



National College for
Teaching & Leadership

Ms Joanna Shuter: Professional Conduct Panel outcome

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

April 2014

Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	5
D. Summary of evidence	5
Documents	5
Witnesses	6
E. Decision and reasons	6
Panel's recommendation to the Secretary of State	10
Decision and reasons on behalf of the Secretary of State	13

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

Teacher:	Ms Joanna Shuter
Teacher ref no:	83/38132
Teacher date of birth:	31 January 1961
NCTL Case ref no:	0010364
Date of Determination:	30 April 2014
Former employer:	Quintin Kynaston Community Academy

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 2 April 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Ms Joanna Shuter.

The Panel members were Mrs Kathy Thomson (Teacher Panellist– in the Chair), Mr Phillip Riggon (Teacher Panellist) and Mr Tony Heath (Lay Panellist).

The Legal Adviser to the Panel was Mr Thomas Whitfield of Eversheds LLP Solicitors.

The Presenting Officer for the National College was Mr Ben Bentley of Browne Jacobson LLP Solicitors.

Ms Joanna Shuter was present and was represented by Mr Andrew Faux of Counsel.

The hearing took place in public and was recorded.

The hearing was adjourned and resumed at 9:30am on 30 April 2014, on the same basis as the session of 2 April 2014.

B. Allegations

The Panel considered the allegations as amended and set out in the Statement of Agreed Facts dated 7 March 2014.

It was alleged that Ms Joanna Shuter was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that during her employment as Head teacher at Quintin Kynaston Community School she failed to follow appropriate financial procedures in that she:

3. Undertook additional paid work for speaking at external conferences and consultancy during term time and:
 - a. Did not formally reconcile the payments received for these events against school budget;
 - b. Claimed for travel expenses which had already been paid by the client.
4. Abused the reimbursement of expenses system at the school by making numerous and extensive claims over a significant period of time for personal gain, including:
 - a. Mobile phone expenditure which included contracts for herself, son and daughter and an iPad;
 - b. Taxi expenditure for personal journeys charged to the school account;
 - c. Furniture purchases approximately £1,500.00 value which were delivered to her home address;
 - e. A hotel stay for the Senior Leadership Team of £8,269.00 charged for an overnight stay at the Grove Hotel;
 - f. A 50th birthday party expenditure approximately £7,000.00
5. Instructed her PA to undertake non-school related activities for her during school hours, including:
 - a. Organising her consultancy work / public speaking engagements;
 - b. Personal matters such as booking flights for her family and arranging rental of her holiday home;
 - c. Administrative tasks on behalf of QK house, an entity which should have been kept separate from school.
6. And in doing so breached the school Code of Conduct and Westminster City Council's section 148 schemes for financing schools.

Ms Shuter admitted the facts set out in the allegations above.

Ms Joanna Shuter admitted the facts of the allegations against her amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

C. Preliminary applications

The Panel considered an application from Mr Bentley that the particulars of the allegations be amended to change allegation 4(e) to reflect the agreed factual scenario, to delete particulars 1, 2(a), 2(b), 4(d), 4(g) and 4(h) (relating to recruitment, tendering, entertainment expenditure, refreshments and gifts) and amend the headline allegation to reflect the amended particulars. The Panel considered that the amendments were in the interests of justice and that they would be allowed.

D. Summary of evidence

Documents

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

- Section 1: Chronology, with page numbers from 1 to 2.
- Section 2: Notice of Proceedings and Response, with page numbers from 4 to 10.
- Section 3: National College for Teaching and Leadership Agreed Facts, with page numbers from 12 to 15.
- Section 4: National College for Teaching and Leadership Documents, with page numbers from 17 to 62.
- Section 5: Teacher Documents, with page numbers from 64 to 423.

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

In addition, the Panel agreed, on 2 April 2014, to accept the following:

- Two messages in support of Ms Shuter, given page numbers 424 and 425.
- The Westminster Scheme for Financing Schools, given page numbers 426 to 487.

The Panel also agreed, on 30 April 2014, to accept the following:

- A statement from Witness A dated 24 April 2014, given page numbers 174(a) to (b).
- A letter from Witness B dated 25 April 2014, given page numbers 174(c) to 174(e).
- A letter from Ofsted to Ms Shuter dated 4 April 2014, regarding their monitoring inspection visit to King Solomon High School, given page numbers 291(a) to (c).

Witnesses

The Panel heard oral evidence on 2 April 2014 from:

Ms Joanna Shuter.

Witness C – Former Deputy Headteacher at Quintin Kynaston Community Academy. Called on behalf of Ms Shuter.

Witness D – Vice chairman of Governors at King Solomon High School, the school at which Ms Shuter is currently employed. Called on behalf of Ms Shuter.

