



Teaching
Regulation
Agency

Mr Jonathan Twidle: Professional conduct panel outcome

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

January 2019

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

Teacher:	Mr Jonathan Twidle
Teacher ref number:	8848267
Teacher date of birth:	28 December 1965
TRA reference:	16127
Date of determination:	9 January 2019
Former employer:	Crooksbar Primary School, Stockton-on-Tees and Willow Fields Community Primary School, Tyne and Wear

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the Agency”) convened on 7 to 9 January 2019 at Cheylesmore House, 5 Quinton Road, Coventry CV1 2WT to consider the case of Mr Jonathan Twidle.

The panel members were Mr Rob Allan (lay panellist – in the chair), Ms Alison Feist (former teacher panellist) and Mr Paul Hawkins (teacher panellist).

The legal adviser to the panel was Mr Graham Miles of Blake Morgan LLP solicitors.

The presenting officer for the Agency was Ms Kayleigh Brooks of Browne Jacobson LLP solicitors.

Mr Twidle was present and was represented by Mr Andrew Faux 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 23 July 2018.

It was alleged that Mr Jonathan Twidle was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

1. Whilst employed as headteacher at Willow Fields Community Primary School in Tyne and Wear he engaged in financial mismanagement in that he:
 - a) incurred expenses that were unreasonable and/or unaccounted for, including for:
 - i. hotel(s)
 - ii. fuel
 - iii. restaurant(s)
 - iv. travel fare(s)
 - v. personal use at retail store(s) and/or for entrance fee(s) or event(s);
 - b) used his school credit card for personal expenditure;
 - c) used the school Business Manager's card to make one or more purchases;
 - d) signed one or more cheques payable to himself;
 - e) signed one or more cheques payable to his wife;
 - f) arranged to lease a vehicle at cost to the school which:
 - i. had a mileage allowance in excess of what was required for school business;
 - ii. he intended to use and/or did use for his personal commute;
 - iii. he arranged to be sponsored for approximately £350 per month for him to drive.
2. Whilst employed as headteacher at Willow Fields Community Primary School in Tyne and Wear he failed to properly manage and/or displayed favouritism towards his wife by:
 - a) recruiting her without retaining appropriate records to justify her appointment and/or pay;

- b) giving her a permanent employment contract when one or more other staff recruited at the same time were placed on a temporary contract;
 - c) allowing her to take planning, preparation and assessment time to conduct personal childcare;
 - d) arranged for teaching assistant to cover her in her absence;
 - e) promoting her/giving her one or more paid positions:
 - i. in favour of other staff;
 - ii. with less responsibilities and/or duties than other staff;
 - f) failing to take any action when she failed to:
 - i. order resources;
 - ii. write report(s);
 - g) funded/permitted funding for her private childcare;
 - h) permitting her to be absent from school whilst they visited their own child's new school together.
3. Whilst employed as headteacher at Crooksbar Primary School in Stockton-on-Tees in and around 2009 he made inappropriate use of a corporate Blackberry mobile telephone by:
- a) making calls to one or more premium rate adult entertainment services;
 - b) incurring charges of approximately £900 plus VAT for adult entertainment services which he allowed wholly or partly to be paid by the school/local authority.
4. His conduct insofar as it is proven at allegations 1a) to f), 2a) to h) and/or 3b) was dishonest and/or lacked integrity.

Mr Twidle admitted the facts alleged in allegation 1a) i to v on the basis that the expenses incurred were unaccounted for and not that they were unreasonably incurred.

Mr Twidle also admitted the facts alleged in 1b) to e), 3a) and b). He also admitted that his conduct in allegations 1a) to e) and allegation 3b) lacked integrity.

Mr Twidle denied that his conduct in allegation 1a) was unreasonable. He also denied allegation 2a) to h). He denied that his conduct in allegations 1a) to e) and 3a) and b) was dishonest.

Mr Twidle admitted that his admitted conduct in respect of allegation 1a) to e) and allegation 3 amounts to unacceptable professional conduct. He also admitted that his admitted conduct in respect of allegation 3b) amounts to conduct that may bring the profession into disrepute.

