



National College for
Teaching & Leadership

Sheryl Lee: Professional Conduct Panel outcome

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

October 2014

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

Teacher:	Ms Sheryl Lee (also referred to as Sheryl Ingham)
Teacher ref no:	96/39576
Teacher date of birth:	25 September 1975
NCTL Case ref no:	10883
Date of Determination:	24 October 2014
Former employer:	Not applicable

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 23 October 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Ms Sheryl Lee (nee Ingham).

The Panel members were Mr Martin Pilkington (Lay Panellist– in the Chair), Mrs Sheba Joseph (Teacher Panellist) and Mr Mark Tweedle (Teacher Panellist).

The Legal Adviser to the Panel was Mr Graham Miles of Blake Morgan LLP Solicitors.

The Presenting Officer for the National College was Mr Christopher Geering of counsel, instructed by Nabarro LLP Solicitors.

Ms Lee was not present and was not 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 13 August 2014.

It was alleged that Ms Sheryl Lee was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:

1. Ms Lee was cautioned by Cheshire Constabulary on 14 August 2001 for three offences committed between 1 May 2001 and 31 May 2001. These offences were:
 - a) attempting or obtaining a pecuniary advantage by deception, contrary to s.16 Theft Act 1968;
 - b) forging documents contrary to s.1 Forgery and Counterfeiting Act 1981;
 - c) using a false instrument, contrary to s.3 Forgery and Counterfeiting Act 1981;
2. Ms Lee's conduct which resulted in the cautions referred to in paragraph 1 was dishonest.

It was further alleged that Ms Lee was convicted of a relevant criminal offence, in that:

3. on 7 August 2013 at Warrington Magistrates' Court she was convicted of fraud by abuse of position contrary to s.1(2) (c) and s.4 Fraud Act 2006 and was subsequently sentenced to 16 months imprisonment, wholly suspended for 24 months, with an unpaid work requirement of 250 hours.

In her response to a letter sent on 18 June 2014, Ms Lee said that she admitted the facts alleged in allegation 1. However, the Panel treated this admission as equivocal in the light of other communications from her. The Panel proceeded on the basis that allegation 1 was not admitted. No admissions were made in relation to allegations 2 and 3.

C. Preliminary applications

In the absence of Ms Lee, the Presenting officer made an application for the hearing to proceed in her absence on the basis that the Notice had been properly served and that it could be concluded from recent attempts to communicate with Ms Lee that she had chosen not to attend.

After receiving legal advice and retiring to consider the application, the Chair announced the decision of the Panel as follows:

“The Panel is satisfied that the Notice of Proceedings has been served in accordance with the Teacher misconduct – Disciplinary procedures for the teaching profession’.

The Panel has decided to proceed with the hearing in the absence of Ms Lee for these reasons:

- Ms Lee is aware of today’s hearing. No explanation for her absence has been given, but Ms Lee has provided written submissions and references for the Panel’s consideration. The Panel is satisfied that Ms Lee has chosen not to attend.
- No application for an adjournment has been made and no purpose would be served by an adjournment.”

D. Summary of evidence

Documents

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

Section 1: Chronology, with page number 2

Section 2 Notice of Proceedings, with page numbers 4 to 10

Section 3: NCTL documents, with page numbers 12 to 33

Section 4: Teacher documents with page numbers 35 to 48.

The Panel requested a copy of the letter sent to Ms Lee about the decision to refer the conviction which was referred to but not included in the bundle of documents. This letter was added to the bundle as pages 49 to 52.

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

Witnesses

No witnesses were called to give evidence.

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 hearing.

On 14 August 2001, Ms Lee was cautioned by Cheshire Constabulary for the offences set out in paragraphs 1a.b, and c of the Notice of Proceedings. These offences related to the use of a false reference in May 2001 in order to gain an offer of employment as a teacher at a primary school.