Witness E – Staff Governor at King Solomon High School. Called on behalf of Ms Shuter.

Witness F – Bursar at King Solomon High School. Called on behalf of Ms Shuter.

The Panel heard oral evidence on 30 April 2014 from:

Ms Joanna Shuter.

Witness B – former student at Quintin Kynaston Community Academy. Called on behalf of Ms Shuter.

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 of the documents provided in the bundle in advance of the hearing.

Summary of Evidence

Ms Joanna Shuter was employed as the Head teacher of Quintin Kynaston Community Academy (the “School”), London, between January 2002 and 31 May 2013.

Ms Shuter, whilst working at the School, undertook additional paid work for speaking at external conferences and for consultancy work, in particular between October 2003 and May 2009.

During her time at the School, Ms Shuter was paid significant sums by the School through its expenses system.

Concerns arose regarding accounting for the paid work and the expenses that were paid. These concerns were investigated by the Chair of Governors of the School which concluded that a governors’ adjudicating disciplinary panel should be convened to

consider allegations against Ms Shuter. Such a panel was convened and concluded that Ms Shuter was guilty of two counts of gross misconduct and four counts of serious misconduct. The Internal Audit Investigation Team of the Department for Education also undertook an investigation to identify the likely extent of financial loss by the School. This investigation resulted in conclusions that, amongst other things, Ms Shuter had not discharged various responsibilities and proper financial control had not been exercised.

Ms Shuter is now employed by King Solomon High School.

Findings of Fact

Our findings of fact are as follows:

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

3. Undertook additional paid work for speaking at external conferences and consultancy during term time and:

a. Did not formally reconcile the payments received for these events against school budget;

The allegation has been admitted and therefore is found proved.

b. Claimed for travel expenses which had already been paid by the client.

The allegation has been admitted and therefore is found proved.

4. Abused the reimbursement of expenses system at the school by making numerous and extensive claims over a significant period of time for personal gain, including:

a. Mobile phone expenditure which included contracts for herself, son and daughter and an iPad;

The allegation has been admitted and therefore is found proved.

b. Taxi expenditure for personal journeys charged to the school account;

The allegation has been admitted and therefore is found proved.

c. Furniture purchases approximately £1,500.00 value which were delivered to her home address;

The allegation has been admitted and therefore is found proved.

e. A hotel stay for the Senior Leadership Team of £8,269.00 charged for an overnight stay at the Grove Hotel;

The allegation has been admitted and therefore is found proved.

f. A 50th birthday party expenditure approximately £7,000.00

The allegation has been admitted and therefore is found proved.

5. Instructed her PA to undertake non-school related activities for her during school hours, including:

a. Organising her consultancy work / public speaking engagements;

The allegation has been admitted and therefore is found proved.

b. Personal matters such as booking flights for her family and arranging rental of her holiday home;

The allegation has been admitted and therefore is found proved.

c. Administrative tasks on behalf of QK house, an entity which should have been kept separate from school.

The allegation has been admitted and therefore is found proved.

6. And in doing so breached the school Code of Conduct and Westminster City Council's section 148 schemes for financing schools.

The allegation has been admitted and therefore is found proved.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or conviction of a relevant offence

In considering the amended allegations that the Panel has found proved, 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 Ms Shuter in relation to the facts found proved involved breaches of the current Teachers’ Standards. The Panel considers that by reference to Part Two of those Standards, Ms Shuter has failed to demonstrate consistently high standards of personal and professional conduct. In particular, the Panel has found proved that Ms Shuter breached the school’s Code of Conduct and Westminster City Council’s section 148 schemes for financing schools.

The Panel also had regard to the GTC Code of Conduct and Practice that came into effect on 1 November 2004, updated October 2007, setting the minimum standards for teachers at the time of the proved conduct until the current Teachers’ Standards were brought into force in September 2012. These specify that examples of unacceptable professional conduct have included:

- a. failure to comply with school and LA financial and accounting procedures;
- b. using school administrative staff and facilities for private interests; and
- c. bringing the profession into serious disrepute, which would include behaviour which was seriously detrimental to the standing of the profession but where no criminal offence was committed.

The Panel has been mindful that the amended allegations do not refer to dishonesty or fraud.

Accordingly the Panel is satisfied that Ms Shuter is guilty of unacceptable professional conduct. The Panel makes this finding in relation to each one of the proved allegations independently.

In reaching this conclusion the Panel has taken into account the significant length of time over which the proved facts took place, the amounts of money involved and the breadth of areas involved in these breaches.

Further, the Panel finds that the proved allegations when taken as a whole amount to conduct that may bring the profession into disrepute.

In reaching this decision the Panel has taken into account how the teaching profession is viewed by others and has considered the influence that teachers may have on pupils, parents and others in the community. This is all the more so in the case of a Head teacher. The Panel has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

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.