C. Preliminary applications

Application for part of the hearing to be in private

Mr Faux made an application for part of the hearing to take place in private. Mr Faux referred to paragraphs 26 to 33 of the statement of Mr Twidle which are relevant to the panel's consideration of allegation 3. Mr Faux submitted that those paragraphs contain sensitive personal information and that, it was necessary to ask questions about matters contained in those paragraphs, that evidence should be given in private. After hearing submissions from Mr Faux and the presenting officer and receiving legal advice, the chair announced the decision of the panel as follows:

'The panel has considered whether part of the hearing should take place in private. In doing so, the panel has weighed in the balance the public interest in the hearing taking place in public against Mr Twidle's right to privacy.

In respect of paragraphs 26 to 29 and paragraph 33 of the statement of Mr Twidle, it is not the panel's current intention to ask questions about any of the matters referred to in those paragraphs. However, if it becomes necessary or appropriate to ask such questions, the panel will go into private session at that point on the basis that the rights of privacy outweigh the public interest in asking such questions.

In relation to the other matters referred to by Mr Faux, the panel may wish to ask questions of Mr Twidle, but the panel does not consider that any such questions would need to relate to the content of the phone calls in allegation 3. The panel is not satisfied that it is necessary to go into private session in order to ask such questions'.

Application to amend allegations

The presenting officer made an application to amend the allegations, as follows:

- Allegation 2e) i to be amended so that the words 'favour of', be replaced by the words 'preference to'.
- Allegations 3b) to be amended to read 'incurring charges of £951 including VAT for amongst other things adult entertainment services which you allowed wholly or partly to be paid by the school/local authority and subsequently reimbursed in full'.

Mr Faux did not oppose the application. After receiving legal advice from the legal adviser, the panel agreed to the applications to amend allegations 2e) i and 3b).

Application to admit additional documents

The presenting officer made an application to admit the following additional documents, namely:

- Email from [REDACTED] to Browne Jacobson LLP solicitors dated 19 December 2018
- Minutes of meeting of governing body dated 29 March 2012
- Minutes of meeting of governing body dated 8 October 2015
- Email from [REDACTED] dated 18 December 2018

Mr Faux did not object to the admission of these documents and the panel agreed to admit them.

D. Summary of evidence

Documents

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

Section 1: Chronology and list of key people – pages 2 to 4

Section 2: Notice of Proceedings and Response – pages 6 to 16

Section 3: Teaching Regulation Agency witness statements – pages 18 to 340

Section 4: Teaching Regulation Agency documents – pages 342 to 442

Section 5: Teacher documents – pages 444 to 572

In addition, the panel agreed to accept the following documents:

- Email from [REDACTED] to Browne Jacobson LLP solicitors dated 19 December 2018 - page 573
- Minutes of meeting of governing body dated 29 March 2012 – pages 574 to 579
- Minutes of meeting of governing body dated 8 October 2015 – pages 580 to 583
- Email from [REDACTED] dated 18 December 2018 – pages 584 - 589

With the exception of pages 574 to 589, the panel members confirmed that they had read all of the documents in advance of the hearing.

Witnesses

The panel heard oral evidence from the following witness called by the presenting officer:

[REDACTED], Teacher of Willow Fields Community Primary School.

The panel also heard evidence from Jonathan Twidle.

E. Decision and reasons

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

The panel confirms that it has read all the documents provided in the bundle up to and including page 572 in advance of the hearing. The panel read the additional documents- pages 573 to 589 on the first day of the hearing.

Mr Jonathan Twidle was employed as headteacher at Crooksbar Primary School, Stockton-on-Tees with effect from September 2000. He resigned from that position on 31 May 2009 following an internal audit report into financial irregularities. These irregularities included inappropriate use of the school's corporate credit card and charges incurred by Mr Twidle in making calls to adult entertainment services using his school phone.

Mr Jonathon Twidle was employed at the Willow Fields Community Primary School, Tyne and Wear from September 2011 as headteacher. He was suspended from his duties on 25 May 2016 following concerns raised by members of staff relating to alleged financial mismanagement and nepotism. As a result of these concerns, the local authority conducted an investigation, which included an internal audit. Mr Twidle was also interviewed as part of the investigation. Mr Twidle resigned with effect from 30 September 2016.

