



Teaching
Regulation
Agency

Mr Simon Feasey: Professional conduct panel outcome

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

December 2018

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

Teacher: Mr Simon Feasey

Teacher ref number: 0252478

Teacher date of birth: 22 October 1961

TRA case reference: 16531

Date of determination: 12 December 2018

Former employer: Bader Primary School, Thornaby

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 6 December 2018 to 12 December 2018 at Cheylesmore House, Quinton Road, Coventry CV1 2WT to consider the case of Mr Simon Feasey.

The panel members were Ms Mick Levens (teacher panellist – in the chair), Professor Ian Hughes (lay panellist) and Mr Melvyn Kershaw (former teacher panellist).

The legal adviser to the panel was Mr Robin Havard of Blake Morgan LLP solicitors.

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

Mr Simon Feasey was present and was represented by Mr Jonathan Storey, counsel.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings as amended.

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

Whilst employed as the Headteacher of Bader Primary School in Stockton On Tees between the 01/09/11 and 31/07/17 he:

1. Failed to adhere to safeguarding procedures, in that he:
 - a) failed to ensure the required pre-employment checks were made in relation to Individual A, who had previous convictions;
 - b) Withdrawn;
 - c) in relation to allegation 1.a., failed to act appropriately when he was alerted to those failures to follow recruitment procedure.
2. Failed to appropriately manage the school's finances, in that he:
 - a) authorised and/or permitted Individual A to claim overtime payments which were unreasonable;
 - b) authorised and/or permitted Individual A to use the school's credit card to make purchases;
 - c) in relation to allegations 2.a. and 2.b., permitted circumstances to continue after concerns about Individual A had been brought to his attention.
3. Used school funds inappropriately in that he paid for unauthorised and/or unnecessary school trips and/or paid family members' costs to attend one or more school trips and/or used school funds excessively and/or unnecessarily whilst on one or more trips, including in respect to the following:
 - a) a trip to Amsterdam, which occurred in or around July 2014;
 - b) Withdrawn;
 - c) a trip to Naples, which occurred in or around October 2015;
 - d) a trip to London to attend the Visible Learning World Conference, which occurred on or around 25 January 2016;
 - e) a trip to Washington DC, which occurred in or around July 2016;
 - f) a trip to New Zealand, which occurred in or around July 2016;

- g) a Positive Schools conference which occurred on or around the July 2016.
4. His conduct as may be found proven at allegation 3 demonstrated a lack of integrity and/or was dishonest in that he and/or his family members benefitted from the use of school funds to which he/they should not have been entitled.

Mr Feasey admitted the facts of particulars 1(a) and (c) and, in doing so, admitted allegation 1., in that he failed to adhere to safeguarding procedures.

Mr Feasey admitted the facts of particulars 2(b) and (c) and, in doing so, admitted allegation 2., in that he failed to appropriately manage the school's finances.

Mr Feasey admitted particulars 3(a), (c), (d), (e), (f) and (g) and, in doing so, admitted allegation 3., in that he used school funds inappropriately.

In respect of those facts which he had admitted in respect of allegation 3., Mr Feasey also admitted that such facts demonstrated a lack of integrity.

Mr Feasey denied the facts of particular 2(a). In respect of allegation 4., he denied that he had acted dishonestly.

In respect of those facts he had admitted, he admitted that such facts amounted to unacceptable professional conduct and conduct which may bring the profession into disrepute.

C. Preliminary applications

Documents

At the commencement of the hearing, Mr Cullen applied for permission to introduce three sets of minutes of Governors' Board meetings and other miscellaneous documents. Mr Storey did not object. The panel allowed the documents to be included in the bundle at pages 1477 to 1516.

Following discussions between Mr Cullen and Mr Storey during the first morning of the hearing, an amended Statement of Agreed and Disputed Facts was submitted which was included in the bundle at pages 8A to F.

After the conclusion of the TRA's case but before the start of Mr Feasey's case, Mr Storey applied to introduce exchanges of emails between Individual B and Individual C Mr Cullen did not object.

The panel confirmed that it allowed those documents to be included in the bundle.

Amendment

Mr Cullen confirmed that he wished to withdraw particulars 1(b) and 3(b). He also applied for the amendment of particular 3(d), replacing "Visual" with "Visible" and particular 3(g) replacing the date of 13 February 2017 with July 2016. There was no objection from Mr Storey.

The panel granted the applications to amend the allegations in the manner requested by Mr Cullen.

Public/Private

In the course of giving his evidence, Mr Feasey gave evidence with regard to health issues affecting him and members of his family. Mr Storey applied for such evidence to be given in private. Mr Cullen did not oppose the application and the panel granted the application.

D. Summary of evidence

Documents

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

Section 1: Notice of proceedings and response – pages 2 to 12;

Section 2: TRA witness statements – pages 14 to 30;

Section 3: TRA documents – pages 32 to 1384;

Section 5: Teacher documents – pages 1386 to 1517.

The panel also received at the hearing the documents to which reference was made in the preliminary application above.

The panel members confirmed that they had read all of the documents either in advance of, or, in the case of the additional documents, in the course of, the hearing.

Witnesses

The panel heard oral evidence from the following witnesses on behalf of the TRA:

Witness A, consultant retained by Stockton Borough Council to conduct an investigation on its behalf;

Witness B, former Chair of Governors at Bader Primary School;

Witness C, Senior Finance Technician at Stockton Borough Council.

