



Teaching
Regulation
Agency

Mr Jonathan Belk: Professional conduct panel outcome

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

February 2023

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

Teacher:	Mr Jonathan Belk
Teacher ref number:	0959368
Teacher date of birth:	10 June 1956
TRA reference:	19513
Date of determination:	14 February 2023
Former employer:	Parkside Community School, Chesterfield

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 13 to 14 February 2023 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr Jonathan Belk.

The panel members were Miss Monique Harlin (teacher panellist – in the chair), Mrs Shabana Robertson (lay panellist) and Mr Stephen Chappell (lay panellist).

The legal adviser to the panel was Ms Josie Beal of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Louise Ravenscroft of Capsticks LLP solicitors.

Mr Belk was present and was represented by Mrs Trudie Tew of GMB union.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 24 November 2022. The allegations were subsequently amended following an application from the presenting officer at the outset of the hearing, which is set out in more detail below. The amended allegations are as follows:

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

1. [Allegation discontinued]
2. On one or more occasions he made a false and/or misleading declaration in that he failed to disclose a previous job at the Peele Community College, including:
 - a) In his application form dated 14 May 2019;
3. On or around 14 May 2019, whilst applying for a role at Parkside Community School he made a false and/or misleading declaration that his reason for leaving a previous job at the Peele Community College was that it was the 'end of the contract';
4. Between 1 September 2019 and 30 April 2020, whilst employed as a teacher at Parkside Community School he failed to inform Witness A in a timely manner of false and/or misleading information in his job application form when queries were raised about his application form; and
5. By his conduct, as set out in allegations 2 and/or 3 and/or 4 above he:
 - a) was dishonest; and
 - b) failed to act with integrity.

In his response to the notice of referral dated 7 January 2022, Mr Belk admitted to allegations 2, 3, 4 and 5(a). He denied allegation 1 and allegation 5(b) and he denied that his actions amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

However, at the outset of the hearing, Mr Belk confirmed that he admitted the amended allegations as set out above. He also admitted that the allegations constituted unacceptable professional conduct and conduct that may bring the profession into disrepute.

Preliminary applications

Application to discontinue allegation 1

The presenting officer made an application to discontinue allegation 1, which read as follows:

1. *“On one or more occasions, he made a false and/or misleading declaration in that he confirmed that he held Qualified Teacher Status, including:*

a) In his application form dated 14 May 2019;”

The presenting officer made this application on the basis that, following a review of the evidence and additional material provided by Mr Belk, the presenting officer did not consider it would be appropriate to continue with allegation 1.

Mr Belk did not object to this application.

Application to amend allegations 3 and 4

The presenting officer made a further application to amend the wording of allegations 3 and 4 as follows:

- Allegation 3 should be changed from *“On or around 14 May 2019, whilst employed as a teacher at Parkside Community School you made a false and/or misleading declaration to your employer that your reason for leaving a previous job at the Peele Community College was that it was the ‘end of the contract’”* to *“On or around 14 May 2019, whilst applying for a role at Parkside Community School he made a false and/or misleading declaration that his reason for leaving a previous job at the Peele Community College was that it was the ‘end of the contract’”*
- Allegation 4 should be changed from *“Between 1 September 2019 and 30 April 2020, whilst employed as a teacher at Parkside Community School you failed to inform staff member 1 in a timely manner of false and/or misleading information in your job application form when queries were raised about your application form”* to *“Between 1 September 2019 and 30 April 2020, whilst employed as a teacher at Parkside Community School you failed to inform Witness A in a timely manner of false and/or misleading information in your job application form when queries were raised about your application form”*

This application was made in order to clarify the allegations and on the basis that there was no reason to anonymise Witness A’s name.

The panel was advised that it has the power to amend the allegations in accordance with paragraphs 5.33 and 5.34 of the teacher misconduct: disciplinary procedures for the teaching profession May 2020 (‘the Procedures’).

The panel was satisfied that it was appropriate to discontinue allegation 1 and accordingly allegation 1 was disregarded and discontinued.