Findings of fact

The panel's findings of fact are as follows:

It was alleged that you are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

- 1. Whilst employed as headteacher at Willow Fields Community Primary School in Tyne and Wear you engaged in financial mismanagement in that you:**
 - a) incurred expenses that were unreasonable and/or unaccounted for, including for:**
 - i. hotel(s)**
 - ii. fuel**

- iii. **restaurant(s)**
- iv. **travel fare(s)**
- v. **personal use at retail store(s) and/or for entrance fee(s) or events(s);**

Mr Twidle admits the facts alleged in 1a) i to v on the basis that most of the expenses referred to in the local authority's internal audit report were not adequately accounted for. These expenses included the use of the school credit card for personal expenditure as part of a practice of setting that expenditure off against the value of mileage and/or other expenditure which Mr Twidle states he had undertaken on school business. Mr Twidle accepts that proper systems were not in place.

The panel finds allegation 1a i to v proved on the basis that the expenses referred to were unaccounted for.

b) used your school credit card for personal expenditure;

Mr Twidle admits that he used his school credit card for personal expenditure. The panel noted that the personal expenditure included items such as alcohol, household groceries and dog food.

The panel finds 1b) proved.

c) used the school Business Manager's card to make one or more purchases;

Mr Twidle admits that, on at least two transactions, he used the school Business Manager's credit card for personal use.

The panel finds 1c) proved.

d) signed one or more cheques payable to yourself;

Mr Twidle admits that he signed cheques written by the school Business Manager which were payable to himself.

The panel finds 1d) proved.

e) signed one or more cheques payable to your wife;

Mr Twidle admits that he signed cheques written by the school Business Manager which were payable to his wife.

The panel finds 1e) proved.

f) arranged to lease a vehicle at cost to the school which:

- i. had a mileage allowance in excess of what was required for school business;**
- ii. you intended to use and/or did use for your personal commute;**
- iii. you arranged to be sponsored for approximately £350 per month for you to drive.**

Mr Twidle denies this allegation. He acknowledges that he arranged to lease the vehicle as alleged and that he did not check if the mileage allowance was appropriate (although he considers that it may have been appropriate had the sponsored journeys taken place). He admits that he arranged the sponsorship and claims that a condition of the sponsorship agreement was that he was expected to use the vehicle for his daily commute. The panel noted a letter from the sponsor requested that the sponsor's logo should appear on the vehicle as this would help to promote the sponsor's company. This letter stated that the vehicle was likely to be used by the headteacher, but the panel was not presented with any written evidence indicating that this was a condition of the sponsorship. Mr Twidle states that he did not realise that his use of the vehicle for his commute would amount to a benefit in kind. Mr Twidle denies that his actions in 1f) i ,ii and iii amounted to financial mismanagement.

Mr Twidle stated that the school needed an additional vehicle to transport pupils to and from events. However, he admitted that the seven seater vehicle that was ordered would still leave a shortfall in capacity for some trips, resulting in the need for a second journey on some trips. Furthermore, as Mr Twidle indicated that he would not be in school for one or two days each week, his use of the vehicle for his personal commute would significantly limit its availability for the transportation of pupils. The panel noted that the school minibus mileage for a year was less than 3,000 miles, but the lease agreement entered into was based on an annual mileage of 20,000 miles. This significantly exceeded the school's requirements, but would have allowed personal use of the vehicle by Mr Twidle. Mr Twidle's daily commute was estimated at approximately 14,000 miles per annum. The panel noted that a lease for the same vehicle based on 5,000 miles per annum would have resulted in a saving of approximately £627 per annum for the school.

The panel noted that the sponsorship arrangement was to be reviewed annually and would not necessarily have covered the duration of the lease of the vehicle. The panel noted that Mr Twidle stated during the investigation that no legal advice was sought regarding the sponsorship.

The panel is satisfied that the lease arrangement agreed by Mr Twidle did not address the school's needs, caused the school to incur greater expense than was necessary and would also have resulted in a personal benefit to Mr Twidle. The panel is satisfied that Mr Twidle's actions in 1f) i, ii and iii amounted to financial mismanagement.

The panel finds 1f) proved.

2. Whilst employed as headteacher at Willow Fields Community Primary School in Tyne and Wear you failed to properly manage and/or displayed favouritism towards you wife by:

- a) recruiting her without retaining appropriate records to justify her appointment and/or pay;**
- b) giving her a permanent employment contract when one or more other staff recruited at the same time were placed on a temporary contract;**

Mr Twidle denies allegations 2a) and b). The presenting officer has confirmed that the TRA does not seek a finding in relation to these allegations.

