



National College for
Teaching & Leadership

Mr Julian Anderson: Professional Conduct Panel outcome

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

February 2014

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Professional Conduct Panel decision and recommendations, and decision on behalf of the Secretary of State

Teacher:	Mr Julian Anderson
Teacher ref no:	91/07413
Teacher date of birth:	10 March 1965
NCTL Case ref no:	0009678
Date of Determination:	13 February 2014
Former employer:	Normanhurst School

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 12 February 2014 to 13 February 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Julian Anderson.

The Panel members were Mr Michael Lewis, Teacher Panellist and Chair, Ms Gill Goodswen, Teacher Panellist and Dr Geoffrey Penzer, Lay Panellist.

The Legal Adviser to the Panel was Mrs Luisa Gibbons of Eversheds LLP Solicitors.

The Presenting Officer for the National College was Ms Melinka Berridge of Kingsley Napley Solicitors.

Mr Anderson was not present, nor represented.

The hearing took place in public and was recorded.

B. Allegations

The Panel considered the allegations set out in the Notice of Proceedings dated 6 August 2013, as amended pursuant to an application by the Presenting Officer, acceded to by the Panel.

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

1. In February and March 2005, in the process of applying for a teaching position at Normanhurst School, he:
 - a) knowingly omitted from his CV details of the teaching post that he had held at Bourne Grammar School between November 2003 and April 2004 so that the lack of detail that he provided would make it more difficult for his prospective employers to ascertain the circumstances in which he had left Bourne Grammar School;
 - b) provided a false reference purporting to have come from Tamarside Community College;
 - c) provided a false reference purporting to have come from Kingsdale High School;
2. His actions at 1a) were either:
 - a) intended to mislead; or
 - b) dishonest.
- 3) His actions at 1b) and 1c) were dishonest.

Mr Anderson has not admitted these allegations.

C. Preliminary applications

Proceeding in Absence

The Panel considered an application by the Presenting Officer to continue in the absence of Mr Anderson.

The Panel was satisfied that the College had complied with the service requirements of Regulation 19 a to c of the Teachers' Disciplinary (England) Regulations 2012. On 26 August 2013, Mr Anderson confirmed he wished to receive all messages from the College through email. The Notice of Hearing was sent to Mr Anderson's last known address on 6 August 2013 and by email to an address known to be used by Mr Anderson on 6 August 2013 and again on 28 August 2013. It was apparent that he received the Notice of Hearing, since he had responded to the emails from the College.

Mr Anderson was sent a letter as required by paragraph 4.34 of the Procedures notifying him of the time, date and place of the hearing. That letter was sent on 19 November 2013 although the Panel noted that on the face of the letter it had been sent to a different email address to that which other papers before the Panel showed Mr Anderson to have been using. Having investigated, the Panel was satisfied that the email address used was one that had been given to the College by Mr Anderson. The Panel also noted that on 21 November 2013, the College informed Mr Anderson by email of the dates of the hearing replying to an email received from Mr Anderson. That was more than 8 weeks ago.

The Panel was satisfied that Mr Anderson had been provided with the requisite period of notice required by paragraph 4.10 of the Disciplinary Procedures for the Regulation of the Teaching Profession (the "Procedures").

The Panel was also satisfied that the Notice of Proceedings contained the details required by paragraph 4.10 of the Procedures.

The Panel determined to exercise its discretion under Paragraph 4.28 of the Procedures to proceed with the hearing in the absence of the teacher.

In making its decision, the Panel noted that the teacher may waive his right to participate in the hearing. The Panel understood that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution and that its discretion is a severely constrained one. The Panel took account of the legal advice it has received and the various factors drawn to its attention from the case of R v Jones.

Mr Anderson stated that it was mostly on grounds of long term illness that he requested a postponement of this hearing (page 208 of the Panel Bundle) and also that:

"I shall not be attending any 'tribunal'. Distance, finance, timing and ill health prevent this" (page 212 of the Panel Bundle).

Mr Anderson's request for an adjournment on health grounds was refused by the College decision maker on the grounds that despite a number of requests he had still not provided documentation to evidence his medical condition. That decision was communicated to Mr Anderson using both his email addresses on 6 February 2014. Despite this, no medical evidence has been produced by Mr Anderson. The Panel had regard to the requirement that it be only in rare and exceptional circumstances that a decision should be taken in favour of the hearing taking place. The Panel considered that the teacher had plainly waived his right to appear in full knowledge of when and where the hearing is taking place, having failed to produce the requested medical evidence of his condition.

