



Teaching
Regulation
Agency

Dr Ian Charles Roselman: Professional conduct panel outcome

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

October 2018

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

Teacher: Dr Ian Charles Roselman
Teacher ref number: 1031231
Teacher date of birth: 18/06/1948
TRA reference: 16878
Date of determination: 30 October 2018
Former employer: Academics Ltd (“the Agency”)

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 30 October 2018 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT to consider the case of Dr Ian Charles Roselman.

The panel members were Mr Peter Cooper (teacher panellist – in the chair), Mr Brian Hawkins (teacher panellist) and Mrs Jean Carter (lay panellist).

The legal adviser to the panel was Mr Dean Hickey of Eversheds-Sutherland (International) LLP.

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

Dr Ian Charles Roselman was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegation set out in the Notice of Proceedings dated 24 July 2018.

It was alleged that Dr Ian Roselman was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that he:

1. Led the Agency and / or School A and / or School B to believe that you had Qualified Teacher Status (QTS) when you did not, by providing inaccurate information and/or falsified documentation stating you had QTS;
2. Your actions as may be found proven at allegation 1 were dishonest and / or demonstrated a lack of integrity.

The Teacher admitted the facts of particulars 1 and 2 of the allegation

The Teacher did not admit that his conduct at particular 1 or 2 amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

C. Preliminary applications

The presenting officer applied to adduce written and email correspondence between Dr Roselman and the TRA / the presenting officer as additional documents.

The panel received legal advice and had regard to its power under paragraph 4.18 of the Procedures to admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case. The panel was satisfied that the correspondence was relevant to the case and paginated it accordingly.

The panel considered an application from the presenting officer to proceed in the absence of Dr Roselman.

After hearing submissions from the presenting officer and receiving legal advice, the panel decided that the hearing should proceed in the absence of Dr Roselman for the following reasons:

- the Notice of Proceedings was sent to Dr Roselman in accordance with Rule 4.11;
- in Dr Roselman's response to the Notice of Proceedings, it was indicated that he did not intend to appear at the hearing nor did he intend to be represented;
- there is a public interest in the proper regulation of the profession and the protection of the public and the need for hearings to take place within a reasonable time;

- the TRA had made arrangements for a witness to attend this hearing to give evidence. The panel took into account the interests of that witness and the costs associated with their attendance in balancing fairness to Dr Roselman, fairness to the TRA as regulator and the wider public interest.

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 4 to 10

Section 3: Teaching Regulation Agency witness statements – pages 12 to 17

Section 4: Teaching Regulation Agency documents – pages 19 to 95

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

Witnesses

The panel heard oral evidence from:

Witness A – Academics Ltd (UK compliance Manager).

E. Decision and reasons

The panel announced its decision and reasons as follows:

The panel confirmed that it had read all the documents provided in the bundle in advance of the hearing.

Dr Roselman submitted his QTS Certificate to A+ Teachers in October 2016. He was put on the books and began teaching at School B in January 2017. In August 2017, A+ Teachers was acquired by the Agency.

As part of the transition project, the new management undertook an exercise to check the qualifications of those candidates on the books including Dr Roselman. In October 2017, the Agency queried Dr Roselman's QTS status with the TRA. It was found that Dr Roselman did not have QTS and that the certificate Dr Roselman has submitted to the Agency was not genuine.

An Investigation was held and as a result of that investigation Dr Roselman was permanently suspended from the Agency and a referral to the TRA was made.

Findings of fact

The panel's findings of fact were as follows:

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

- 1. Led the Agency and / or School A and / or School B to believe that you had Qualified Teacher Status (QTS) when you did not, by providing inaccurate information and/or falsified documentation stating you had QTS;**

The panel was satisfied by Dr Roselman's admission in response to the notice of proceedings and the evidence which was adduced that this particular was proved on the balance of probabilities.

- 2. Your actions as may be found proven at allegation 1 were dishonest and / or demonstrated a lack of integrity.**

The panel was satisfied by Dr Roselman's admission in response to the notice of proceedings and the evidence which was adduced that this particular was proved on the balance of probabilities.

