



National College for
Teaching & Leadership

Timothy Bailey: Professional Conduct Panel outcome

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

January 2014

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

Teacher: Mr Timothy Bailey

(otherwise known as Mr Tim Bailey, Dr Timothy Bailey, Dr Tim Bailey, Timothy Bailey, Timothy James Bailey and Timothy James Halsall Bailey).

Teacher ref no: 92/07015

Teacher date of birth: 07 April 1966

NCTL Case ref no: 10422

Date of Determination: 8 January 2014

Former employer: Wycliffe College, Gloucestershire.

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 8 January 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Timothy Bailey.

The Panel members were Professor Janet Draper (Lay Panellist– in the Chair), Mr Paul Bompas (Lay Panellist) and Mrs Sarah Evans (Teacher Panellist).

The Legal Adviser to the Panel was Mr Graham Miles of Morgan Cole LLP solicitors.

The meeting took place in private and was recorded.

B. Allegations

The Panel considered the allegations set out in the Notice of Referral dated 2 October 2013.

It was alleged that Mr Timothy Bailey was guilty of unacceptable professional conduct/ conduct that may bring the profession into disrepute/ conviction at any time of a relevant offence, in that:

1. Whilst employed at Wycliffe College, Gloucestershire, he:

(a) failed to disclose the following relevant information to the College

i that he had been convicted on two counts of benefit fraud in March 2013;

ii his absence from College to attend court in relation to these convictions;

iii that he had been the subject of a Conditional Registration Order from the General Teaching Council for England in 2006;

iv that he had been the subject of a Prohibition Order from the General Teaching Council for England (GTCE) in 2008;

(b) falsified information on his application form for employment at Wycliffe College by not declaring his criminal offences and by not providing accurate information about his previous employment and, in particular, the fact that he had been dismissed from Kingham Hill School, Stowe School and Rosall School;

(c) dishonestly provided a letter, dated 11 January 2011, as part of his job application, purportedly from the GTCE stating that he was fully registered with the GTCE although at the time he was subject to a prohibition order and which the GTCE has no record of issuing to him;

(d) falsified pupils scripts in the French GCSE Controlled Assessment (CA) writing tasks in May 2013;

2. Whilst employed at Kingham Hill School, Oxfordshire, he acted dishonestly in failing to provide accurate information to the school regarding:

(a) requesting cover to attend an interview at the University of Warwick on 11 November 2010;

(b) his daughter being involved in a serious road traffic accident on 12 November 2010;

(c) the health and subsequent death of his step-father;

3. He was cautioned on 12 July 2005 by Thames Valley Police for the offence of Bigamy on 15 January 2005.

4. He was convicted on 22 April 2008 at Northern Oxfordshire Magistrates for the offences on 2 July 2007 of:

(a) driving without due care and attention;

(b) failing to stop after an accident;

(c) failing to report an accident;

(d) driving whilst uninsured;

for which he received fines totalling £530.00, court cost of £60.00 and driving licence endorsements including 6 penalty points.

5. **He was convicted on 12 March 2013 at Oxfordshire Magistrates for two offences between 19 September 2011 and 11 February 2012 of failing to notify changes of circumstances affecting entitlement to benefit/ other payment pursuant to Sections 112 (1A) and 112(2) of the Social Security Administration Act 1992, for which he received a fine of £266.00 and were made to pay court costs of £85.00 and a victim surcharge of £15.00.**

The teacher admitted the facts of the allegations against him and also that the allegations amounted to unacceptable professional conduct/conduct that may bring the profession into disrepute/ conviction at any time of a relevant offence

C. Preliminary applications

The Panel considered a written application from the Presenting Officer that the final written decision of the Panel specifically includes reference to the following details, namely:

1. The alternative names given for the Teacher:
 - Dr Timothy Bailey
 - Dr Tim Bailey
 - Mr Timothy Bailey
 - Mr Tim Bailey
2. The date of the birth of the teacher, understood to be 7 April 1966.
3. The fact that the Panel has considered a photograph of the Teacher, confirmed as a true likeness by the Teacher himself and the Head Teacher of the referring school, which can be made available on request from the NCTL.

The Panel noted the written response to the application from the Teacher. As to 1, the Panel confirmed that it would be appropriate for these and additional names that feature in the bundle to feature in the decision. Given that Mr Bailey has used and been known as a number of different versions of his name, we are satisfied that it is in the public interest for all of the names used to be associated with the Teacher. For this reason we have decided also to include the names:

- Timothy Bailey

- Timothy James Bailey
- Timothy James Halsall Bailey.

All of these names are referred to in the bundle of evidence.

As to 2), we are also satisfied that it would be appropriate to include the Teacher's date of birth, which is consistently referred to as 7 April 1966.

As to 3, we have considered a photograph held by the NCTL and note that both the Teacher and the Headteacher at Wycliffe College have confirmed that this photograph is a true likeness of Teacher being considered in these proceedings. As to whether this photograph should be made available on request, this would need to be considered by the NCTL in response to any particular application and in the light of Data Protection legislation.

The Teacher made an application that written material submitted by him containing mitigating circumstances should be received in private and not be referred to in any public announcement of the decision of the Panel.