There was no indication that an adjournment would result in the teacher attending a subsequent hearing. This hearing had previously been postponed at the request of Mr Anderson because he had received documentation at a late stage and the date was set to accommodate Mr Anderson's position that he would not be available in the UK before the end of January 2014. The Panel noted that distance, finance and timing had also been cited as factors for Mr Anderson's non-attendance, yet he had produced no evidence in support of his position. The Panel had regard to the seriousness of this case, and the potential consequences for the teacher, but considered in light of his waiver of his right to appear, that on balance, these are serious allegations and the public interest in this hearing proceeding without further delay was in favour of the hearing continuing.

Amendment of Allegations

The Panel determined to amend the allegations on the application of the Presenting Officer namely to:

- add the words "February and" before "March" in the stem of allegation 1;
- insert the word "Grammar" between "Bourne" and "School" on each occasion in allegation 1a; and
- correct the number of the second allegation to confirm it is allegation 2, rather than 3.

The Panel accepted the advice of the Legal Adviser. The Panel exercised caution in the knowledge that Mr Anderson was not present to make representations regarding the amendments. However, the Panel did not consider these proposed amendments changed the nature of the allegations or made them more serious than before. The Panel did not consider the amendments would cause unfairness or prejudice to Mr Anderson and did not consider that his case would have been presented differently if the amendments had been made at an earlier stage.

D. Summary of evidence

Documents

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

Section 1: Chronology	Pages 1 – 3
Section 2: Notice of Proceedings and Response	Pages 4a – 11
Section 3: National College for Teaching and Leadership Witness Statements	

Section 4: National College for Teaching and Leadership Documents

Section 5: Teacher Documents were provided to the Panel as a proposed addition to the original Panel Bundle in advance of the hearing. There was no objection to the admission of these documents by the Presenting Officer and the Panel agreed to accept them as Pages 181 - 213.

The Panel Members confirmed that they had read all of the above documents in advance of the hearing.

In addition, the Panel requested and then agreed to accept the following:

A bundle consisting of documents to explain how these allegations came to fall under the consideration of the Panel, correspondence regarding notification of the allegations, provision of papers to Mr Anderson for the hearing and correspondence regarding requests for postponements. These became Pages 180a – 180z and 180aa – 180oo.

The Panel confirmed that it had read these additional documents.

Witnesses

The Panel heard oral evidence from the Schools Group Managing Principal for three schools including Normanhurst School.

E. Decision and reasons

The Panel announced its decision and reasons as follows:

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

The Panel confirmed it had read all of the documents provided in advance of the hearing and also those documents admitted during the course of the hearing.

Mr Anderson was appointed as English and Drama Teacher at Normanhurst School in March 2005 and took up his post in September 2005. Concerns arose regarding Mr Anderson and the references and CV he had provided at the time of his appointment were checked. Mr Anderson was subsequently dismissed for omitting details from his CV and producing false references.

Findings of Fact

As a preliminary point, there are two matters raised at page 208 of the Panel Bundle, which have been carefully considered by the Panel. Although not framed and labelled specifically as such, the points made raised questions as to whether these proceedings are an abuse of process. In Mr Anderson's absence, given his lack of legal representation and in fairness to Mr Anderson, the Panel considered it important to carefully consider the points he has made. These are matters which could have been dealt with before the calling of evidence, but the availability of the witness to be called made it prudent for the matters to be dealt with after the hearing of his evidence. As Mr Anderson was not in attendance, on this occasion, there was no question of him presenting his case or giving evidence in circumstances where it may have been unnecessary.

Essentially the arguments made by Mr Anderson in his written submissions appeared to be that:

- his case has previously been considered by others and that he had been informed that he had been cleared from any list, yet the College is now pursuing these allegations; and
- the matters that are the subject of these allegations happened some time ago, and that the delay has made it more difficult for him to respond to the allegations.