The panel was also satisfied that the proposed amendments to allegations 3 and 4 did not change the nature, scope or seriousness of the allegations and that there was no unfairness or prejudice caused by the amendments to the allegations. Accordingly, the panel granted this application and considered the amended allegations, which are set out above.

Application to admit additional documents

The panel considered a preliminary application from the teacher's representative for the admission of additional documents.

The teacher's documents were: written answers to questions posed to Individual A; written answers to questions posed to Mr Belk's trade union representative at the disciplinary stage; an email from Mr Belk to the Department for Education; and character references from Individual B, Individual C; Individual D; and Individual E.

The documents subject to the application had not been served in accordance with the requirements of paragraph 5.37 of the Procedures. Therefore, the panel was required to decide whether the documents should be admitted under paragraph 5.34 of the Procedures.

The panel heard representations from the teacher's representative and presenting officer in respect of the application. The presenting officer did not object to the admission of the additional documents.

The panel considered the additional documents were relevant. Accordingly, the documents were added to the bundle.

Summary of evidence

Documents

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

- Section 1: Chronology, anonymised pupil list and list of key people – pages 3 to 4
- Section 2: Notice of proceedings and response – pages 5 to 28
- Section 3: TRA witness statements – pages 29 to 39
- Section 4: TRA documents – pages 40 to 203

- Section 5: Teacher documents – pages 204 to 341

In addition, the panel agreed to accept the following:

- written answers to questions posed to Individual A;
- written answers to questions posed to Mr Belk's trade union representative at the disciplinary stage;
- an email from Mr Belk to the Department for Education; and
- character references from Individual B, Individual C; Individual D; and Individual E.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing. The panel also read the additional documents on the first day of the hearing.

Witnesses

The TRA provided witness statements from Witness B, [REDACTED] and Witness A, [REDACTED]. The TRA's witnesses were prepared to attend the hearing virtually. However, in light of Mr Belk's admissions on the first day of the hearing, the presenting officer indicated that she did not intend to call any witnesses to give oral evidence at the hearing on behalf of the TRA. Mr Belk did not object to this; both he and his representative were content for the hearing to proceed without the attendance of the TRA's witnesses. The panel was also content to proceed on this basis.

Accordingly, the panel heard oral evidence from Mr Belk only.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Belk was interviewed for a post at Parkside Community School ('the School') on 21 May 2019, for the role of teacher of modern foreign languages, which would commence from 1 September 2019. In July 2019, pre-employment checks were carried out and a gap in Mr Belk's employment history was identified.

On 30 July 2019, Witness A informed Mr Belk of this inconsistency. Witness A asked Mr Belk to attend the School to discuss the inconsistency. This took place on the first day after the summer break, which was a training day. During this meeting, Mr Belk amended his application form by hand and added '*Peele Community College*' ('the College') to

account for the gap in his employment history between October 2013 to March 2014. Under the section '*reason for leaving*' Mr Belk wrote '*end of contract*'.

On 9 December 2019, Mr Belk tendered his resignation from the School, to take effect from Easter 2020.

In or around February 2020, the School became aware that Mr Belk had, in fact, been dismissed by the College in 2014 for gross misconduct.

On or around 25 February 2020, further detail and documentation was obtained from the College regarding the circumstances of Mr Belk's dismissal. It transpired that Mr Belk was dismissed by the College for failing to follow appropriate safeguarding procedures in relation to reporting a potential weapon found on a student and discussing the existence of the potential weapon with pupils at the school.

The School made a referral to the LADO on 2 March 2020. The School also held a management investigation meeting on 16 March 2020 to explore potential gross misconduct in relation to the omissions on Mr Belk's original application form and the misleading information on Mr Belk's amended application form.

The School's board of governors determined that it was not necessary to convene a disciplinary panel and referred the matter to the TRA.

The referral was received by the TRA on 10 September 2020.