The panel finds allegations 2a) and b) not proved.

- c) allowing her to take planning, preparation and assessment time to conduct personal childcare;**

Mr Twidle denies this allegation. He admits allowing use of PPA time for childcare, but asserts that this was the policy in the school for all staff. Mr Twidle acknowledges that his wife regularly had Friday for her PPA/ management time when she would be at home with their children. He stated that she would complete this work at other times such as when the children were in bed. He denies showing any favouritism in the way such decisions were made.

Mr Twidle stated that staff were able to use their PPA time to work in school or at home: it was up to staff to decide how to use that time, making sure that all PPA was completed in good time.

The panel finds allegation 2c) not proved.

- d) arranged for teaching assistant to cover her in her absence;**

Mr Twidle denies allegation 2d). The presenting officer has confirmed that the TRA does not seek a finding in relation to this allegation.

The panel finds allegation 2d) not proved.

- e) promoting her/giving her one or more paid positions:**
 - i. in preference to other staff;**
 - ii. with less responsibilities and/or duties than other staff;**

Mr Twidle denies allegation 2e) ii and I. The presenting officer has confirmed that the TRA does not seek a finding in relation to this allegation.

The panel finds allegations 2e) i and ii not proved.

f) failing to take any action when she failed to:

i. order resources;

ii. write report(s);

Mr Twidle denies this allegation. He denied there was any failure to take action against Mrs Twidle or that such action was merited.

The panel has only been presented with anonymous hearsay evidence in relation to this allegation. The panel has taken account of the legal advice provided as to the risk of unfairness in relation to anonymous hearsay evidence. The panel felt unable to rely on this evidence.

The panel finds allegation 2f) not proved.

g) funded/permitted funding for her private childcare;

Mr Twidle denies this allegation. He accepts that there were occasions when the school paid for private childcare for their child, which he says was by way of 'offsetting' reimbursement for other claimable expenses. He stated that the reason for this was Mrs Twidle occasionally attended school during school holidays, on her PPA/ management days and during maternity leave for two Ofsted inspections. On these occasions Mrs Twidle was also reimbursed with her travelling expenses to and from work. Mr Twidle denies that this was favouritism or mismanagement.

The panel noted that, on a number of occasions, childcare payments were made direct to the nursery, either by school cheque or by school credit card. Mr Twidle admitted that childcare payments were not made for other members of staff. He also stated that he was unaware that payment for childcare costs by an employer was a taxable benefit.

The panel felt that some of these childcare costs could have been avoided if Mr Twidle had required greater flexibility of Mrs Twidle's PPA/ management allocation time.

The panel is satisfied that Mr Twidle failed to properly manage the financial resources of the school and also displayed favouritism towards his wife.

The panel finds allegation 2g) proved.

h) permitting her to be absent from school whilst you visited your own child's new school together.

Mr Twidle denies this allegation. He admits that, on 18 May 2016, he allowed Mrs Twidle to leave a school group trip for one hour so that she could accompany him on a visit to their son's school. He denies that this demonstrated favouritism or was inappropriate.

The panel considered the minutes of a strategy meeting on 27 July 2016 which stated that one of the children in the group of pupils on the trip had a chromosome impairment which required medication. In his oral evidence, Mr Twidle confirmed that one of the pupils had this condition and stated that, within the child's risk assessment; there were two members of staff responsible for administering his medication. One of these was a first-aider who was not a member of the teaching staff and the other was Mrs Twidle. Mr Twidle confirmed that the first aider was not on the trip.

The panel noted that Mrs Twidle travelled separately to the children and left the trip for at least an hour with Mr Twidle to visit their son's new school. Mr Twidle confirmed in oral evidence that a risk assessment for the trip would have been carried out and that he verbally informed the two non-teaching members of staff on the trip that Mrs Twidle would be absent for a period of time. In his written statement, Mr Twidle stated: 'A Head is able to adjust Risk Assessments and I did so temporarily on this visit whilst maintaining more than the required supervision ratio'.

Although the panel was not provided with the risk assessments for the child or the trip, it gave weight to Mr Twidle's oral and written evidence in respect of the trip arrangements and as to who was responsible for administering medication to the pupil concerned.