The Panel received advice that an abuse of process has been defined as "something so unfair and wrong that the court should not allow a prosecutor to proceed with what is in all other respects a regular proceeding" and that where proceedings meet the definition of an abuse of process, those proceedings have to be permanently stayed. Secondly, the Panel understood that, the burden of establishing an abuse of process is on the teacher claiming it and the standard is the balance of probabilities, although there was some judicial authority for the proposition that panels are in fact exercising a judicial assessment and judgment in considering whether there is an abuse of process. The Panel considered whether a fair hearing would be possible and/ or whether for some other compelling reason it would be unfair to continue these proceedings.

Dealing with the first of Mr Anderson's points, the Panel considered that it was regrettable that Mr Anderson had been the subject of various different proceedings over a prolonged period of time. However, the Panel was mindful that the character and purpose of the present proceedings is quite different from any decisions taken by others regarding Mr Anderson. The procedures, the focus and the consequences of the outcome are very different for each of the decision makers that have taken decisions regarding Mr Anderson. The Panel therefore considers it fair to continue.

The position that Mr Anderson appears to have adopted is that it is the delay between the alleged commission of the conduct in issue and this hearing that makes it harder for him to respond and the Panel has considered the whole period since the time of the alleged

conduct. The Panel was conscious that even where delay is unjustifiable a permanent stay should be the exception rather than the rule. Although there has been a considerable period of time since the alleged conduct, the Panel did not consider that in this case there was serious prejudice to Mr Anderson such that no fair hearing could be held, particularly since these were allegations which he had had the opportunity to respond to closer to the time of the alleged conduct. The Panel considered that it was equipped to deal with the matters complained of within the hearing process. The Panel was also conscious that in its decision making, it could make allowances for the fact that with the passage of time memories fade, and if at any point it considered there had been any disadvantage to Mr Anderson in putting forward his case caused by the passage of time, the Panel could take that into account in his favour when deciding whether the College had proven whether the facts alleged were more likely than not to have happened.

The Panel therefore considered that a fair hearing was possible, and that it was fair to continue these proceedings.

Since the Panel determined to proceed with this hearing in the absence of the teacher, the Panel has exercised vigilance in making its decisions, taking into account the degree of risk of the Panel reaching the wrong decision, as a result of not having heard oral evidence from Mr Anderson and given that he has not had the opportunity to test the evidence. The Panel exercised great caution both in its questioning of the witness who attended to give evidence and during its decision making to consider such points as were favourable to the teacher as was reasonably available on the evidence.

Our findings of fact are as follows:

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

1a In February and March 2005, in the process of applying for a teaching position at Normanhurst School, you knowingly omitted from your CV, details of the teaching post that you held at Bourne Grammar School between November 2003 and April 2004 so that the lack of detail that you provided would make it more difficult for your prospective employers to ascertain the circumstances in which you had left Bourne Grammar School.

Mr Anderson's CV provided for the purpose of applying for a teaching position at Normanhurst School was produced in evidence by a witness, the Schools Group Managing Principal of three schools, including Normanhurst School ("the Group Managing Principal"). That CV does not refer to any period of working at Bourne Grammar School and only states under the heading Current Employment: "Supply teaching in Lincolnshire. I have covered up to one term at primary and secondary schools". That witness confirmed that the CV had been produced by Mr Anderson during

the appointment process for a post advertised in February 2005 and for which interviews had been conducted in March 2005.

The Panel Bundle contains the notes of a Disciplinary Hearing conducted on 1 November 2006 at which it is stated at page 71 that Mr Anderson was asked if he had knowingly omitted details of his posting at this school to which it is recorded that Mr Anderson responded that he had. The Panel noted that in a written statement at page 194 of the Panel Bundle, Mr Anderson has stated that he protested against the presence of the individual that had minuted the meeting and that there were “a number of blatant lies included in the document”. The Panel taking particular care given the absence of Mr Anderson, carefully questioned the Group Managing Principal, who gave evidence under oath that the secretary who had minuted the disciplinary hearing had been present at Mr Anderson’s request. He also stated that the minutes had been sent to both Mr Anderson and his Union representative following the meeting and that neither had challenged the accuracy of the document.

The Panel has seen at pages 103 to 109 of the Panel Bundle a number of documents referring to concerns expressed by colleagues, students and parents and that these concerns were the subject of a number of letters to Mr Anderson during March 2004.