Findings of fact

The findings of fact are as follows:

The panel found the following particulars of the allegations against you proved, for these reasons:

- 2. On one or more occasions you made a false and/ or misleading declaration in that you failed to disclose a previous job at the Peele Community College, including:

(a) In your application form dated 14 May 2019;**
- 3. On or around 14 May 2019, whilst applying for a role at Parkside Community School you made a false and/or misleading declaration that your reason for leaving a previous job at the Peele Community College was that it was the 'end of the contract';**

Mr Belk admitted allegations 2 and 3.

The panel was provided with a copy of Mr Belk's application form to the School, dated 14 May 2019. The panel noted that the application form was typed, save for a handwritten addition in the employment history section, where Mr Belk had added his employment at '*Peele Community School*' between October 2013 and March 2014. The panel considered that the reference to Peele Community 'School' was a manuscript error by Mr Belk, and that he intended to write Peele Community 'College'. The panel noted that '*end of contract*' was given as the reason for leaving.

The panel noted the written witness statements of Witness B and Witness A.

In her witness statement, Witness A stated that the first day after the summer break was a training day. She called Mr Belk in and said that his application form was not correct. Mr Belk then wrote in the missing employment history which was Peele Community College along with the reason for leaving as end of contract. Witness A witnessed Mr Belk write this on his application form.

In his witness statement, Witness B stated that Witness A raised this matter with Mr Belk and, in response, Mr Belk had acknowledged the gap in his employment history and had handwritten '*Peele Community School*' in his application form and stated end of contract as his reason for leaving.

Witness B also stated that he had explored the gap in Mr Belk's employment history during Mr Belk's job interview at the School and, in response, Mr Belk said that during that time "*...he was not in teaching or education and he said he worked part time and moved around the country which seemed plausible*". Mr Belk was questioned on this point during his oral evidence. He said that he could not remember Witness B asking about the gap in his employment history but he did not dispute Witness B's version of events. The panel noted that Witness B is an experienced [REDACTED] who is involved in recruitment and usually involved in the School's interview processes. The panel accepted Witness B's evidence in this regard and concluded that it was more likely than not that Witness B had asked Mr Belk about the gap in his employment history as it is common practice that employment gaps would have been explored during the interview stage.

The panel considered an email from Mr Belk to the presenting officer firm dated 21 June 2021, Mr Belk stated: "*However, as regards 2 and 3 above, both of these allegations are completely true. I deliberately made these false statements on my application form. I did so with a specific purpose in mind and for what in my judgment was an eminently justifiable and completely valid reason that I hope to be able to explain in full to a Panel at some point in the future...*"

Within his oral evidence, Mr Belk explained that in 2014, whilst at the College, he had confiscated a small penknife from a year 8 pupil in his tutor group. He asked his year 10 tutor group what the rules were in respect of penknives because "*in his day, everyone*

had a penknife". Mr Belk said that he was comfortable that the pupil was not going to harm herself or anyone else. He wanted to report the matter to the pupil's Head of House, but she was on a training course at the time. He did not want to report the matter to the College's Head of Behaviour because he did not agree with her attitude towards children. He did not report the matter and the Head of Behaviour subsequently became aware of what had happened. A disciplinary process followed and he was dismissed following a finding of gross misconduct.

Mr Belk made it clear that he was very aggrieved about his dismissal from the College, although he stated several times that it had not negatively impacted him. He felt that the process had been very unfair and he had been subject to a huge injustice. He sought legal advice at the time but, because of his length of service, he was told he was unable to challenge the decision in the employment tribunal.