The Panel understands that Ms Shuter is of previous good character. The Panel has been referred to character statements in the hearing bundle. The Panel has also heard oral evidence from Witness D – Vice chairman of Governors at King Solomon High School, the school at which Ms Shuter is currently employed, Witness E – Staff Governor at King Solomon High School, Witness F – Bursar at King Solomon High School, Witness B – former student at the School, and from Ms Shuter herself.

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 a number of them to be relevant in this case, namely the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In light of the Panel's findings against Ms Shuter, which involved making numerous and extensive expenses claims in respect of public money, over a significant period of time for personal gain, there is a strong public interest consideration in maintaining public confidence in the profession.

This is particularly so in Ms Shuter's case, in light of her high national profile as an influential figure in the education world and public recognition as Head teacher of the year and her receipt of a CBE. This high profile increases the risk of public confidence in the profession being undermined.

The Panel is also of the view that in the climate of recent years, the public interest in maintaining public confidence in the management of public finances, including ensuring that expenses claims against public funds are appropriate, is particularly strong.

Accordingly, the Panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Shuter 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 and upholding proper standards of conduct in the profession was also present as the conduct found against Ms Shuter was outside that which could reasonably be tolerated.

Notwithstanding the clear public interest considerations that were present, the Panel considered carefully whether or not it would be proportionate to impose a Prohibition Order taking into account the effect that this would have on Ms Shuter. In forming a judgement in this respect, the Panel took particular account of the mitigation evidence that was presented to it by Witness D, Witness E and Witness F who consider Ms Shuter to be an asset to her current school, King Solomon High School and that it would be at significant disadvantage were Ms Shuter to be made subject to a Prohibition Order. The Panel also took particular account of the evidence presented to it by Witness B who spoke to the positive impact that Ms Shuter had on him, whilst he was a student at the School.

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 Ms Shuter. This included consideration of the public interest in Ms Shuter being allowed to continue as head teacher at King Solomon High School, her current school, as well as the wider public interest in retaining good teachers within the education sphere.

In carrying out this balancing exercise 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 proved. In the list of such behaviours are:

- serious departure from the personal and professional conduct elements of the teachers' standards; and
- abuse of position or trust ...

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.

Ms Shuter has admitted her own wrongdoing. The Panel does however, consider that Ms Shuter showed a lack of insight into the severity and impact of her behaviours. The Panel found that in evidence Ms Shuter tended to distance herself from responsibility for financial management, referring in evidence to the, "*minutiae*" of financial regulation, which she did not have time to consider.

The Panel acknowledges that Ms Shuter has been a force for good in many respects and accepts the significant positive impact that Ms Shuter has had on the educational aspect of the School and Pimlico School and particularly on the education of the students. The Panel also recognises the concerns of the governors, staff and students of King Solomon High School.

The Panel notes that Ms Shuter relied on the fact that she was using taxis frequently to move between the School and Pimlico School, whilst Ms Shuter was Head teacher of both, to explain how she came inappropriately to conflate personal use and school use of taxis. The Panel notes however that Ms Shuter was only Head teacher of Pimlico School until August 2008, whilst the misuse of school funds for personal taxi journeys continued until at least August 2012.

The Panel further notes that in 2010 the bursar had written to Ms Shuter, drawing her attention to alleged abuse of her position and concerns with her claims for expenses and paid external work. Despite this, a significant amount of Ms Shuter's unacceptable professional conduct took place after this date.

In particular, the Panel notes that Ms Shuter admits that £5,855.67 of taxi expenditure incurred by Ms Shuter over the period 1 January 2011 to 31 August 2012 was definitively identified as not being related to School business. Similarly, in April 2011, Ms Shuter's telephone bill of £748.25 included £571.62 of calls whilst in Thailand but only a £30 deduction was made in respect to personal calls when the monies were reclaimed. Further, Ms Shuter reclaimed her June 2011 mobile phone bill of £591.80 twice, submitting her mobile phone bill for one claim and a copy of her bank statement for the second. Similarly, Ms Shuter used £6,292.90 of School funds to pay for her 50th Birthday Party in January 2011. Ms Shuter set up a separate accounting head for this sum but failed to reimburse the School until £5,906.98 was repaid by Ms Shuter in April 2012, despite her having received an invoice in March 2011.

In light of the above, the Panel finds that Ms Shuter's actions were deliberate and not inadvertent as she has claimed.

The Panel also notes that there was no evidence to suggest that Ms Shuter was acting under duress.

The Panel was however, mindful of the fact that, based on the evidence before it, prior to these findings being made against her, Ms Shuter was considered to be a person of good character with no criminal or disciplinary sanctions recorded against her.