The Panel Bundle also contains a letter dated 2 April 2004 from the Headteacher, at that time, of Bourne Grammar School to parents of students taught by Mr Anderson (page 111). This stated that he had terminated Mr Anderson’s employment at School with immediate effect as a result of having monitored Mr Anderson’s teaching for over two months and had been concerned by the number of concerns expressed by students and parents. The Panel Bundle also contains a letter from Mr Anderson to the Headteacher of Bourne Grammar School dated 2 April 2004 stating (page 110) that for personal reasons, Mr Anderson would not be renewing his contract after that academic year. Whether Mr Anderson’s employment was terminated, or if he resigned, it is clear that it was apparent to Mr Anderson that there had been concerns during the course of his employment at Bourne Grammar School.

In one of his submissions to the Panel, Mr Anderson acknowledged that Bourne Grammar School was amongst other schools from which he believed he would not receive a supportive reference. Within his narrative regarding Bourne Grammar School from pages 188 – 192, he explained the logic behind his deception.

It is apparent to the Panel that Mr Anderson would not have wished concerns about his record at Bourne Grammar School to be notified to a future employer and for that reason, the Panel believes it is more probable than not, that he knowingly omitted the details from his CV. This allegation is therefore found proven.

1b In February and March 2005, in the process of applying for a teaching position at Normanhurst School, you provided a false

reference purporting to have come from Tamarside Community College.

In his statement, the Group Managing Principal stated that he sent a copy of the reference he had received that purported to be from the second referee named on Mr Anderson's CV to Tamarside Community College. Page 61 of the Panel Bundle is a letter from Tamarside Community College stating that the reference that had been faxed to them did not originate from Tamarside College and that the purported author of the reference had never worked at the College.

The notes of the initial meeting that the Group Managing Principal attended with Mr Anderson on 3 October 2006 state that during that meeting Mr Anderson had owned up to falsifying the reference (page 58 of the Panel Bundle). The Group Managing Principal stated in oral evidence that Mr Anderson had produced a written statement at pages 75 to 84 of the Panel Bundle in preparation for a disciplinary hearing. In that submission, Mr Anderson stated how much he regretted "the deception of fudging of dates and my second referee in trying to find work". He went on to state that the reference was from a genuine source referring to him, and that he did originally have a reference from a colleague at Tamarside, but since he had lost touch with him, it did not feel right to cite his name without permission. He went on to state that he had merged an old reference with an old name.

At page 196 of the Bundle, there are further representations from Mr Anderson in which it is stated that he had admitted immediately in October that his second reference was inaccurate.

It is apparent that the reference did not originate from Tamarside College as it purported to, and the Panel finds this allegation proven.

1c In February and March 2005, in the process of applying for a teaching position at Normanhurst School, you provided a false reference purporting to have come from Kingsdale High School.

In his statement, the Group Managing Principal stated that he made enquiries with the Head Teacher of Kingsdale High School with the result that he received a letter from the Head Teacher of Kingsdale High School dated 5 October 2006 (page 65 of the Panel Bundle). This stated "what we are certain of is that the reference purported to be from Kingsdale is in fact a forgery. We have no knowledge of the individual who has signed the reference dated 23 March 2005". The letter went on to state that, had Mr Anderson's former Head of Department at Kingsdale High School been asked, she "would have provided an entirely different reference which would certainly have contradicted the information that has been provided to you".

The notes of the disciplinary hearing at page 72 of the Bundle state with regard to this reference that Mr Anderson "went on to admit that the reference was not genuine, having

been provided by a good friend". The notes go on to state that Mr Anderson was asked whether he was admitting that both references had been forged, that dates of some postings were knowingly incorrect and that other postings have been completely missing from his CV. It is noted that Mr Anderson agreed that was the case.

The Panel, mindful that it was proceeding in the absence of Mr Anderson, carefully tested the evidence of the Group Managing Principal. He testified that his clear recollection was that, during the course of the disciplinary hearing, Mr Anderson had admitted to falsifying both this reference and the reference referred to in allegation 1b.

It is apparent that the reference did not originate from Kingsdale High School as it had purported to, and the Panel finds this allegation proven.

2 Your actions at 1a were either: a) intended to mislead; or b) dishonest.

The Panel has found proven that Mr Anderson knowingly omitted from his CV the details regarding his time at Bourne Grammar School. He did so in the knowledge that there had been concerns raised during his time at Bourne Grammar School. The Panel was therefore satisfied that Mr Anderson's actions found proven at 1a were intended to mislead.