As a result, Mr Belk told the panel that he created a 'plan', which he described in oral evidence as a "*conscious and deliberate*" decision, which he made following a great deal of "*thought and consideration*". His plan was to commit an 'administrative' act of misconduct so that he would be referred to the TRA. He wanted the opportunity to explain to an official body what had happened to him at the College and to seek a recommendation from the Department for Education that any disciplinary tribunal run by a school which might result in the dismissal of a teacher should have some form of independent legal oversight. Mr Belk said he wanted to ensure that what happened to him did not happen to anyone else. Mr Belk said he could not put this plan into motion until 2019 because he was waiting for the year 8 pupils who had been at the College at the time of his dismissal to turn 18 so he could call them as witnesses. Mr Belk's evidence was that he deliberately omitted the College from his application form and his reason for leaving so that he would be referred to the TRA. Mr Belk said that his intention was to tell Witness B about his dismissal in around Easter time in 2020, when the pupils from the College would have turned 18.

At the outset of the hearing and during the course of the hearing, it was clarified that the panel were not able to provide the recommendations Mr Belk sought. The purpose of the professional conduct panel hearing was explained to Mr Belk by the presenting officer and legal adviser.

The panel noted that Mr Belk had not provided this explanation prior to his appearance at the professional conduct panel hearing. The panel also identified inconsistencies between his oral evidence and evidence contained within the bundle. For example, the notes of a management investigation meeting Witness B held with Mr Belk on 25 February 2020 indicate that Mr Belk told Witness B: *[he] was short for time and didn't consciously think to himself 'oh I won't put that in' and submitted the application form without considering it further. Until [Witness A] brought this to his attention he had not remembered he had not put it on*. He further stated *[he] assumed it was 'water under the bridge' and puts it down to misjudgement... [he] wanted [Witness B] to understand it wasn't a deliberate*

conscious decision and was rushed' and that his dismissal from the College *'was an issue that had gone away and almost irrelevant in his life'*. Witness B also stated that Mr Belk explained that the omission was *"a mistake and not deliberate...[Mr Belk] said that he did not accept the dismissal which is why he did not put this in his application."* This directly contradicted Mr Belk's oral evidence that he had a deliberate plan to omit the College and true reason for leaving from his application form so that he would be referred to the TRA to shine a light on his dismissal from the College.

Furthermore, the panel noted that Mr Belk had a number of opportunities to disclose his employment at the College and the reason for his employment coming to an end. This included within the application form; during the interview stage when Witness B asked about the gap in his employment history; at the outset of the school term when Witness A asked about the gap in his employment history; and otherwise between September 2019 and the management investigation in February 2020. However, Mr Belk did not make any such disclosure, nor did he mention his 'plan' when Witness B spoke to him in February 2020.

Prior to his employment with the School, Mr Belk had worked at Chapel en le Frith High School. Mr Belk told the [REDACTED], Individual A, at Chapel en le Frith High School about his employment at the College and his dismissal. This meant that he had already disclosed the incident to another professional within the education system and was therefore not in control of when and how this information might come to light.

The panel did not find Mr Belk's evidence in this regard to be credible or compelling. It was not persuaded that Mr Belk had put the 'plan' he described in place. The panel considered that it would be incredible for a teacher to plan to potentially sacrifice their career by deliberately committing an act of misconduct to be referred to the TRA in order to bring forward a perceived employment injustice that occurred some 5 years previously. Mr Belk accepted when questioned that there were other avenues he could have pursued to shine a light on the perceived unfairness.

The panel concluded that Mr Belk had, on one or more occasions, (namely at interview stage and within his application form dated 14 May 2019) made a false and/or misleading declaration in that he failed to disclose a previous job at Peele Community College and he stated that his reason for leaving was 'end of contract'.

The panel found allegation 2 and allegation 3 proven.

4. Between 1 September 2019 and 30 April 2020, whilst employed as a teacher at Parkside Community School you failed to inform Witness A in a timely manner of false and/or misleading information in your job application form when queries were raised about your application form; and

Mr Belk admitted allegation 4 and relied upon the same explanation as set out above in respect of the 'plan' he had put in place. He stated that he intended to inform Witness B of the false and/or misleading information in his application form in/around Easter 2020.