The panel is satisfied that, in permitting Mrs Twidle to be absent from the trip, Mr Twidle failed to properly manage staffing allocation and associated risks. The panel reflected on the evidence given regarding other instances when staff were allowed time away from school for personal reasons. However, none of the examples were felt to be comparable to the particular circumstances of the school trip. Accordingly, the panel could not be satisfied that this amounted to the display of favouritism towards his wife.

The panel finds allegation 2h) proved.

3. Whilst employed as headteacher at Crooksbar Primary in Stockton-on-Tees you made inappropriate use of a corporate Blackberry mobile telephone by:

- a) making calls to one or more premium rate adult entertainment services;**
- b) incurring charges of £951 including VAT for, amongst other things, adult entertainment services which you allowed wholly or partly to be paid by the school/local authority and subsequently reimbursed in full.**

Mr Twidle admits that, when he was employed as headteacher at Crooksbar Primary School, he used the school's mobile telephone to make calls to premium rate adult entertainment services. The panel noted that some of these calls were made in school time. He also accepts that, due to what he states was an oversight, he failed to pay private call charges, which totalled £951 including VAT, a proportion of which was for

adult entertainment services. The panel heard that, after an investigation, Mr Twidle reimbursed the local authority for the sum owing.

The panel finds allegation 3a) and b) proved.

4. Your conduct insofar as it is proven at allegations 1a) to f), 2a) to h) and/or 3b) was dishonest and/or lacked integrity.

Mr Twidle denies that his conduct was dishonest, but admits that his conduct in allegations 1a) to e) and 3b) lacked integrity.

In deciding whether Mr Twidle's conduct was dishonest, the panel considered his state of knowledge or belief as to the facts before determining whether his conduct was dishonest by the standards of ordinary decent people.

The panel had due regard to the submission of Mr Faux as to whether the allegation of dishonesty had been expressly or fully put to Mr Twidle during questioning. The panel noted that Mr Twidle was questioned about matters such as claims that he had submitted without evidence or explanation and areas in which his actions resulted in concealment of financial payments to his benefit. The panel is satisfied that Mr Twidle had a full opportunity to respond to the allegation of dishonesty.

In deciding whether Mr Twidle's conduct lacked integrity, the panel had regard to the guidance of the Court of Appeal in **Wingate v SRA; SRA v Mallins [2018]** to the effect that professional integrity connotes adherence to the ethical standards of a profession and involves more than mere honesty. The panel recognised that the duty of integrity does not require professional people to be paragons of virtue and that unrealistically high standards should not be set.

The panel considered each proven allegation separately.

As to the conduct found proved in allegations 1a) to f), Mr Twidle admits lack of integrity in relation to 1a) to e). The panel is satisfied that Mr Twidle's conduct in allegations 1a) to f) lacked integrity. In making this determination, the panel has taken into account the fact that Mr Twidle was a headteacher of 14 years standing across two schools and that he holds the National Professional Qualification for Headship (NPQH). Therefore, he must have been well aware of the National Standards of Excellence for Headteachers and the need to adhere to proper financial procedures. Furthermore, on leaving Crooksbarrow Primary school in 2009 he was in receipt of a financial audit which highlighted his significant failings in accounting procedures, use of the school's corporate credit card and procurement processes. The document helpfully provided guidance on financial probity. Consequently, Mr Twidle, more than most, must have been conscious of the need to ensure appropriate financial management as headteacher at Willow Fields Community Primary School.

The panel was concerned about the complex process used by Mr Twidle which he explained was based on 'offsetting' his business expenditure against his personal expenditure, rather than the simpler process of claiming reimbursement for business expenses. In addition, Mr Twidle inappropriately used his and the Business Manager's corporate credit cards for personal expenditure and he inappropriately signed cheques payable to himself and his wife. The panel could see no justification for adopting such a process. The result was that Mr Twidle was not able to account for some of the expenditure. The panel is satisfied that the lease and sponsorship arrangements did not address the school's needs, incurred expenditure for the school that could have been avoided and also resulted in a personal benefit to Mr Twidle. Taking all of these factors into account, the panel is satisfied that Mr Twidle's conduct in allegations 1a) to f) involved failures to comply with the ethical standards of the teaching profession and, therefore, amounted to a lack of integrity.