The Panel is sitting in private and decided that it would consider the material in the normal way if a finding of unacceptable professional conduct and/ or conduct that may bring the profession into disrepute and/or relevant offence is made. The Panel notes the Teacher's concerns about the personal nature of the material and will give consideration to these concerns.

D. Summary of evidence

Documents

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

- Section 1 - Chronology at page 2
- Section 2 - Notice of Referral and Response at pages 3 to 11d
- Section 3 - Statement of Agreed Facts/Representations at pages 11 to 19
- Section 4 - NCTL documents at pages 20 to 158
- Section 5 - Teacher's documents at pages 159 to 179

The Panel Members confirmed that they had read all of the documents in advance of the meeting, save the Teacher's documents, which were read at the start of the meeting.

Statement of Agreed Facts

The Panel considered the Statement of Agreed Facts

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.

We confirm that we have read all the documents provided in the bundle in advance of the meeting.

Mr Timothy Bailey, otherwise known as Dr Timothy Bailey, Dr Tim Bailey, Mr Tim Bailey, Timothy Bailey, Timothy James Bailey and Timothy James Halsall Bailey (DOB 7 April 1966) was employed as a teacher at Wycliffe College, Gloucestershire between September 2011 and May 2013, and at Kingham Hill School, Oxfordshire from September 2007 until January 2011.

Findings of Fact

We find the facts of all allegations proved, based on Mr Bailey’s admissions in the Statement of Agreed Facts signed by him on 5 November 2013 and we have accepted that each allegation is supported by evidence in the bundle of documents.

1. **Whilst employed at Wycliffe College, Gloucestershire, he:**

(a) failed to disclose the following relevant information to the College

- i that he had been convicted on two counts of benefit fraud in March 2013;**
- ii his absence from College to attend court in relation to these convictions;**
- iii that he had been the subject of a Conditional Registration Order from the General Teaching Council for England in 2006;**
- iv that he had been the subject of a Prohibition Order from the General Teaching Council for England (GTCE) in 2008;**

(b) falsified information on his application form for employment at Wycliffe College by not declaring his criminal offences and by not providing accurate information about his previous employment and, in particular, the fact that he had been dismissed from Kingham Hill School, Stowe School and Rosall School;

(c) dishonestly provided a letter, dated 11 January 2011, as part of his job application, purportedly from the GTCE stating that he was fully registered with the GTCE although at the time he was subject to a prohibition order and which the GTCE has no record of issuing to him;

(d) falsified pupils scripts in the French GCSE Controlled Assessment (CA) writing tasks in May 2013;

Mr Bailey admits that on 12 March 2013 he attended Oxfordshire Magistrates' Court, where he received two convictions for failing to declare a material change of circumstances affecting benefit entitlement.

Mr Bailey admits he excused his absence from school that day by writing an email to a colleague at 5:30am on 12 March 2013 saying '*Sorry but I think I've got this bug going around and not able to come in, with regret*'. After appearing at court he did not inform the school of his conviction.

Mr Bailey admits that he did not disclose to Wycliffe College when seeking employment, or at any point thereafter, that he had been subject to both a Conditional Registration Order dated 27 April 2006, and a Prohibition Order dated 25 November 2008, both made by the General Teaching Council.

Mr Bailey accepts that he did in fact receive, and was aware of, both Orders made by the General Teaching Council for England, as appear in the bundle of documents before us.

Mr Bailey admits that when completing his application form to work at Wycliffe College he did not draw to the school's attention that he had received the caution or the convictions referred to in allegations 3 and 4. Neither did Mr Bailey draw to the school's attention on his application form, or at any point thereafter, that he had previously been dismissed from Kingham High School, Stowe School and Rosall School.

Mr Bailey admits that when applying to work at Wycliffe College he provided a letter on GTCE headed paper, dated 11 January 2011, purportedly signed by on behalf of the GTCE, confirming Mr Bailey's registration with the GTCE. The GTCE has no record of ever having issued such a letter and this appears to be merging of two letters. Mr Bailey accepts that he fabricated the letter dated 11 January 2011 enclosing documentation to prove an entitlement to teach, at a time when he knew that his conduct in this regard was dishonest and designed to mislead employers. Mr Bailey confirms that he understands the legal meaning of dishonesty as set out in the Statement of Agreed Facts.

Mr Bailey also admits that he falsified the scripts of at least 2 pupils' French GCSE controlled writing tasks, and potentially amended as many as 14. Mr Bailey accepts that such conduct can have a serious detrimental impact on the attainment by pupils and brings the profession into disrepute.

- 2. Whilst employed at Kingham Hill School, Oxfordshire, he acted dishonestly in failing to provide accurate information to the school regarding:**
 - (a) requesting cover to attend an interview at the University of Warwick on 11 November 2010;**
 - (b) his daughter being involved in a serious road traffic accident on 12 November 2010;**
 - (c) the health and subsequent death of his step-father;**

Mr Bailey also admits that he acted dishonestly when he advised Kingham Hill School in at least 3 separate e-mails that he would be attending an interview at Warwick University on 11 November 2010, when in fact he took a days' leave for some other purpose.