In his witness statement, Witness B stated that Mr Belk failed to disclose this information when he was given the opportunity to do so. Furthermore, he stated: *"From my meeting with [Mr Belk] it seemed as though [he] did not want to disclose this information and he said it was not a conscious decision as he was short of time. I did not find this plausible as there was a lot of other detail in his application. It is therefore reasonable to interpret the omission as deliberate. He informed me that when Witness A asked him about this, he panicked and acknowledged that it was wrong for him not to disclose"* and *"One of the concerns was that the teacher was given a number of opportunities to make the disclosure and he did not."*

Witness A stated: *"[Mr Belk] did have numerous opportunities to disclose this information, firstly at the initial application stage and then during the induction with me. When he did insert Peele Community School in his application by hand, he put the reason for leaving as end of contract."*

The panel agreed Mr Belk had a number of opportunities to disclose this information to Witness A in a timely manner. He could and should have disclosed his employment with the College and his dismissal when he submitted his application form. As referred to above, he had numerous other opportunities to disclose this information including during the interview stage when Witness B asked about the gap in his employment history; at the outset of the school term when Witness A asked about the gap in his employment history; and otherwise between September 2019 and the management investigation in February 2020.

The panel found allegation 4 proven.

5. By your conduct, as set out in allegations 2 and/or 3 and/ or 4 above you:

(a) were dishonest; and

(b) failed to act with integrity.

Mr Belk admitted allegations 5(a) and 5(b).

The application form Mr Belk completed on 14 May 2019 contained the following declaration: *"I declare that the information on this form is true and accurate. I understand that providing misleading or false information will disqualify me from the appointment or may lead to me being dismissed if appointed to the post."* The panel was therefore satisfied that Mr Belk would have appreciated the need to be truthful on his application form.

The panel firstly considered whether Mr Belk had failed to act with integrity in relation to the proven facts of allegations 2, 3 and 4.

The panel considered the case of *Wingate & Anor v The Solicitors Regulation Authority*. The panel considered that Mr Belk had failed to act within the higher standards expected of a teacher by failing to disclose his employment with, and dismissal from, the College. The panel was mindful that pre-employment checks are an important part of the recruitment process in the education sector, particularly from a safeguarding perspective. The information relating to Mr Belk's employment and dismissal from the College was relevant information which he should have disclosed to the School, particularly as teachers are placed in a position of trust.

The panel found that Mr Belk had not acted with integrity by deliberately failing to disclose this information.

The panel went on to consider whether Mr Belk had acted dishonestly in relation to the proven facts of allegations 2, 3 and 4. In reaching its decision on this, the panel considered the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockford*.

The panel firstly sought to ascertain the actual state of Mr Belk's knowledge or belief as to the facts. By his own admission, Mr Belk deliberately and knowingly provided false and/or misleading information on his application form. Mr Belk admitted that, in doing so, he was dishonest.

Next, the panel considered whether Mr Belk's conduct was dishonest by the standards of ordinary decent people. The panel found that Mr Belk was objectively dishonest by including misleading and/or false information on his application form. It was dishonest to provide a false reason for leaving the College and it was dishonest to initially omit his employment with the College from his application form. During the course of his oral evidence Mr Belk accepted that he could have disclosed this information every day he was employed by the School, yet he chose not to. He also accepted that he had acted contrary to the Teachers' Standards and the School's internal policies.

The panel found that Mr Belk was dishonest by deliberately failing to disclose this information.

For the reasons set out above, the panel was not persuaded by the evidence Mr Belk gave in respect of the 'plan' he had formulated. The panel found that this evidence was inherently contradictory and lacked credibility. The panel found that Mr Belk acted as he did not because of a noble cause to prevent other teachers from suffering injustices. The panel concluded that Mr Belk deliberately included false and/or misleading information on his application form and deliberately failed to inform Witness A in a timely manner of this false and/or misleading information. The panel further concluded that this conduct lacked integrity and was dishonest.

The panel found allegation 5 proven.

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

Having found the allegations proved, the panel went on to consider whether the facts of those proved allegations 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 is referred to as 'the Advice'.