On behalf of Mr Feasey:

Mr Feasey gave evidence on his own behalf;

Witness D, former Chair of Governors at Bader Primary School;

Witness E, former Vice-Chair of Governors at Bader Primary School.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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 and the additional documents submitted in advance of, and during, the hearing.

Statement of agreed facts

The panel considered a statement of agreed and disputed facts ("the Statement") which was signed on 6 December 2018 by Mr Feasey.

The Statement provides a brief summary as follows:

1. "Simon Feasey was employed at the Bader Primary School, Thornaby ('the School') from September 2011 as Head Teacher. He was suspended from duties on 6.2.2017 and resigned from this post on 4.7.2017, effective from 31.7.2017."

Findings of fact

Our findings of fact are as follows:

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

1. Failed to adhere to safeguarding procedures, in that you:

a) failed to ensure the required pre-employment checks were made in relation to Individual A, who had previous convictions;

Paragraph 2., of the Statement stated as follows:

- "2. Mr Feasey admits that he failed to ensure that sufficient pre-employment checks were undertaken prior to the recruitment of the Individual A in October 2015 in that:
- i) references from previous employers were repeatedly requested directly and from Individual A but not (and, in the event, never) received.
 - ii) although an older enhanced DBS certificate was presented on or about the date employment which disclosed convictions, an up-to date enhanced DBS certificate was not obtained until January 2017."

Mr Feasey knew of the requirements of the Recruitment and Selection Guidance for Schools which included the model policy. Paragraph 2.2.10 sets out clearly the requirement that any offer of employment was subject to satisfactory pre-employment checks being carried out. Furthermore, interviews of candidates should be undertaken by at least two people.

Mr Feasey confirmed that he knew of the policy's requirements but stated that he alone interviewed Individual A and appointed him without carrying out the necessary checks. He recognized the seriousness of his conduct and how important it was from a safeguarding perspective to carry out the proper procedure when appointing staff, particularly a [redacted] who would come into contact with pupils. He said that Individual A was the [redacted] of a member of staff and governor of a school. Mr Feasey was anxious to make an appointment quickly. Individual A had also confided in Mr Feasey that he had a previous conviction for assault and Mr Feasey simply trusted him that this was an accurate and complete account of his history.

Once an up-to-date DBS check became available, after Individual A had been in post for many months, it transpired that Individual A had previous convictions for driving offences and battery and had been cautioned for an offence of dishonesty involving his former employer leading to his dismissal.

Individual A was subsequently found to have stolen money from the school in the sum of £1,200 and was dismissed.

On this basis, the panel found the facts of particular 1.a. proved.

b) Withdrawn;

c) in relation to allegation 1.a., failed to act appropriately when you were alerted to those failures to follow recruitment procedure.

Paragraphs 3 and 4 of the Statement stated as follows:

- "3. Mr Feasey admits that in allowing Individual A to work for an extended period without producing references or an up-to-date enhanced DBS certificate he breached local and national safeguarding guidance and failed to act appropriately.
4. In relation to allegation 1a, Mr Feasey admits that he failed to act appropriately when he was alerted to those failures to follow recruitment procedure."

As stated, the panel had found that Mr Feasey knew he had not followed the proper recruitment procedure when appointing Individual A. Furthermore, Individual A had produced an up-to-date DBS certificate on 16 January 2017, many months after he started work at the school.

Even at the time of his dismissal, no references had been forthcoming despite many reminders. Mr Feasey accepted, and the panel found, that he was copied in to a number of emails from Individual D a senior HR Officer, to the Acting Business Manager, Individual E, on 10 February 2016, 21 March 2016, and 31 May 2016, marked as being of High Importance, saying that the DBS check and references had not materialised. The panel also found that Individual B would notify Mr Feasey of the fact that this information was missing and he said for her to keep trying.

Consequently, the panel was satisfied that Mr Feasey had fallen substantially short of acting appropriately when alerted to his failures on following proper recruitment procedures.

On this basis, the panel found the facts of particular 1.c., proved.

2. Failed to appropriately manage the school's finances, in that you:

b) authorised and / or permitted Individual A to use the school's credit card to make purchases;

Paragraphs 6 to 8 of the Statement stated as follows:

- "6. Mr Feasey accepts that he failed to comply in full with the requirements of the local authority's Credit Card Manual. Mr Feasey accepts that the Credit Card Manual states that the card must only be used by its holder. Mr Feasey accepts that, contrary to this, the card was on several occasions used by Individual A.
7. Further, Mr Feasey accepts that the Credit Card Manual requires not only receipts for every credit card transaction but also that a log is kept by the holder. Mr Feasey accepts that this was not done.

8. He therefore he agrees that he failed to appropriately manage the school's finances."

Mr Feasey was the holder of the school credit card and therefore was responsible for it. He confirmed that he was aware of the provisions of the Credit Card Manual and that he alone was authorised to use the card. He stated that he allowed Individual A to use the card and he did not know about every item Individual A purchased, nor did he ensure that Individual A handed in receipts for the purchases he made and Mr Feasey did not keep a log as required.

On this basis, the panel found the facts of particular 2(b) proved.

c) in relation to allegations 2.a. and 2.b., permitted circumstances to continue after concerns about Individual A had been brought to your attention.

