messages confirms that he was aware that he was still employed by the School and should therefore have been in attendance at Hope View School. He did not tell anyone at Hope View School that he was working at Wapping High School. Nor did he disclose to anyone who was involved in his recruitment to Wapping High School that he was unavailable to work.

Mr Buckley clearly acted dishonestly in this regard. He knew he was not ill and he knew that he continued to be employed by Hope View School and the School was therefore expecting him to return to teach in January 2018, as he had prior to Christmas 2017. He quite deliberately took up a post at Wapping High School and lied to his colleagues at Hope View School.

Any decent ordinary person would conclude that Mr Buckley's actions in this regard were dishonest. It must follow that he acted without integrity in undertaking such dishonest acts.

We have found the following particular of allegation not proven, for these reasons:

1c) Attempted to claim sick pay at the School whilst working elsewhere.

After careful consideration of this particular we have concluded that, although the receipt of pay while sick was a product of what he did and could have been a driver for Mr Buckley at the relevant time, there is no evidence present of a conscious attempt by him to ensure that he was paid by Hope View School for the time that he said he was sick and was in fact working at Wapping High School.

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

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.

In doing so, the panel has had regard to the document Teacher Misconduct: The Prohibition of Teachers, which we refer to as “the Advice”.

The panel is satisfied that the conduct of Mr Buckley in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Buckley 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...
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality
- 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 Buckley amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

He repeatedly lied to colleagues as to his whereabouts with complete disregard for the effect that this would have on students and staff at the School. Hope View School was given no notice of his intention not to return, that was brought about not by illness but by him taking up a role at another school. This left Hope View School with no opportunity to put alternative provision in place for the pupils of the School. The facts present a significant degree of moral blameworthiness and opprobrium and therefore amount to a clear example of unacceptable professional conduct.

Furthermore, 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 and dishonesty in this case 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 of the profession.

The panel therefore additionally finds that Mr Buckley's actions constitute 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 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 Buckley, which involved findings of dishonesty relating to his failure to attend at a school that continued to employ him while he worked at another school, there is a strong public interest consideration in this case. The panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Buckley were not treated with the utmost seriousness when regulating the conduct of the profession.

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 Buckley.

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 Buckley. 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 motivated.

The teacher did have a previously good history and the panel accepts that the incident was apparently out of character.

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 Buckley, particularly where dishonesty has been proved and he has offered no remorse for, or insight into, his actions. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include serious dishonesty. The panel has found that Mr Buckley repeatedly lied to colleagues as to his whereabouts. Hope View School was given no notice of his intention not to return, that was brought about not by illness but by him taking up a role at another school. The facts present a significant degree of moral blameworthiness and opprobrium.

However, this was a one-off event and there is no evidence that Mr Buckley has demonstrated similar behaviours in his long professional career. While any finding of dishonesty is serious, there were factors in this case that satisfied the panel that a lifetime prohibition from teaching would not be appropriate. Mr Buckley was working in an unfamiliar sector and he did not have experience of teaching in this environment. The panel believes that after a period of 3 years Mr Buckley should have the opportunity to demonstrate that he has sufficient insight into his actions for him to return to teaching.

The panel felt 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 3 years.

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 some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found one of the allegations not proven. I have therefore put that matter entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Buckley should be the subject of a prohibition order, with a review period of three years.

In particular, the panel has found that Mr Buckley 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...
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel has stated that it, "is satisfied that the conduct of Mr Buckley amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession."

The findings of misconduct are 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 Buckley, 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. The panel has observed that Mr Buckley, “repeatedly lied to colleagues as to his whereabouts with complete disregard for the effect that this would have on students and staff at the School. Hope View School was given no notice of his intention not to return, that was brought about not by illness but by him taking up a role at another school. This left Hope View School with no opportunity to put alternative provision in place for the pupils of the School.”

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, “he has offered no remorse for, or insight into, his actions.” In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour and this puts at risk the future well being of pupils. 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, “The findings of misconduct and dishonesty in this case 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 of the profession.”

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.

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 Buckley himself. The panel has stated that, "this was a one-off event and there is no evidence that Mr Buckley has demonstrated similar behaviours in his long professional career."

A prohibition order would prevent Buckley 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 Buckley repeatedly lied to colleagues as to his whereabouts. Hope View School was given no notice of his intention not to return, that was brought about not by illness but by him taking up a role at another school. The facts present a significant degree of moral blameworthiness and opprobrium."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Buckley 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 a 3 year review period.

I have considered the panel's comments "While any finding of dishonesty is serious, there were factors in this case that satisfied the panel that a lifetime prohibition from teaching would not be appropriate. Mr Buckley was working in an unfamiliar sector and he did not have experience of teaching in this environment."

I have considered whether a 3 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, there are two factors that mean that a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the finding of dishonesty and the lack of either insight or remorse.

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

This means that Mr Liam Buckley 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 29 November 2021, 3 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 Liam Buckley remains prohibited from teaching indefinitely.

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

Mr Liam Buckley 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', with a stylized flourish at the end.

Decision maker: Alan Meyrick

Date: 21 November 2018

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