The Panel received and accepted advice from the Legal Adviser that if it was satisfied on a balance of probabilities that the facts of the allegation at 1a were proved then there was a further requirement to consider two questions when deciding whether his actions were dishonest. Firstly, is the Panel satisfied on the balance of probabilities that Mr Anderson's actions would be regarded as dishonest according to the standards of ordinary reasonable and honest people? If so, is the Panel satisfied on the balance of probabilities that Mr Anderson himself must have realised that his actions would be regarded as dishonest by those standards. The Panel accepted that it is only if the answers to both those questions is yes, can the allegation of dishonesty be established in this case.

On the objective test, the Panel was satisfied that reasonable and honest people would consider it dishonest to omit details of a post from a CV to make it more difficult for a prospective employer to ascertain his record at that previous school. The Panel went on to consider whether Mr Anderson would have known that what he was doing was by those standards dishonest, and the Panel considered that he should have known. Mr Anderson may have believed he was justified given that he did not accept the concerns raised at Bourne Grammar School were an accurate reflection of his performance and conduct at that school. Nevertheless, he would have known that he was acting in a way which ordinary people would have considered dishonest.

3. Your actions at 1b and 1c were dishonest.

The Panel had in mind that given the facts of the allegation at 1b and 1c were proven, then it should have regard to the two questions set out above when determining whether the allegation of dishonesty could be established in this case.

On the objective test, the Panel was satisfied that on the ordinary standards of reasonable and honest people providing false references when applying for employment would be considered dishonest. The Panel went on to consider whether Mr Anderson would have known that what he was doing was by those standards dishonest, and the Panel considered that he should have known. Mr Anderson may have believed he was justified given the difficulties he had had in finding a new permanent position and his difficult personal and financial circumstances. Mr Anderson has also said that he did originally have a reference from a colleague at Tamarside, but had lost touch with him and did not feel it was right to cite his name without permission. Nevertheless, he would have known that he was acting in a way which ordinary people would have considered dishonest. The Panel has found that Mr Anderson's actions at both 1b and 1c were dishonest.

Findings as to Unacceptable Professional Conduct and/or Conduct that may bring the profession into disrepute

In considering the allegations that the Panel has found proven, the Panel has had regard to the definitions in The Teacher Misconduct – Prohibition of Teachers Advice, which we refer to as the 'Guidance'.

The Panel is satisfied that the conduct of Mr Anderson in relation to the facts found proven, involved breaches of the current Teachers' Standards. The Panel considers that by reference to Part Two of those Standards, Mr Anderson has failed to demonstrate consistently high standards of personal and professional conduct. In acting dishonestly in applying for a position, he failed to uphold public trust in the profession and maintain high standards of ethics and behaviour. To act in the manner found proven may undermine the trust placed in teachers. The Panel also considered that Mr Anderson had displayed behaviours associated with fraud or serious dishonesty. The Guidance indicates that where such behaviours exist, a Panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The Panel also had regard to the GTC Code of Conduct and Practice that came into effect on 1 November 2004 setting the minimum standards for teachers at the time of the proven conduct. These specify that examples of unacceptable professional conduct include

- a) falsifying a reference for a teaching post; and
- b) misrepresenting the pattern of past employment on a teaching application form.

Accordingly, the Panel is satisfied that Mr Anderson is guilty of unacceptable professional conduct.

The panel has taken into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The Panel has taken account of the uniquely influential role that teachers hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave. The Panel therefore finds that Mr Anderson's actions constitute conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the Panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it is necessary for the Panel to go on to consider whether it would be appropriate to recommend the imposition of a Prohibition Order by the Secretary of State.

There are no previous sanctions imposed upon Mr Anderson by the College or any of its predecessor organisations. Mr Anderson has submitted an undated and unsigned character reference that purports to have been provided by the Deputy Director of the School of International Education at Suzhou Institute of Trade & Commerce. He has also submitted an unsigned and undated reference that purports to have been from a colleague that Mr Anderson worked with at Tamarside Community College. He has also submitted an unsigned and undated letter from someone present during an alleged incident at Kingsdale School. That incident is not a matter that has been subject to any allegations in these proceedings. Mr Anderson has also submitted a signed, but undated, letter from the Chairman of the English Language Skills Department at King Saud University regarding the contribution Mr Anderson has made to research in Saudi tertiary education.