Paragraphs 9 and 10 of the Statement stated as follows:

- "9. Mr Feasey accepts that the processes for checking Individual A's overtime and purchases could have been tightened after audit concerns were raised but denies unreasonable expenditure resulted from this.
10. In respect of allegation 2b, Mr Feasey accepts that Individual E raised concerns to him about some unusual purchases made by Individual A, using the school's credit card. Mr Feasey accepts that he permitted circumstances to continue after those concerns had been raised with him."

In addition to the concerns being raised by Individual E , concerns were also being raised by Individual C of Stockton Borough Council ("the Council"). Individual C was a Senior Financial Technician at the Council. From September 2015, she provided financial support and guidance to the school. She attended to give evidence and the panel found her to be a very credible and reliable witness who gave her evidence in a measured way.

Indeed, Individual C stated, and the panel found, that Mr Feasey did not appear to be engaged or focused on the financial issues affecting the school during the meetings she held with him. Individual C described Mr Feasey as, "different to other Heads". On the whole, at other schools, when she went to a meeting, other than child welfare, the meeting would be uninterrupted because of the importance of the budget. However, Mr Feasey would spend most of his time on the phone or reading emails and appeared distracted which Individual C found frustrating.

Individual C stated, and the panel found, that during the financial year 2016/2017, she brought her concerns about Individual A's use of the school's credit card to Mr Feasey's attention on a number of occasions. Purchases being made by Individual A were leading to an overspend on the school's budget in the area of [redacted] and development on

items such as [redacted]. When Individual C brought this concern to the attention of Mr Feasey, he would say on each occasion that he would speak to Individual A and find out what was being purchased. However, Individual C was never informed whether Mr Feasey had had that conversation with Individual A and the costs continued to rise as evidenced by entries in the Financial Summaries which were produced.

On this basis, and in respect of particular 2.b., the panel found the facts of particular 2.c., proved.

The panel therefore found that Mr Feasey had failed to appropriately manage the School's finances and consequently found allegation 2., proved.

3. Used school funds inappropriately in that you paid for unauthorised and / or unnecessary school trips and / or paid family members' costs to attend one or more school trips and / or used school funds excessively and / or unnecessarily whilst on one or more trips, including in respect to the following:

a) a trip to Amsterdam, which occurred in or around July 2014;

Paragraphs 11 and 12 of the Statement stated as follows:

- "11. Mr Feasey admits that it was inappropriate for school funds to be used for the trip to Amsterdam in July 2014 which was a private family trip. Mr Feasey has reimbursed the school in full.
- 12. Mr Feasey admits that he used school funds inappropriately in that he paid for family members' costs to attend this trip, and that as such he used school funds excessively and unnecessarily."

Between 8 July and 11 July 2014, two teachers travelled to Amsterdam to carry out a pre-visit trip to carry out a risk assessment in advance of the trip arranged for September 2014.

Despite that pre-visit trip taking place over those dates, one week later, Mr Feasey travelled to Amsterdam with his wife and two of his children to carry out what he described as a further pre-visit trip. This took place from 18 to 20 July 2014. He confirmed that it was not in order for him to carry out a further risk assessment as that had already been done by his colleagues the previous week and Mr Feasey himself had signed off the risk assessment they had prepared. However, he suggested that the purpose of the pre-visit was that he wished to meet face-to-face the representatives from the Anne Frank Trust in order to build a relationship before the trip in September 2014.

Mr Feasey used the school credit card to purchase flights for himself and his wife. He paid privately for the flights for his two children. He then used the school credit card to pay for hotel accommodation for himself, his wife and his two children. They stayed at the Radisson Blu Hotel. He also used the school credit card to purchase tickets for the Van Gogh museum and the Anne Frank Museum for himself, his wife and two children. He paid for other expenses with school funds for his family and, by his own calculation, he used school funds in the sum of £1,896.88 to fund a family trip to Amsterdam.

Mr Feasey accepted that the trip was unnecessary and his conduct crossed professional boundaries.

Whilst he accepted that he knew he had used the school credit card to purchase flights for himself and his wife and for four tickets to the Van Gogh and Anne Frank museums, he professed to be shocked when, in the course of the investigation in 2017, he discovered that he had used the school credit card to pay for two rooms at the Radisson Blu. He said, "I just can't explain it. I struggle to find an explanation. I can't place myself doing it and doing it deliberately. If I saw myself deliberately doing it with the intention of paying for the family using school funds, I would know it was wrong".

The panel found Mr Feasey's explanation to be entirely lacking in credibility. It was simply not believable that he did not realise he was using the School credit card, and therefore school funds, to pay for the hotel accommodation for him and his family.

In an email from the Radisson Blu to Mr Feasey of 2 July 2014, it refers to reservations of two rooms at EUR 250 per night per room for 18 to 20 July 2014 and EUR 200 for a room from 8 to 10 July 2014. It was therefore evident that, even before the two teachers went on their pre-visit, Mr Feasey was already in contact with the hotel, making reservations for his trip with his family.

Mr Feasey then responds by email, saying:

"Please book the two teachers one twin room (they are happy sharing) for 3 nights checking in Tuesday 08-07-14 checking out Friday 11-07-14. Also, please book one double room and one twin room for 2 nights, checking in Friday 18-07-14, checking out Sunday 20-07-14. I have complete and signed the credit card form. I will scan it in work tomorrow and email that across to you + copies of front and back of card. Best wishes Simon."