The panel was satisfied that the conduct of Mr Belk, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Belk 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...
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Belk amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. The panel was of the view that honesty is a basic moral quality expected of all members of the teaching profession, and Mr Belk had failed to uphold the standards of behaviour expected of him.

The panel also considered whether Mr Belk's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

The panel found that the offence of fraud or serious dishonesty was relevant. The Advice indicates that where behaviours associated with such an offence exist, a panel is more likely to conclude that an individual's conduct would amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

Accordingly, the panel was satisfied that Mr Belk was guilty of unacceptable professional conduct.

The panel took into account the way 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 also took account of the uniquely influential role that teachers can

hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

The panel was mindful that members of the teaching profession are in a position of trust and are expected to act with integrity and honesty and set a positive example for pupils to aspire to. Mr Belk's conduct was entirely contrary to this.

The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on Mr Belk's status as a teacher, potentially damaging the public perception of the profession.

The panel therefore found that Mr Belk's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of allegations 2, 3, 4 and 5 proved, the panel further found that Mr Belk'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 was 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 had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so.

The panel was aware that 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 regard to the particular public interest considerations set out in the Advice and found the following to be relevant: the safeguarding and wellbeing of pupils and the protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

The panel's findings against Mr Belk involved: providing false and/or misleading information on his application form; failing to disclose that information in a timely manner; dishonesty; and a failure to act with integrity. In light of these findings, the panel considered that public confidence in the profession could be seriously weakened if

conduct such as that found against Mr Belk was not treated with the utmost seriousness when regulating the conduct of the profession.

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

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 Belk. The panel was mindful of the need to strike the right balance between the rights of the teacher and the public interest.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Belk. 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 proved. In the list of such behaviours, those that were relevant in this case were:

- 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;
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests;
- collusion or concealment including:
 - lying to prevent the identification of wrongdoing;

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

The panel found that Mr Belk's actions were deliberate. There was no evidence to suggest that Mr Belk was acting under extreme duress.

Mr Belk provided several character references, as follows:

- An undated reference from Individual D, [REDACTED] Curbar School, which appeared to have been prepared in/around 2006 in support of Mr Belk's application for a teaching course.

- A reference from Individual B, [REDACTED] at All Saints' CE Junior School, dated 3 May 2007 which contained positive comments including: *"We would recommend John [sic] as an imaginative and capable teacher of MFL..."*
- An undated reference from Individual C which related to Mr Belk's time at Spalding Grammar School between January 2012 and July 2012. This reference also contained positive comments, including: *"Jon showed himself at all times to be a creative, flexible and positive member of the MFL team. His enthusiasm for language learning is infectious and exemplary and this is an enormous strength he brings to the classroom."*
- An undated reference from Individual E, [REDACTED] at Ackworth School, relating to Mr Belk's time at the school between 15 November 2021 and June 2022. Again, the reference contained positive comments such as: *"Pupils have nothing but praise for him as a result of his disciplined instruction and identification of areas requiring intervention. Jonathan is a remarkable educator for several reasons; he helps where he can and is not afraid to place himself into situations that others may find challenging, he is child centred and as such would not allow a potentially disastrous situation to materialise for our pupils."*

The panel was mindful that the majority of the references were provided some time ago, and prior to Mr Belk's employment at the College and the School. The references did not appear to have been prepared specifically for these proceedings and there was nothing to suggest that the referees were aware of these proceedings.

Nonetheless, the panel accepted the Mr Belk had provided a positive contribution to the teaching profession. He volunteered to provide extra-curricular lessons and he clearly had an inventive approach to teaching. The panel believed that Mr Belk had a genuine interest in educating children and a clear passion for modern foreign languages.

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 would be sufficient.

The panel was mindful of the importance of safer recruitment practices in the education sector. Educational institutions rely upon the honesty and integrity of teachers and the veracity of the information included in their employment applications. Schools should have the opportunity to consider all relevant factors as part of their pre-employment checks and make a decision as to whether to appoint a particular individual. Mr Belk took this choice away from the School when he included false and misleading information on his application form. Mr Belk deliberately and knowingly chose to be dishonest on his application form. He was dishonest again when Witness A asked him about the gap in his employment history, and he continued to withhold this information until the School became aware of it from another source.