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

Having found the particulars of the allegation to have been proven, the panel went on to consider whether the facts of those particulars of the allegation it found proven amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

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

The panel was satisfied that the conduct of Dr Roselman in relation to the facts found proven, involved breaches of the Teachers' Standards.

The panel considered that by reference to Part Two, Dr Roselman was 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; and...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Dr Roselman fell significantly short of the standards expected of the profession.

The panel was further satisfied that Dr Roselman's behaviour amounted to serious and sustained dishonesty over a period of time.

Accordingly, the panel was satisfied that Dr Roselman was guilty of unacceptable professional conduct.

The panel took 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 further took into 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. The panel reflected that the public rightly expects teachers to be honest about qualifications that they hold.

The panel therefore found that the teacher's actions constitute conduct that may bring the profession into disrepute.

Having found the facts of particulars 1 and 2 proved, the panel further found that Dr Roselman's conduct amounted 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 Dr Roselman, which involved a finding of serious and sustained dishonesty there is a strong public interest consideration in, ensuring that public confidence in the profession is seriously weakened if conduct such as that found against Dr Roselman were not treated with the utmost seriousness when regulating the conduct of the profession.

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

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

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 Dr Roselman. 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. Indeed, the panel found that Dr Roselman had carried out the deception for considerable time.

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 decided that the public interest considerations outweigh the interests of Dr Roselman. The witness evidence given by Witness A was a significant factor in forming that opinion. The panel found her to be a credible and reliable witness. The panel were impressed by the diligence Witness A and her team had displayed in checking the qualifications of candidates wishing to continue to be represented by the Agency.

In light of all of the above, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. One of these behaviours includes actions which amount or could amount to fraud or serious dishonesty. The panel was satisfied that Dr Roselman's behaviour met this threshold.

The panel found that Dr Roselman had demonstrated limited remorse for his actions and that his apology was focused on any reputational damage which he may have caused the Agency rather than a deeper insight into his wrongdoing. As such, the panel believed 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 sanction and no 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 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 Dr Roselman should be the subject of a prohibition order, with a no review period.

In particular the panel has found that Dr Roselman 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; and...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel finds that the conduct of Dr Roselman fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of dishonesty. The panel say 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. Indeed, the panel found that Dr Roselman had carried out the deception for considerable time.”

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself whether or not a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Dr Roselman, 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 made no direct reference to the safety of children, although it does say it took, “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 further took into 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 have also taken into account the panel’s comments on insight and remorse which the panel observed, “limited remorse. 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, “In light of the panel’s findings against Dr Roselman, which involved a finding of serious and sustained dishonesty there is a strong public interest consideration in, ensuring that public confidence in the profession is seriously weakened if conduct such as that found against Dr Roselman were not treated with the utmost seriousness when regulating the conduct of the profession.

I am therefore 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 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 Dr Roselman himself.

A prohibition order would prevent Dr Roselman from continuing in the teaching profession. A prohibition order 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 said, “The panel found that Dr Roselman had demonstrated limited remorse for his actions and that his apology was focused on any reputational damage which he may have caused the Agency rather than a deeper insight into his wrongdoing.”

I have also placed considerable weight on the finding of the panel that it found, “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. Indeed, the panel found that Dr Roselman had carried out the deception for considerable time.”

I have given less weight in my consideration of sanction therefore, to the contribution that Dr Roselman 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 aims which a prohibition order is intended to achieve.

I have gone on to consider the matter of a review period. In this case the panel has recommended a no review period.

I have considered the panel’s comments “the panel believed 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.”

The panel also observed that, “The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. One of these behaviours includes actions which amount or could amount to fraud or serious dishonesty.” And that the panel, “was satisfied that Dr Roselman’s behaviour met this threshold.

I have considered whether a 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 two year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the dishonesty found, the lack of either full insight or remorse, and the sustained period of time the deception was carried out.

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

This means that Dr Ian Roselman 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 Dr Roselman 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.

Dr Roselman 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 black ink, appearing to read 'Dawn Dandy', written in a cursive style.

Decision maker: Dawn Dandy

Date: 31 October 2018

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