On 7 August 2013, Ms Lee was convicted at Warrington Magistrates' Court of fraud by abuse of position. Following her conviction, she was committed to the Crown Court for sentence. On 16 September 2013 Ms Lee was sentenced at Warrington Crown Court to 16 months imprisonment, suspended for two years, with a requirement to carry out unpaid work for 250 hours. The circumstances of this offence were that, in September 2007, Ms Lee had been appointed treasurer of a local junior football club. This was a voluntary and unpaid role. In that capacity, she would handle the club's accounts and collect subscriptions from players and parents. These subscriptions, together with money from fundraising events were paid into the club's bank account. In October 2010, following the appointment of an assistant treasurer, an audit was carried out. This identified that the club's accounts were not balanced and that there was a discrepancy. Following further investigations, it was discovered that cheques had been paid out from the club's bank account into the accounts of Ms Lee or her husband using what appeared to be forged signatures. Following referral to the police, Ms Lee was interviewed under caution on 14 August 2012. During this interview, Ms Lee admitted that she had been writing cheques to herself for various amounts and forging the two signatures at the bottom of the cheques. Ms Lee also admitted that some of the cash received on behalf of the club was not paid into the club's bank account but was used by her for her own purposes. Ms Lee stated that personal bills had mounted up and that she did not have enough income to pay the family's debts. When the bailiffs arrived, Ms Lee said that she had panicked and started to use the club's funds. The total amount identified as stolen was just under £22,000. By the time of her sentencing hearing, Ms Lee had repaid over £6,000 to the club.

Findings of Fact

Our findings of fact are as follows:

It was alleged that Ms Sheryl Lee was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:

- 1. Ms Lee was cautioned by Cheshire Constabulary on 14 August 2001 for three offences committed between 1 May 2001 and 31 May 2001. These offences were:**
 - a) attempting or obtaining a pecuniary advantage by deception, contrary to s.16 Theft Act 1968;**
 - b) forging documents contrary to s.1 Forgery and Counterfeiting Act 1981;**

c) using a false instrument, contrary to s.3 Forgery and Counterfeiting Act 1981;

The Panel accepted the advice that a police caution is not conclusive proof of commission of the offence to which it related, but that a caution can only be issued if the offence is admitted.

In her email dated 30 April 2014, Ms Lee stated that she thought that there was 'one caution not three' and that the police may have warned her rather than cautioned her. However, the Panel noted that in her response to the NCTL letter dated 18 June 2014, Ms Lee admitted the allegations set out in that letter. In relation to allegation 1(a), the Panel noted Ms Lee's submission that she did not actually take up the offer of employment. The Panel noted the lack of evidence of the obtaining of a pecuniary advantage. However, the Panel noted that the caution also referred to an attempt to obtain a pecuniary advantage.

Taking into account all of the evidence presented, the Panel is satisfied on the balance of probabilities that the facts have been proved.

2. Ms Lee's conduct which resulted in the cautions referred to in paragraph 1 was dishonest.

The Panel noted that dishonesty is an inherent element of the offence of attempting to obtain a pecuniary advantage by deception, which the Panel found proved. Ms Lee has admitted that she 'took one line out of a reference'. The Panel is satisfied that Ms Lee's actions were dishonest by the ordinary standards of reasonable and honest people and that Ms Lee must have realised that her actions were dishonest by those standards. Accordingly, the Panel finds the facts proved.

It was further alleged that Ms Lee was convicted of a relevant offence, in that:

On 7 August 2013 at Warrington Magistrates' Court she was convicted of fraud by abuse of position contrary to s.1(2) (c) and s.4 Fraud Act 2006 and was subsequently sentenced to 16 months imprisonment, wholly suspended for 24 months, with an unpaid work requirement of 250 hours

The Panel has been presented with the certificate of conviction from Warrington Crown Court, which it accepts as conclusive that the facts of this allegation are 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 relation to the facts found proved in allegations 1 and 2, the Panel is satisfied that Ms Lee's actions amount to misconduct of a serious nature, falling significantly short of the standard of behaviour expected of a teacher.

Ms Lee breached the Personal and Professional Conduct element of the Teachers' Standards in that she failed to uphold public trust in the profession and also failed to maintain high standards of ethics and behaviour. This was demonstrated by her dishonesty relating to securing an offer of a teaching post in a primary school for which she received a caution.