The Panel is of the view that Prohibition is both proportionate and appropriate. The Panel has decided that the public interest considerations outweigh the interests of Ms Shuter. 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 for them to decide to recommend that a review period of the order should be considered. The Panel was 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 proved, would militate against a review period being recommended. None of these behaviours is present in this case. However, the Panel notes that the Advice states that this list of behaviours is not exhaustive.

The Panel notes that Ms Shuter’s conduct continued over a prolonged period and that it covered a broad range of areas of financial control. The Panel also notes that Ms Shuter had approximately ten years of experience as a Head teacher, by the time the relevant conduct came to light. As the Panel has recorded above, it finds that, despite approximately two more years having passed since these events came to light, Ms Shuter does not in, the Panel’s view, show genuine insight into the severity and impact of her behaviours. The Panel does accept that the risk of Ms Shuter being involved in similar events in future is small. Notwithstanding this, in light of the above factors and the serious and deliberate nature of the conduct, the Panel felt that the findings indicated a situation in which a review period would not be appropriate and as such decided that it would be proportionate in all the circumstances for the Prohibition Order to be recommended without provisions for a review period.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to the findings and recommendations of the Panel in this case.

Ms Shuter has admitted all the facts in this case and that those facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

The Panel has considered the issue of unacceptable professional conduct and conduct that may bring the profession into disrepute. The Panel is satisfied that Ms Shuter’s conduct involved breaches of the Teachers’ Standards in that she has failed to demonstrate consistently high standards of personal and professional conduct. The Panel also referred to the GTC Code of Conduct, in place at the time of the conduct found proven. The Panel found unacceptable professional conduct in relation to each of the proven allegations.

The Panel has taken full account of how the profession is viewed by others and in particular the uniquely influential role that teachers can hold in pupils' lives. The Panel has judged that Ms Shuter's conduct amounts to conduct that may bring the profession into disrepute.

In considering whether their recommendation of a prohibition order is an appropriate and proportionate sanction it has acknowledged that an order should not be given in order to be punitive, although such sanction is likely to have a punitive effect. The Panel has given due regard to the public interest considerations in this case and has found a number of them to be relevant. In light of the findings of the Panel in respect of Ms Shuter making numerous and extensive expenses claims for personal gain, there is a strong public interest consideration in maintaining public confidence in the profession. Her national profile as an influential figure in education and public recognition as headteacher of the year and her receipt of a CBE increases the risk of public confidence in the profession being undermined. The Panel also recognised the broader public interest in maintaining confidence in the management of public finances, in particular ensuring the appropriateness of expense claims against public funds.

Notwithstanding the clear public interest considerations present in this case, the Panel have properly balanced these against those of Ms Shuter. They have listened to positive testimonials from staff and students about the positive impact she has had on her current school and on the positive impact she has had on individual students. They have also been mindful that Ms Shuter was previously considered to be a person of good character with no criminal or disciplinary sanctions recorded against her.

Ms Shuter has admitted her own wrongdoings; however the Panel have judged that she has shown a lack of insight into the severity and impact of her behaviours, referring in her evidence to the minutiae of financial regulation.

There is little doubt that Ms Shuter has had a significant positive impact on the educational aspects of the schools at which she has been headteacher and on the students at those schools. However, the facts proven took place over a prolonged period of time and many after Ms Shuter received a letter from the bursar in 2010 drawing her attention to alleged abuse of her position and concerns regarding her expenses claims and being paid for external consultancy. The Panel have found Ms Shuter's actions to be deliberate and have determined that she was not acting under duress.

In all the circumstances I agree with the Panel's recommendation that a prohibition order is both an appropriate and proportionate sanction.

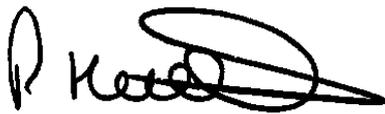
The Panel have considered whether the recommendation of a review period would be appropriate in this case. They have noted that the conduct took place over a

prolonged period and that it covered a broad range of areas of financial control. They have recognised Ms Shuter as an experienced headteacher with approximately 10 years' experience. Ms Shuter has failed to show genuine insight into the severity and impact of her behaviours. In light of this, and the serious and deliberate nature of the conduct, I agree with the Panel's recommendation that the prohibition order should be without the opportunity for Ms Shuter to apply for the order to be set aside.

This means that Ms Joanna Shuter 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 her, I have decided that Ms Joanna Shuter shall not be entitled to apply for restoration of her eligibility to teach.

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

Ms Joanna Shuter has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date she is given notice of this Order.

A handwritten signature in black ink, appearing to read 'P Heathcote', with a large, stylized flourish at the end.

NAME OF DECISION MAKER: Paul Heathcote

Date: 6 May 2014

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