The panel then considered whether Mr Twidle's conduct in allegations 1a) to f) was dishonest. As already mentioned, prior to his appointment as headteacher at Willow Fields Community Primary School, Mr Twidle had the experience of the financial audit at Crooksbarrow Primary School which highlighted significant areas of poor financial management in his previous position as headteacher. Based on his training and experience, Mr Twidle must have been aware the need to properly account for expenditure, that corporate credit cards should not be used for personal expenses and that it was inappropriate for him to sign cheques payable to himself and his wife. The panel noted that these aspects of financial mismanagement created a situation in which it was not possible to determine whether some expenditure was in line with school business or for was the personal benefit of Mr Twidle and/or his wife. The panel noted that the internal audit report concluded that no supporting evidence could be found for significant amounts of expenditure. The panel also had regard to Mr Twidle's inability to account for certain claims made by him. Mr Twidle personally benefitted from some of the unaccounted for expenditure. The lease arrangement agreed by Mr Twidle would have resulted in a personal benefit to Mr Twidle at an unnecessary cost for the school. Taking account of all of these elements of financial mismanagement, which took place over a significant period of time, the panel is satisfied that Mr Twidle's conduct in allegations 1a) to f) was dishonest by the standards of ordinary decent people.

As regards allegation 2g), in funding/ permitting funding for his wife's private childcare, Mr Twidle displayed favouritism towards his wife and he benefitted from this funding. The panel is satisfied that Mr Twidle's conduct lacked integrity and was dishonest.

As regards allegation 2h), Mr Twidle's conduct in permitting his wife to attend their son's first day of school involved a failure to properly manage staffing allocation and associated risks. The panel is satisfied that Mr Twidle placed his own interests above the interests of the pupil. This was a breach of the ethical standards of the profession and, therefore, involved a lack of integrity. However, the panel is not satisfied that Mr Twidle's conduct in allegation 2h) was dishonest.

As to the conduct found proved in allegations 3b), the panel has found that Mr Twidle's calls to premium rate adult entertainment services incurred significant charges which he allowed to be paid by the school or local authority. However, later when challenged he paid the charges in full. The panel is satisfied that this was a breach of the ethical standards of the profession and, therefore, amounts to a lack of integrity, as Mr Twidle himself admits. As regards dishonesty, the panel noted that, following the investigation, Mr Twidle paid for the private call charges in full and that there is evidence that he made contributions to phone charges on various dates between February 2008 and April 2009. No evidence was presented which enabled the panel to evaluate whether these were appropriate contributions. However, taking all of the available evidence into consideration, the panel could not be satisfied that Mr Twidle did not intend to pay for his private calls. Accordingly, the panel finds the allegation of dishonesty not proved.

In summary, therefore, the panel finds allegation 4 proved on the basis that Mr Twidle's conduct in allegations 1a) to f), 2g) and h) and 3a) and b) involved a lack of integrity. The panel further finds that the conduct of Mr Twidle in allegations 1a) to f) and 2g) was dishonest.

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 the panel refers to as "the Advice".

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
- 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 considered whether Mr Twidle's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and the panel has found that none of these offences are relevant.

The panel is satisfied that the conduct of Mr Twidle amounted to serious misconduct which fell significantly short of the standards expected of the profession.

Accordingly, the panel is satisfied that Mr Twidle 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 Twidle'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 had regards to 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.

There is a public interest consideration in respect of the protection of pupils given the finding in relation to the school trip referred to in allegation 2 h). This included a pupil with a chromosome impairment, which required medication. Mr Twidle failed to properly manage staffing allocation and associated risks by allowing a pupil to be without the person authorised to administer medication.

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

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

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

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 Twidle. 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;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk; (In this context, the panel considers that the serious financial mismanagement resulted in loss of funds to the school that would otherwise be available for the education of pupils. In addition, there was a risk to the well-being of the pupil on the trip referred to in allegation 2 h)).
- abuse of position or trust (in terms of his serious financial mismanagement in both schools at which he was the headteacher).
- 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.

The teacher's actions were deliberate. Indeed the panel has made findings that some of his conduct was dishonest. There was no evidence to suggest that the teacher was acting under duress.

The panel noted that Mr Twidle has not been the subject of any previous disciplinary finding by his regulatory body.