The following day, Mr Feasey scanned and sent to the hotel the details of the school credit card.

Therefore the panel found that Mr Feasey was not being truthful when he said that it was a shock to find that he had used the school credit card to pay for the hotel. The panel found that he knew what he was doing and deliberately used the school credit card to pay for the hotel accommodation for him and his family.

Finally, despite the school funds being used to fund a family holiday to Amsterdam, no

attempt was made by Mr Feasey to reimburse the school until the investigation some three years later. On the basis of its findings of fact, the panel considered that it was reasonable to infer that, had no investigation taken place, Mr Feasey would not have paid this money back to the school.

On this basis, the panel found that Mr Feasey had used school funds inappropriately in that he made an unnecessary school trip to Amsterdam, had used school funds to pay family members' costs and used school funds excessively and unnecessarily.

The panel therefore found particular 3(a) proved.

b) Withdrawn;

c) a trip to Naples, which occurred in or around October 2015;

Paragraphs 13 and 14 of the Statement stated as follows:

"13. Mr Feasey admits that he used school funds inappropriately in that he paid for a family member's costs to attend this trip, and that as such he used school funds excessively and unnecessarily.

14. Mr Feasey denies that this pre-visit trip to Naples in October 2015 by himself was unnecessary or an excessive use of school funds. It was a legitimate pre-visit to assess new accommodation and aspects of an altered itinerary for a planned school trip in 2016."

It was maintained by the TRA that a pre-visit trip had already taken place to Naples in April 2014 in advance of a trip to the area in June 2014. However, Mr Feasey stated that, in that trip, the party stayed at a hotel near Pompeii and there was little to do in the area.

In 2015, it was decided, following consultation with external school trip organisers, to look at hotel accommodation in Sorrento where there would be more to do for the children as well as having access to Pompeii and Vesuvius. A day trip to Rome was also being contemplated.

Consequently, in October 2015, Mr Feasey went on a pre-visit trip and he was accompanied by his wife. Mr Feasey paid for his and his wife's flights, hotel accommodation in London and Sorrento, and expenses out of school funds using the school credit card.

By his own calculation, the cost to the school of Mr Feasey's wife attending the pre-visit trip amounted to £2,011.39.

On the balance of probabilities, the panel decided that, as a result of the change in location at which the children would be staying, and also the revised proposal of a day trip to Rome, the pre-visit was not unnecessary.

However, there was no clear basis which could justify the cost of Mr Feasey's wife attending the pre-visit at the school's expense.

Despite the school funds being used to fund a family member's trip to Sorrento, Naples and Rome, no attempt was made by Mr Feasey to reimburse the school until the investigation some two years later. Having regard to its findings of fact, the panel considered that it was reasonable to infer that, had no investigation taken place, Mr Feasey would not have paid this money back to the school.

The panel found that Mr Feasey had used school funds inappropriately in that he had used school funds to pay a family member's costs and, therefore, had used school funds excessively and unnecessarily.

On this basis, the panel found the facts of particular 3(c) proved.

d) a trip to London to attend the Visible Learning World Conference, which occurred on or around 25 January 2016;

Paragraphs 15 and 16 of the Statement stated as follows:

"15. Mr Feasey denies that his trip to the Visible Learning World Conference in London in January 2016 was unnecessary. He had been asked to speak at the conference.

16. However, Mr Feasey admits that he used school funds excessively and unnecessarily by travelling to and from the conference via first class rail."

In further submissions made by Mr Storey on Mr Feasey's behalf, it was confirmed that the admission incorporated an acceptance that he used funds inappropriately in that he used school funds excessively and unnecessarily by travelling first class.

Mr Feasey advocated, and introduced to the school, a model of teaching called Visible Learning. It is based on research carried out by Professor John Hattie which concentrates on methodologies which visibly make a difference to students' learning.

The panel had listened to Mr Feasey giving evidence when he said that he would travel first class as, in doing so, he could work more easily and effectively. However, he accepted that, taking account of school funds being used, travelling first class was not justified.

The panel found that, whilst his attendance at the conference was not unnecessary, Mr Feasey had used funds inappropriately in that he used school funds excessively and unnecessarily by travelling first class to the conference.

The panel therefore found particular 3(d) proved.

e) a trip to Washington DC, which occurred in or around July 2016;

Paragraphs 17 to 19 of the Statement stated as follows:

- "17. Mr Feasey denies that the costs of his trip to Washington DC in July 2016 were unnecessary. He had been asked to present at the Visible Learning conference and understood that he had been authorised to attend by the Chair of Governors.
18. However, Mr Feasey admits that he used school funds inappropriately in that he paid for a family member's costs to attend this trip.
19. Further, Mr Feasey admits that he used school funds excessively and unnecessarily whilst on this trip. Mr Feasey admits that the costs associated with his flight upgrades and his wife accompanying him should not have been borne by the school. He has reimbursed these costs to the school."

Mr Storey added that, in respect of paragraph 18 above, in using school funds in this way, Mr Feasey used school funds excessively and unnecessarily.

Also in respect of paragraph 19, Mr Storey stated that the use of school funds in this way was both unnecessary and excessive.

Mr Feasey had been invited to speak at the US National Visible Learning conference in Washington DC by its organisers, Corwen. He had told the Chair of Governors, Witness B, of his intention to attend and Witness B supported his attendance on the basis that there may be benefits to the school in him doing so. However, Mr Feasey accepted, and the panel found, that there was no discussion on how the trip was to be funded.