This was a serious matter, involving a deliberate and sustained campaign of dishonesty. Having heard oral evidence from Mr Belk, the panel was not convinced that Mr Belk understood the gravity of his misconduct and considered that there was a risk of him repeating similar misconduct.

Mr Belk did not show genuine insight or remorse in respect of his actions. When asked whether he would do anything differently with the benefit of hindsight, Mr Belk said: *“Yes... I wouldn’t have made a false claim on my application form because it hasn’t worked.”* This caused the panel concern as it did not demonstrate that Mr Belk appreciated that his dishonesty was wrong, instead he focussed on the fact that his dishonesty had not resulted in his desired outcome.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Belk of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Belk. The seriousness of the misconduct and the lack of insight and remorse were significant factors in forming that opinion.

Accordingly, the panel made 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 a review period of the order. 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 panel considered the list of behaviours at paragraph 50 of the Advice. The Advice states that where a case involves such behaviours, it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. The panel did not find that any of these behaviours were relevant.

The panel also considered the list of behaviours at paragraph 51 of the Advice. The Advice states that where a case involves such behaviour it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. The list includes “fraud or serious dishonesty” which the panel found to be relevant in this case.

The panel decided that 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 3 year review period. The panel considered that a review period of 3 years reflected the seriousness of Mr Belk's actions and provided a sufficient period of time to allow him to reflect on his conduct and demonstrate insight and remorse.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of both sanction and review period.

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

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

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

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

The panel was also, "satisfied that the conduct of Mr Belk amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession."

The panel was of the view that, "honesty is a basic moral quality expected of all members of the teaching profession, and Mr Belk had failed to uphold the standards of behaviour expected of him."

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

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 Belk, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed, “The panel had regard to the particular public interest considerations set out in the Advice and found the following to be relevant: the safeguarding and wellbeing of pupils and the protection of other members of the public” Although the panel did not find any direct harm to children, it is clear that they believed that the safeguarding and well being of pupils can be impacted by dishonesty. 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 Belk did not show genuine insight or remorse in respect of his actions. When asked whether he would do anything differently with the benefit of hindsight, Mr Belk said: “*Yes... I wouldn’t have made a false claim on my application form because it hasn’t worked.*” This caused the panel concern as it did not demonstrate that Mr Belk appreciated that his dishonesty was wrong, instead he focussed on the fact that his dishonesty had not resulted in his desired outcome.”

In my judgement, the lack of full insight and remorse means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing 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 panel was mindful that members of the teaching profession are in a position of trust and are expected to act with integrity and honesty and set a positive example for pupils to aspire to. Mr Belk’s conduct was entirely contrary to this.”

I am particularly mindful of the finding of dishonesty and lack of integrity 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 Belk himself. The panel comment “the panel accepted the Mr Belk had provided a positive contribution to the teaching profession. He volunteered to provide extra-curricular lessons and he clearly had an inventive approach to teaching. The panel believed that Mr Belk had a genuine interest in educating children and a clear passion for modern foreign languages.”

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

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

I have also placed considerable weight on the comments of the panel, “the public interest considerations outweighed the interests of Mr Belk. The seriousness of the misconduct and the lack of insight and remorse were significant factors in forming that opinion.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Belk 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, in light of the circumstances in this case, that is not backed up by full 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 “The Advice states that where a case involves such behaviour it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. The list includes “fraud or serious dishonesty” which the panel found to be relevant in this case.”

The panel also decided, “that 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 3 year review period.”

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, factors mean that allowing a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the dishonesty and lack of integrity found and the lack of either full 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 Jonathan Belk 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 22 February 2026, 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 Jonathan Belk remains prohibited from teaching indefinitely.

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

Mr Jonathan Belk has a right of appeal to the King'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: 16 February 2023

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