A written statement provided by , Senior Educational Psychologist who has worked with Mr Twidle since 2003 sets out her opinion of the strengths of Mr Twidle as an educator.

[REDACTED] stated, 'Mr Twidle has a long history of being able to effect change and progress, particularly in areas of deprivation and it would be nice if the panel could take into account the positive impact he has had on many children's lives'.

The panel was presented with copies of Ofsted reports relating to Crooksbar Primary School dated 2006 and 2008. The panel noted that, during his time as Headteacher, the school progressed from 'Good' to 'Outstanding'.

The panel was also presented with copies of Ofsted reports relating to Willow Fields Community Primary School dated 2013 and 2015. Despite the overall Ofsted level falling during his tenure as headteacher, by the time he left the school, it had returned to its original Ofsted rating. The panel noted that the 2015 report stated that the 'Headteacher, ably supported by the senior leadership team is highly ambitious and determined to continue to further raise the attainment of pupils and improve their wellbeing'.

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 Twidle. 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 to recommend that a review period of the order should be considered. The panel was 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 two 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 Twidle has been responsible for dishonesty in relation to the mismanagement of public funds, including for his own benefit, over a significant period of time. The panel's view of the seriousness of the dishonest conduct at Willow Fields High School was heightened by Mr Twidle's knowledge of the financial audit at Crooksbar Primary School. The report highlighted significant areas of poor financial management

and helpfully provided guidance on financial probity. There was no evidence of Mr Twidle having learnt from this experience and in fact, his financial management deteriorated.

Mr Twidle has expressed some regret for his conduct, but has demonstrated very little understanding of his actions or their consequences. Despite being given every opportunity by the panel, he did not provide any evidence that he has addressed his significant failures in financial management.

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 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 Presenting Officer did not seek a finding in respect of some allegations and the panel has also found some of the allegations not proven. In addition I have noted where the panel found lack of integrity in relation to some of the facts found and where it found dishonesty in relations to some of the facts found. Where there was no finding by the panel I have put those matters entirely from my mind.

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

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
- 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 also “considered whether Mr Twidle's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and the panel has found that none of these offences are relevant.”

The panel has stated that it “is satisfied that the conduct of Mr Twidle amounted to serious misconduct which fell significantly short of the standards expected of the profession.”

The findings of misconduct are particularly serious as they include a finding of both lack of integrity and of dishonesty on the part of a headteacher.

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 Twidle, 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 said, “the panel considers that the serious financial mismanagement resulted in loss of funds to the school that would otherwise be available for the education of pupils. In addition, there was a risk to the well-being of the pupil on the trip referred to in allegation 2 h).” 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, “Mr Twidle has expressed some regret for his conduct, but has demonstrated very little understanding of his actions or their consequences. Despite being given every opportunity by the panel, he did not provide any evidence that he has addressed his significant failures in financial management.”

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 education of pupils as set out by the panel and the risk to the 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 that it 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 lack of integrity and 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 Twidle himself. I have noted the positive comments given in his favour, “Mr Twidle has a long history of being able to effect change and progress, particularly in areas of deprivation and it would be nice if the panel could take into account the positive impact he has had on many children's lives'.”

I have also given some account to the positive ofsted report comment, which said of Mr Twidle that the “Headteacher, ably supported by the senior leadership team is highly ambitious and determined to continue to further raise the attainment of pupils and improve their wellbeing'.”

A prohibition order would prevent Mr Twidle 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 conduct. The panel has said, “ Mr Twidle has been responsible for dishonesty in relation to the mismanagement of public funds, including for his own benefit, over a significant period of time. The panel's view of the seriousness of the dishonest conduct at Willow Fields High School was heightened by Mr Twidle's knowledge of the financial audit at Crooks barn Primary School. The report highlighted significant areas of poor financial management and helpfully provided guidance on financial probity. There was no evidence of Mr Twidle having learnt from this experience and in fact, his financial management deteriorated.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Twidle 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 full remorse or full 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 and the Advice published by the Secretary of State, which, "indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include 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, the factors that mean that a no review period is proportionate and in the public interest are the dishonesty found, the lack of integrity found and the lack of full insight or remorse.

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

This means that Mr Jonathan Twidle 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 Jonathan Twidle 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 Jonathan Twidle 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: 11 January 2019

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