Mr Feasey was in communication with Individual F who was also speaking at the event. He understood that Individual F expenses were being paid by Corwen, and Mr Feasey stated that he simply assumed that his expenses would also be paid. However, in the documentation which was sent to him in advance, there was no mention of his expenses being paid. Mr Feasey accepted that he had not read the documentation carefully but, had he done so, he would have seen that there was no provision for his expenses being paid.

What was inconsistent in Mr Feasey's account was that, even though he says he believed his expenses were to be paid by the organisers, he had no communication with them in advance on this topic and went ahead and booked flights and accommodation, using school funds via the school credit card.

Not only did he pay for himself, but he also used school funds to pay for his wife to accompany him to Washington DC and also used school funds for accommodation for them both as well as other incidental expenses such as travel and subsistence. It was noted by the panel that Mrs Feasey did not even attend the conference.

Finally, as admitted by Mr Feasey, he used school funds to upgrade his and his wife's airline tickets from economy to economy plus at a cost of £442.

On Mr Feasey's calculation, the cost of the trip for both Mrs Feasey and himself totalled £3,987.49 of which the cost of including Mrs Feasey in the trip and the upgraded flights was £1,909.36.

Mr Feasey stated that he said to Individual B that he needed to reimburse the school. On the balance of probabilities, the panel did not accept his evidence and found that he had not said this to Individual B. Individual B did not make any reference to this alleged conversation in her statements. In any event, whether he did or not, the fact remained that he did not reimburse the school until the investigation began in 2017. He then paid a lump sum of £5,500 by way of reimbursement in respect of all the trips as he thought that would be an end of the matter.

There was no basis at all which could justify the cost of Mr Feasey's wife attending the trip to Washington DC at the school's expense.

Despite the school funds being used to fund a family member's trip to Washington DC, no attempt was made by Mr Feasey to reimburse the school until the investigation over a year later. Having regard to its findings of fact, the panel considered that it was reasonable to infer that, had no investigation taken place, Mr Feasey would not have paid this money back to the school.

The panel found that Mr Feasey had used school funds inappropriately in that he had used school funds to pay a family member's costs and used school funds excessively and unnecessarily.

On this basis, the panel found the facts of particular 3(e) proved.

f) a trip to New Zealand, which occurred in or around July 2016;

Paragraphs 20 and 21 of the Statement stated as follows:

"20. Mr Feasey denies that the costs associated with this trip to New Zealand in July 2016 by himself and his wife was unnecessary or an excessive use of school funds.

21. As a gesture of goodwill Mr Feasey has made a contribution to the school towards the costs."

Mr Feasey stated that the school which was the worldwide exemplar for Visible Learning was Stonefields School in Auckland, New Zealand. He developed a professional relationship with the Principal of the school and maintained regular dialogue with her, whether by email or Skype.

It was subsequently agreed that two members of staff from the school would go to New Zealand for a two week visit at Stonefields to see first-hand how Stonefields implemented Visible Learning with its pupils.

The two members of staff duly went on the trip and it cost the school £5,438. The two teachers provided a daily blog of what they had experienced and learned, contacted teachers and pupils via skype to update them and put material on the school's website. On their return, they gave a presentation to the governors.

However, Mr Feasey considered that he also should make a trip to Stonefields so that he could see how Visible Learning worked within Stonefields from a leadership perspective. He did not seek authorisation and accepted that, in hindsight, taking account of the two members of staff already having carried out a visit, he should have done so.

The visit of the two members of staff was mentioned in the School Improvement Plan. His visit was not.

Mr Feasey went with his wife. He used school funds to pay for his flight and accommodation and expenses. Whilst on this occasion, Mrs Feasey's flights were paid privately, she stayed at the accommodation paid for out of school funds for Mr Feasey and Mr and Mrs Feasey combined this trip with a four week holiday following the time spent at Stonefields.

Taking account of the fact that two members of staff had attended and, in the words of Mr Feasey, had worked very hard when at Stonefields to gather, and then communicate, as much information as possible about what they had learned, the panel found, on the balance of probabilities, that Mr Feasey's trip was unnecessary.

The panel also took into consideration the fact that Mr Feasey had been in regular contact with Stonefield's Principal by skype. The school had also had nine full days' training from the Lead Visible Learning trainer for the UK, [redacted], and teachers from the school visited sites of excellent practice in schools in Wales.

Finally, on examination of the statements for the school credit card, it was noted that Mr Feasey had used school funds for some [redacted] he had required for which he accepted the school should not have paid. He also paid for meals attended by members of Stonefields at which Mrs Feasey attended and which were paid for by using the School credit card.

The panel found that Mr Feasey had used school funds inappropriately in that he used school funds to pay for a trip to New Zealand which it considered to have been unnecessary and he used school funds excessively and unnecessarily.

On this basis, the panel found the facts of particular 3(f) proved.

g) a Positive Schools conference which occurred on or around July 2016.

Paragraphs 22 to 24 of the Statement stated as follows:

- "22. Mr Feasey denies that the cost associated with this planned trip to a Positive Schools conference in Cambridge in July 2016 was unnecessary or an excessive use of school funds.
23. However, Mr Feasey accepts that he used school funds inappropriately in paying initially for a family member's costs to attend this trip.
24. The conference was cancelled and costs refunded in full. Mr Feasey intended to reimburse the cost of his wife's fee as a delegate if the conference had proceeded."