The Panel is satisfied that her actions amount to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

In relation to allegation 3, the Panel notes Ms Lee's difficult personal and family circumstances at the time the offence was committed, which were also recognised by the Crown Court judge. Despite these, on 16 September 2013, Ms Lee was sentenced to a term of 16 months imprisonment, suspended for 24 months and was also ordered to complete 250 hours of unpaid work before 15 September 2014.

The Panel is satisfied that the offence was serious. Ms Lee had embezzled a substantial sum of money over a significant period of time from an organisation established for the benefit of young people. In so doing she abused her position of trust.

The Panel is satisfied that the offence is contrary to the standards of personal and professional conduct expected of a teacher. In addition, Ms Lee's actions would be likely to affect public confidence in the teaching profession.

Accordingly, the Panel is satisfied that the conviction was for a relevant offence.

Panel's recommendation to the Secretary of State

The Panel is satisfied that Ms Lee's behaviour is incompatible with being a teacher for the following reasons:

- these were serious departures from the personal and professional conduct elements of the Teachers' Standards;
- her dishonesty was repeated and sustained. She was cautioned for three offences involving the forging of a reference in 2001. In 2013, she received a suspended sentence of imprisonment for fraud. The fraud, which involved repeated forgery of cheques and stealing cash, was committed over a period between April 2008 and May 2011. The sums involved were significant and the consequences serious.
- in relation to allegation 3, she abused her position of trust for the reasons set out above;
- in relation to allegation 3, the conviction was for a very serious criminal offence, which is reflected in the sentence imposed, which at the time of this hearing is extant.

The Panel noted the mitigation put forward by Ms Lee and referred to by the judge in the transcript of the sentencing observations. The Panel noted that the judge said that Ms Lee 'didn't take the position in order to gain access to money...', but found herself 'in difficulties' and 'succumbed to temptation'. Similar points were also made by colleagues and friends. Nevertheless, Ms Lee's actions were deliberate and sustained. Ms Lee has expressed remorse, but did not accept in her response to the NCTL that her actions constituted unacceptable professional conduct or conduct that may bring the profession into disrepute. Given the repeated dishonesty, the Panel is concerned that Ms Lee has shown insufficient insight into the consequences of her actions and the impact on the maintenance of public confidence in the profession.

The Panel is satisfied that a Prohibition Order is necessary in order to both maintain public confidence in the profession and to declare and uphold proper standards of conduct. The Panel feels that this is proportionate, having weighed the interests of the public against those of the teacher. This is the Panel's recommendation.

The Panel further considered whether to recommend that Ms Lee should be able to apply for the Prohibition Order to be set aside after a specified period or whether there should be no such provision.

Ms Lee's actions involved fraud, serious dishonesty and repeated criminal behaviour. Her lack of insight gives the Panel no confidence that there will be no further incident. In these circumstances, the Panel recommends that there should be no provision for Ms Lee to apply for the Prohibition Order to be set aside.

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 all the allegations and determined that the facts amount to unacceptable professional conduct, conduct that may bring the profession into disrepute and conviction of a relevant offence.

The panel is satisfied that Ms Lee's behaviour is incompatible with being a teacher for a number of reasons including being a serious departure from the Teachers' Standards, abuse of a position of trust and the conviction of a serious offence. The panel have also found serious dishonesty involving significant sums of money.

Ms Lee's actions were deliberate and sustained and whilst she has expressed remorse, she has not accepted that her actions amount to unacceptable professional conduct or conduct that may bring the profession into disrepute.

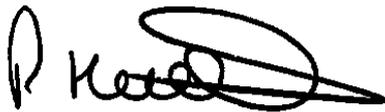
The panel have recommended that a prohibition order would be a proportionate and appropriate sanction and I agree.

The panel have gone on to consider whether it would be appropriate to recommend a review period in this case. Ms Lee has shown a lack of insight and the panel cannot be confident that her actions will not be repeated in the future. Her actions involved fraud, serious dishonesty and criminal behaviour. I agree with the panel's recommendation that there should be no provision for Ms Lee to apply to have the order set aside.

This means that Ms Sheryl Lee 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 Sheryl Lee 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 Sheryl Lee 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, sweeping flourish at the end.

NAME OF DECISION MAKER: Paul Heathcote

Date: 28 October 2014

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