In considering whether to recommend to the Secretary of State that a Prohibition Order should be made, the Panel has to consider whether it is an appropriate and proportionate measure, and whether it is in the public interest to do so. Prohibition Orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The Panel has considered the particular public interest considerations set out in the Teacher Misconduct – Prohibition of Teachers Advice and having done so has found all of them to be relevant in this case, namely the protection of pupils and other members of the public; the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct.

The Panel believes that the protection of pupils is a relevant consideration since the purpose of references is to ensure that those entrusted with the teaching of pupils are suitable. Producing false references undermines this.

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

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

Notwithstanding the clear public interest considerations that were present, the Panel considered carefully whether or not it would be proportionate to impose a Prohibition Order taking into account the effect that this may have on Mr Anderson.

In carrying out the balancing exercise the Panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Anderson. The Panel took further account of the Teacher Misconduct – Prohibition of Teachers Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. From the list of such behaviours, those relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up.

Even though there were behaviours that would point to a Prohibition Order being appropriate, the Panel went on to consider whether or not there were sufficient mitigating factors to militate against a Prohibition Order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case. Mr Anderson has pointed to the difficult personal and financial circumstances which he states led to him committing acts of dishonesty in employment. However, the Panel did not consider this excused Mr Anderson's behaviour. Mr Anderson's actions were deliberate. As previously stated, the Panel has noted that Mr Anderson has no previous findings against him by the College or any of its predecessor organisations. The Panel had regard to the character references submitted by Mr Anderson but were also conscious that it had not had the opportunity to test that evidence or verify the authorship of such letters.

In conclusion, the Panel is of the view that Prohibition is both proportionate and appropriate. We have decided that the public interest considerations outweigh the interests of Mr Anderson. Accordingly, the Panel makes a recommendation to the Secretary of State that a Prohibition Order should be imposed with immediate effect.

The Panel considered whether or not it would be appropriate to recommend a review period. The Panel were mindful that the Teacher Misconduct – Prohibition of Teachers Advice advises that a Prohibition Order applies for life, but there may be circumstances in any given case that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than two years.

The Teacher Misconduct – Prohibition of Teachers Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. One of these behaviours includes fraud or serious dishonesty. The Panel does consider that this case involves serious acts of dishonesty and that Mr Anderson has shown no insight in understanding why his actions were wrong. There is no indication that he might act differently in similar circumstances in the future.

The Panel decided that the findings indicated a situation in which a review period would not be appropriate and that it would be proportionate in all the circumstances for the Prohibition Order to be recommended without provision for a review period.

Decision and reasons on behalf of the Secretary of State

I have given careful consideration to the findings and recommendations of the panel in this case. The Panel have found proven the allegations as set out.

In acting dishonestly, Mr Anderson has failed to both uphold public trust in the profession and to maintain high standards of ethics and behaviour. They have determined that Mr Anderson’s behaviour amounts to unacceptable professional conduct and conduct that may bring the profession into disrepute.

In considering whether to recommend a prohibition order the Panel have properly considered the public interest, specifically the considerations set out in the ‘Teacher Misconduct – Prohibition of Teachers’ Advice. They have found all those considerations to be relevant in this case.

In mitigation Mr Anderson alluded to the difficult personal and financial circumstances which led to him committing acts of dishonesty. The Panel did not consider that these circumstances excused his behaviour. In all the circumstances I agree with the panel’s recommendation that a prohibition order is both appropriate and proportionate.

The Panel have moved on to consider whether to recommend a review period. They have looked to the ‘Teacher Misconduct – Prohibition of Teachers’ Advice. This case involves serious acts of dishonesty and Mr Anderson has shown no insight into his behaviour, nor is there any indication that he might act differently

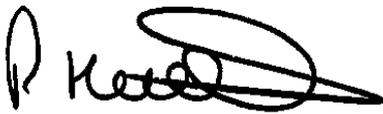
in the future. I agree that the prohibition order should be without opportunity for review.

This means that Mr Julian Anderson is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Julian Anderson shall not be entitled to apply for restoration of his eligibility to teach.

This Order takes effect from the date on which it is served on the Teacher.

Mr Julian Anderson 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.

NAME OF DECISION MAKER: Paul Heathcote

A handwritten signature in black ink, appearing to read 'P Heathcote', with a large, sweeping flourish extending to the right.

Date: 17 February 2014

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