To confirm the position, Mr Storey submitted on behalf of Mr Feasey that it was accepted, in respect of the use of school funds as described in paragraph 23 above, that such use of school funds was both unnecessary and excessive.

On the agreed facts, the panel found the facts of particular 3(g) proved.

On the findings of fact in respect of particulars 3(a) to (g), the panel found that Mr Feasey had used school funds inappropriately and therefore found allegation 3 proved.

4. Your conduct as may be found proven at allegation 3 demonstrated a lack of integrity and/or was dishonest in that you and/or your family members benefitted from the use of school funds to which you/they should not have been entitled.

Paragraphs 25 and 26 of the Statement stated as follows:

- "25. Mr Feasey denies that his conduct in respect of Allegation 3 or any of its sub-particulars was dishonest. For avoidance of all doubt he states that any and all expenditures were made by him and all errors made were his alone and his family members had no knowledge of the said transactions.
26. Mr Feasey admits that his conduct in respect of allegations 3a, 3c, 3d, 3e, and 3g demonstrated a lack of integrity. Mr Feasey accepts that he failed to adhere to the higher ethical standards that society holds professionals to compared to the general public."

Mr Storey confirmed on behalf of Mr Feasey that he accepted that his conduct overall demonstrated a lack of integrity.

In reaching its decision in relation to this allegation, both in terms of lack of integrity and dishonesty, the panel had taken into consideration the fact that, other than the events leading to these proceedings, Mr Feasey was understood to be a person of good character.

The panel repeated and relied upon its findings of fact in respect of particulars 3(a) to (g) above.

The panel was satisfied on the balance of probabilities that Mr Feasey had demonstrated a serious lack of integrity in the manner in which he misused school funds which should have been used for the ultimate benefit of the pupils of the school. He had accepted, and the panel was entirely satisfied, that a substantial amount of school funds was used by Mr Feasey for his own personal benefit and for the benefit of members of his family. The most obvious, serious and extreme examples of this related to the trips to Amsterdam, Naples and Washington DC.

In his position as a head teacher, his conduct represented a serious failure to maintain the higher standards which society expects from professional persons and which the teaching profession expects from its senior members. Mr Feasey had substantially failed to adhere to the ethical standards of his own profession.

The panel had also found Mr Feasey to have been dishonest. Again, the panel relied on its findings of fact under particulars 3(a) to (g) above. The panel's findings in relation to Mr Feasey's state of mind in respect of the misuse of school funds, particularly concerning the trips to Amsterdam, Naples and Washington DC, were such that, by the standards of ordinary decent people, his conduct was dishonest. When the panel's findings in respect of particulars 3(a) to (g) were considered collectively, the panel was satisfied, on the balance of probabilities, that, by the standards of ordinary decent people, Mr Feasey had behaved dishonestly.

The panel relied in particular on: the use of the school credit card to pay variously for family members' flights and accommodation and other holiday expenses and trips, for example, to museums; the fact that this conduct was repeated in 2014, 2015 and 2016; the fact that Mr Feasey made no attempt to reimburse the school until he was challenged, and, linked to this fact, the panel's finding that, had his misconduct not been discovered, he would not have repaid the amount of school funds he had misused.

On this basis, the panel found allegation 4 proved.

The panel had found the following particular of the allegations against you not proven, for these reasons:

2. failed to appropriately manage the school's finances, in that you:

a) authorised and / or permitted Individual A to claim overtime payments which were unreasonable;

Paragraph 5 of the Statement stated as follows:

"5. Mr Feasey accepts that Individual A claimed overtime payments but denies these were unreasonable as they were a fair amount and paid at a fair rate for the construction and repair work he was asked to undertake."

The TRA relied on the evidence of Witness C. Whilst the panel found Witness C. to be a credible and reliable witness, it did not consider that the TRA had established on the balance of probabilities that Mr Feasey authorized or permitted Individual A to claim overtime payments which were unreasonable.

Mr Feasey stated that, when he appointed Individual A to the post of [redacted], it was found that he was capable of undertaking tasks which, when Individual A's predecessor had been in post, had to be contracted out to third parties. Mr Feasey maintained that, even though the amount of overtime was considerable and made up approximately 20% of Individual A's income, this still represented a saving to the school when compared to how much this would have cost had it been outsourced. Individual A would also [redacted]. The process which was followed would be for Individual A to complete a proforma sheet which would contain details of the task being undertaken by Individual A and the number of hours spent. Mr Feasey would then sign the overtime sheet and authorise payment. None of those sheets were available to the panel to inspect. Mr Feasey was unable to provide either Witness C. when she went to see him, or the panel, with a clear idea of how much overtime was being authorised or the tasks involved. Whilst he was concerned when he realised how much overtime had been authorised, stating to Witness C. that it would have to be curtailed, the burden was on the TRA to show that such amounts of overtime that had been authorised by Mr Feasey were unreasonable and there was insufficient evidence to support the allegation. On this basis, the panel found the facts of particular 2(a) not proved.

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

Having found allegations 1, 2, 3 and 4 to have been proved, the panel had gone on to consider whether the facts of those proven allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Paragraph 27 of the Statement stated as follows:

"27. Mr Feasey admits that his conduct in respect of Allegations 1., and 3., (especially 3.a, 3.e and 3.g) amounts to unacceptable professional conduct and conduct that may bring the profession into disrepute."