Mr Bailey admits that he acted dishonestly when he advised Kingham Hill School by e-mail under the pseudonym 'Dr Paul Bailey' (purportedly his brother), and then again in his own name, by email, that his daughter had been in a serious road traffic accident on 12 November 2010.

Mr Bailey admits that he acted dishonestly when he advised Kingham Hill School by e-mail on 1 December 2009 that his father had had an heart attack, and then on 4 January 2010 that his father had passed away; when in fact neither of these statements were true.

- 3. He was cautioned on 12 July 2005 by Thames Valley Police for the offence of Bigamy on 15 January 2005.**
- 4. He was convicted on 22 April 2008 at Northern Oxfordshire Magistrates for the offences on 2 July 2007 of:**
 - (a) driving without due care and attention;**
 - (b) failing to stop after an accident;**
 - (c) failing to report an accident;**
 - (d) driving whilst uninsured;**

for which he received fines totalling £530.00, court cost of £60.00 and driving licence endorsements including 6 penalty points.
- 5. He was convicted on 12 March 2013 at Oxfordshire Magistrates for two offences between 19 September 2011 and 11 February 2012 of failing to notify changes of circumstances affecting entitlement to benefit/ other payment pursuant to Sections 112 (1A) and 112(2) of the Social Security**

Administration Act 1992, for which he received a fine of £266.00 and were made to pay court costs of £85.00 and a victim surcharge of £15.00.

Mr Bailey admits that he received the convictions listed as allegations 4 and 5. Although, Mr Bailey received a caution in respect of allegation 3 rather than a conviction, all 3 criminal offences are described in the Police National Computer printout dated 10 July 2013 within the bundle of documents before the Panel.

Findings as to Unacceptable Professional Conduct and/or Conduct that may bring the profession into disrepute and/or conviction of a relevant offence

The Teacher admits unacceptable professional conduct, conduct that may bring the profession into disrepute and conviction of a relevant offence. Whilst noting these admissions, the Panel has formed its own judgement.

In relation to the facts found proved in allegation 1, we are satisfied that the Teacher's conduct amounts to unacceptable professional conduct and conduct that may bring the profession into disrepute. The Teachers Standards require that teachers act with honesty and integrity, maintain high standards of ethics and behaviour, and forge positive professional relationships. Allegation 1 embraces several instances of dishonest behaviour which seriously undermined trust between himself and his colleagues. He also falsified pupils' examination scripts, which can have a serious detrimental impact on the attainment of pupils and caused anger and upset to pupils and their parents.

For the same reasons in relation to allegation 2, we find several instances of dishonest behaviour which amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

In relation to allegations 4 and 5, we are satisfied that taken together they meet the criteria for conviction of a relevant offence, being contrary to the standards of personal and professional conduct expected of a teacher. We recognise that allegation 3 is not a conviction but a caution. Although this cannot be a relevant offence, the totality and range of criminal offending meet the criteria for conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

The Panel carefully considered all of the written evidence presented, including the bundle of mitigating circumstances submitted by the Teacher.

We are satisfied that the Teacher's behaviour is incompatible with continuing to be a teacher for the following reasons:

- The conduct was a serious departure from the personal and professional conduct elements of the latest Teachers' Standards
- There is clear evidence of deep-seated dishonesty, which has been habitual and covered up
- His dishonest conduct represents an abuse of trust.

We considered whether there were any mitigating circumstances, including the documentation provided by the Teacher about his personal circumstances. However, we believe that his actions were deliberate and that he was not acting under duress. Furthermore, the Teacher has previously been the subject of two separate proceedings before Professional Conduct Committees of the GTCE, the last of which resulted in the imposition of a prohibition order. In the light of the findings of fact and his previous history of unacceptable behaviour going back at least as far as 1997, there is a real risk of repetition.

The Panel, therefore, recommends that it is necessary in the public interest to make a prohibition order in order to ensure protection of children, to maintain public confidence in the teaching profession and to declare and uphold proper standards of conduct.

We considered whether to suggest a period after which the Teacher might be allowed to apply for the prohibition order to be reviewed. However, the serious and repeated dishonesty in this case leads us to recommend that there should be no 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 all the allegations proved. Those facts include a series of events involving falsification of information, failure to disclose relevant information and dishonesty. Mr Bailey has also been cautioned or convicted for a series of offences.

The panel have determined that in aggregate his conduct is a serious departure from the standards expected of a teacher, there is clear evidence of deep-seated dishonesty and that his dishonesty represents an abuse of trust. The panel have judged that Mr Bailey's amounts to unacceptable professional conduct and conduct that may bring the profession into disrepute. In relation to allegations 4 and 5 the panel are satisfied that together they meet the criteria for conviction of a relevant offence.

In view of the continued misconduct in this case and the deep seated nature of Mr Bailey's dishonesty I agree with the panel's recommendation that Mr Bailey should be prohibited from teaching without the opportunity to apply for the order to be set aside.

This means that Mr Timothy Bailey 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 Timothy Bailey 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 Timothy Bailey 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: 10 January 2014

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