Mr Storey submitted on behalf of Mr Feasey that it was accepted that his conduct in relation to allegation 4, insofar as it related to the allegation of demonstrating a lack of integrity, also amounted to unacceptable professional conduct and conduct likely to bring the profession into disrepute.

Whilst it noted, and had taken into account, Mr Feasey's admissions in respect of unacceptable professional conduct and conduct likely to bring the profession into disrepute, the panel recognised that this was a matter for its judgement.

In carrying out its deliberations, the panel had had regard to the document "Teacher Misconduct: The Prohibition of Teachers", which the panel referred to as "the Advice".

The panel was satisfied that the conduct of Mr Feasey in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel noted the content of the Preamble to the Teachers Standards which included, "Teachers act with honesty and integrity". Further, by reference to Part Two, Mr Feasey 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 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;
- 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 Feasey amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. He had acted dishonestly and such dishonest conduct had extended over a number of years.

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

The panel had taken into account how the teaching profession was viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel had 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 found that Mr Feasey'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, the panel went 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 considered whether it was an appropriate and proportionate measure, and whether it was 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 were likely to have a punitive effect.

The panel has considered the particular public interest considerations set out in the Advice and, having done so, has found that, in this case, all three factors to be engaged, namely: the protection of pupils; the maintenance of public confidence in the profession, and declaring and upholding proper standards of conduct.

The panel had found that Mr Feasey had knowingly disregarded important safeguarding measures in appointing Individual A to the post of [redacted]. This undoubtedly put the welfare of pupils at risk. It was a matter of good fortune that the conduct of Individual A was related to the dishonest misappropriation of school funds as opposed to representing a risk to pupils. What was of particular concern was that Mr Feasey was being reminded by both Individual B and Individual D of the urgent need to obtain an up-to-date DBS check and references which failed to materialise, in the case of the DBS check for a number of months, and in the case of the references, at all.

The failure to heed warnings was also present in the way in which Mr Feasey approached the school's finances and, in particular, the way in which he allowed Individual A to purchase items with the use of the school credit card which he knew to be inappropriate. Witness C reminded him on a number of occasions of her concerns but he took no positive action to resolve the situation.

With regard to the various pre-visits and trips, the panel's findings against Mr Feasey included a course of dishonest conduct which was designed to benefit himself and members of his family with the inevitable consequence that this deprived the school of funds which could and would have been directed towards the benefit of pupils and their education. On balance, the panel accepted Mr Feasey's indication that neither his wife nor children were aware that he was misusing school funds in the way that he did. It was suggested that Mr Feasey had reimbursed the school with the amount of funds which he had used for his and his family's benefit but this reimbursement only came about as a result of Mr Feasey's misconduct having been uncovered in the course of an audit and investigation.

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

The panel also considered that a strong public interest consideration in declaring proper standards of conduct in the profession was present as the conduct found against Mr Feasey 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 Feasey.

In carrying out the balancing exercise, the panel considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Feasey. 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, and
- conduct which was dishonest.

In terms of aggravating factors, the panel considers that the following were present in this case:

- Mr Feasey's dishonest conduct persisted over a period of years;
- Consequently, this could not be classified as an isolated incident. It represented a pattern of behaviour;
- There had been no restitution made until Mr Feasey's dishonest conduct and misuse of school funds had been discovered in the course of an investigation;
- School funds had been diverted, and the school had been deprived of their benefit, for a very considerable period of time. In that way, pupils had suffered a disadvantage;
- Mr Feasey had shown a blatant disregard for rules and procedures of which he was aware and had failed to respond properly to warnings and advice he had been given;
- Despite his financial background, and despite the level of support available to him, he did not manage or control the finances of the school in an efficient and competent manner;
- Mr Feasey was not acting under duress.

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 panel accepted that Mr Feasey had engaged with the process and had been corresponding with the TRA. The panel was asked to give credit to Mr Feasey for his admissions in respect of a number of the particulars of the allegations. The panel did consider that Mr Feasey deserved some credit, to include the cooperation shown in signing the Statement of Agreed and Disputed Facts. Mr Feasey also had no adverse regulatory history.

In terms of references in support of Mr Feasey's character, the panel had listened carefully to the evidence of Witness D and Witness E, and read the statement of Individual G. All three spoke of Mr Feasey's commitment to, and his work with, pupils, parents and the community generally. They all describe the way in which he showed resilience and was passionate in improving the school in a challenging environment. Individual G described Mr Feasey as, "a caring educationalist who has much to offer the teaching profession." The Ofsted reports confirmed the positive impact Mr Feasey had made on the school and surrounding community, and praised his leadership.

The panel noted the fact that Mr Feasey was extremely hardworking. It may have been the case that he had overextended his commitments although no doubt that could be said of many headteachers. He also had the added pressure of some difficult personal and family circumstances. [Redacted].

There had been a delay of two years in these proceedings being heard. However, the panel noted that it was Mr Feasey's decision not to look for a teaching post during this period. Whilst the panel took this factor into account, it was understood that it was not being suggested that the delay was due to any fault on the part of TRA. The panel had to balance the consequence of any delay with its responsibility to regulate the profession. This did not involve the panel making a recommendation which was designed to be punitive.

The primary submission made on behalf of Mr Feasey was that, based on the mitigating factors outlined and identified, it would be disproportionate, and therefore not in the public interest, to recommend to the Secretary of State that a prohibition order should be imposed without review. This was on the basis that the profession would lose the services of a talented teacher and that this outweighed the need for an order which prohibited indefinitely Mr Feasey from teaching.

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.

Whilst appreciating the consequences of its recommendation for Mr Feasey, the panel is of the view that, in applying the standards of the ordinary intelligent citizen, recommending a prohibition order is a proportionate and appropriate response. The panel considers that the publication of the adverse findings it has made is not sufficient to reflect and illustrate to Mr Feasey and to the wider public the seriousness of the panel's findings. Mr Feasey had been found to be dishonest and had persisted in that dishonest conduct over a period of years. The nature of the dishonest conduct and the period over which it continued meant, in the panel's judgment, that it was appropriate to describe the dishonesty as serious. This conduct was then compounded when also considering the other failures which had been identified. It is absolutely essential to the integrity and reputation of the profession that a school is able to trust a teacher to be entirely open and honest at all times with regard to his personal and professional conduct. Mr Feasey's conduct was considered to be incompatible with being a teacher.

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

The panel went on to consider whether or not it would be appropriate 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 2 years.

The panel has considered the Advice which indicates that there are behaviours that, if proven, would militate against a review period being recommended. This includes cases of serious dishonesty. However, the panel has taken a step back and considered the overall circumstances of this case. It has carried out a balancing exercise with regard to the features which can be described as either aggravating or mitigating Mr Feasey's position.

The panel accepts that Mr Feasey has shown a level of insight and contrition. He admitted almost all of the facts at an early stage. Whilst Mr Feasey had not admitted dishonesty, he had nevertheless accepted the seriousness of his misconduct overall and that it represented a lack of integrity.

In its judgement, the panel felt the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with Mr Feasey entitled to apply for a review after a period of five years. This would adequately and sufficiently mark to the public the seriousness of the panel's findings.

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

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

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

The panel has said that it, "was satisfied that the conduct of Mr Feasey amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. He had acted dishonestly and such dishonest conduct had extended over a number of years."

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

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, "School funds had been diverted, and the school had been deprived of their benefit, for a very considerable period of time. In that way, pupils had suffered a disadvantage."

The panel also said in respect of the safeguarding findings that, "This undoubtedly put the welfare of pupils at risk."

A prohibition order would therefore prevent such a disadvantage from being present in the future and would also prevent the welfare of pupils being put at risk.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel accepts that Mr Feasey has shown a level of insight and contrition. He admitted almost all of the facts at an early stage. Whilst Mr Feasey had

not admitted dishonesty, he had nevertheless accepted the seriousness of his misconduct overall and that it represented a lack of integrity.”

I have therefore given this element considerable weight in reaching my final decision, especially in relation to whether to allow for a review period.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe that it has, “taken into account how the teaching profession was viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel had 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 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 Feasey himself. I have given careful consideration to the comments of the panel concerning the contribution that Mr Feasey has made. The panel say that Mr Feasey, “showed resilience and was passionate in improving the school in a challenging environment. Individual G described Mr Feasey as, “a caring educationalist who has much to offer the teaching profession. The Ofsted reports confirmed the positive impact Mr Feasey had made on the school and surrounding community, and praised his leadership.”

I have also noted the other mitigation put forward by Mr Feasey.

A prohibition order would prevent Mr Feasey 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 judgement which balances Mr Feasey’s contribution to the profession, the personal mitigation put forward and their observation of his insight and remorse. The panel has said that it, “considers that the publication of the adverse findings it has made is not sufficient to reflect and illustrate to Mr Feasey and to the wider public the seriousness of the panel’s findings. Mr Feasey had been found to be dishonest and had persisted in that dishonest conduct over a period of

years. The nature of the dishonest conduct and the period over which it continued meant, in the panel's judgment, that it was appropriate to describe the dishonesty as serious. This conduct was then compounded when also considering the other failures which had been identified. It is absolutely essential to the integrity and reputation of the profession that a school is able to trust a teacher to be entirely open and honest at all times with regard to his personal and professional conduct. Mr Feasey's conduct was considered to be incompatible with being a teacher."

Taking all of this into account, I have given less weight in my consideration of sanction, to the contribution that Mr Feasey 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. The serious nature of the dishonesty and lack of integrity is a key factor in reaching this judgement.

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 5 year review period.

I have considered the panel's comments "Mr Feasey has shown a level of insight and contrition. He admitted almost all of the facts at an early stage. Whilst Mr Feasey had not admitted dishonesty, he had nevertheless accepted the seriousness of his misconduct overall and that it represented a lack of integrity."

I have considered therefore whether a 5 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. The guidance published by the Secretary of State is clear that in most cases, findings of serious dishonesty would not allow for a review period. In this case, two factors mean that a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the dishonesty and lack of integrity found and the disregard for safeguarding.

Like the panel I consider therefore that a five year review period, is required to satisfy the maintenance of public confidence in the profession. I agree with the panel when they say, "This would adequately and sufficiently mark to the public the seriousness of the panel's findings."

This means that Mr Simon Feasey 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 21 December 2023, 5 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 Simon Feasey remains prohibited from teaching indefinitely.

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

Mr Simon Feasey has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'Alan Meyrick', followed by a vertical line.

Decision maker: Alan Meyrick

Date: 14 December 2018

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