



National College for
Teaching & Leadership

Mr Mathew Brown: 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:	Mr Mathew Brown
Teacher ref no:	0642709
Teacher date of birth:	26 October 1981
NCTL Case ref no:	0011718
Date of Determination:	30 October 2014
Former employer:	Notre Dame School, Cobham, Surrey

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 29 October 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Mathew Brown.

The Panel members were Mr Mark Tweedle (Teacher Panellist – in the Chair), Ms Nicole Jackson (Lay Panellist) and Mrs Kathy Thomson (Teacher Panellist).

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

The Presenting Officer for the National College was Ms Rebekah Hummerstone of Counsel, instructed by Nabarro LLP Solicitors.

Mr Mathew Brown was present and was represented by Mr Philip Dayle of Counsel.

The hearing took place in public and was recorded.

B. Allegations

The Panel considered the allegations set out in the Notice of Proceedings dated 15 August 2014.

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

1. In his application form for the post at Notre Dame School ("the School") dated 2 January 2011 he provided false information in respect of:

- a. his GCSE results;
- b. his status as an 'Advanced Skills Teacher' at Claverham Community College, Battle;
- c. his job title/responsibilities at Hillcrest Secondary School, Sussex, and;
- d. his job title/responsibilities at The British School, Warsaw.

2. His actions as described at paragraph 1 above were:

- a. misleading;
- b. dishonest.

3. Prior to submission to the School Mr Brown amended an employment reference from Individual A at Claverham Community College;

4. His actions as described at paragraph 3 above were:

- a. without Individual A's permission and/or approval,
- b. dishonest.

Mr Brown admits all of the facts of the allegations and admits that they amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

C. Preliminary applications

The Panel was invited to consider whether it was appropriate for witnesses to be called to speak to unacceptable professional conduct and / or conduct that may bring the profession into disrepute, given that Mr Brown admitted the facts of the allegations and also that they amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute. The Panel determined that it was a matter for the

Presenting Officer and Mr Brown’s representative whether such witnesses were called, rather than a matter for the Panel to decide upon.

D. Summary of evidence

Documents

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

Document	Pages
Chronology	2-3
Notice of proceedings and response	5-13
Statement of agreed facts	15-25
National College witness statements	27-44
National College documents	47-102
Teacher documents	104-146

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

Witnesses

The Panel heard oral evidence from:

- Individual B, a Human Resources Officer at Notre Dame School, called by the Presenting Officer
- Mr Mathew Brown
- Individual C, former Head of Theology at Notre Dame School, called by Mr Brown

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.

Summary of Evidence

On 2 January 2011 Mr Brown applied for the position of Head of ICT at Notre Dame School. He was successful in that application and was employed in that role until at least 6 February 2014, upon which Mr Brown applied for position of Head of Year at Notre Dame School. Notre Dame School identified discrepancies in that application and investigated Mr Brown's qualifications, including those set out in the application form of 2 January 2011. An investigation was carried out by the school and on 21 April 2014 Mr Brown left Notre Dame School having signed a confidential settlement agreement.

Findings of Fact

Our findings of fact are as follows:

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

1. In his application form for the post at Notre Dame School ("the School") dated 2 January 2011 he provided false information in respect of:

a. his GCSE results

This allegation has been admitted and is consistent with the other evidence before the Panel.

The evidence of Individual B, which has not been challenged by Mr Brown, is that Mr Brown obtained eight GCSEs in 1998, one of which was a dual-award GCSE. The grades were as follows (counting the dual-award GCSE as two GCSEs): 1 grade C, 6 grade D, 1 grade E and 1 grade F. None of these GCSEs was in History or ICT.

In the application form of 2 January 2011 Mr Brown claimed to have obtained nine GCSEs in 1997, one of which was a dual-award GCSE. The grades were as follows (counting the dual-award GCSE as two GCSEs): 7 grade B and 3 grade C. Mr Brown claimed that one of these GCSEs was in History and another was in ICT.

Mr Brown had therefore inflated his qualifications of 1997/8 by a total of 18 grades (over the nine GCSEs he had actually obtained), added a further GCSE which he had not obtained and claimed that he had obtained GCSEs in two subjects in which he had obtained no GCSE at all. One of these was in ICT, a subject which he subsequently taught.

It is noted however that Mr Brown subsequently re-took a GCSE in Mathematics, attaining a grade C in June 2002 and re-took a GCSE in English, attaining a grade B in the Summer of 2000.

The Panel finds this allegation proven.

b. his status as an 'Advanced Skills Teacher' at Claverham Community College, Battle

This allegation has been admitted and is consistent with the other evidence before the Panel.

Mr Brown recorded in the application form that he had been an “Advanced Skills Teacher” from September 2004 to the time of the application. It is now accepted by Mr Brown that he has not obtained such a qualification.

The Panel therefore finds this allegation proven.

c. his job title/responsibilities at Hillcrest Secondary School, Sussex

This allegation has been admitted and is consistent with the other evidence before the Panel.

The Panel noted that in this application Mr Brown claimed to have been “Acting Head of ICT” from August 2006 to July 2007, whereas in fact he admitted in the statement of agreed facts that he was employed as a member of the ICT department, initially working towards qualified teacher status and then as an NQT from March 2007.

The Panel therefore finds this allegation proven.

d. his job title/responsibilities at The British School, Warsaw

This allegation has been admitted and is consistent with the other evidence before the Panel.

Mr Brown implied in his application form that he was Head of ICT from September 2007 to June 2009. In reality, Mr Brown was appointed to teach PE in September 2007 and was only Head of ICT from September 2008.

The Panel finds this allegation proven.

2. His actions as described at paragraph 1 above were:

a. misleading

This allegation has been admitted. The Panel finds that the information described at paragraph 1 was inaccurate and had the clear tendency to mislead the School as to Mr Brown’s suitability for his role.

The Panel finds this allegation proven.

b. dishonest

Mr Brown admitted that his actions were dishonest.

Based on the evidence, the Panel concludes that Mr Brown's actions were deliberate and that any reasonable and honest man would view Mr Brown's action as dishonest. The Panel also concludes that Mr Brown himself must have known that what he did was, by the standards of ordinary and decent people, dishonest.

The Panel therefore finds this allegation proven.

3. Prior to submission to the School Mr Brown amended an employment reference from Individual A at Claverham Community College;

This allegation has been admitted and is consistent with the other evidence before the Panel.

The Panel has seen both the reference received by the School from Mr Brown and the original reference that Individual A supplied to Mr Brown. The Panel notes the differences between these documents. Moreover, the Panel has seen an email from Individual A himself noting that he did not make these changes.

The Panel therefore finds this allegation proven.

4. His actions as described at paragraph 3 above were:

a. without Individual A's permission and/or approval

This allegation has been admitted and is consistent with the other evidence before the Panel.

In particular, the Panel has seen an e-mail from Individual A indicating that the amendment to the reference was without Individual A's permission.

The Panel therefore finds this allegation proven.

b. dishonest.

Mr Brown admitted that his actions were dishonest.

Based on the evidence, the Panel concludes that Mr Brown's actions were deliberate and that any reasonable and honest person would view Mr Brown's action as dishonest. The

Panel also concludes that Mr Brown himself must have known that what he did was, by the standards of ordinary and decent people, dishonest.

The Panel therefore finds this allegation proven.

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 Brown in relation to the facts found proven, involved breaches of the Teachers’ Standards. The Panel considers that by reference to Part Two, Mr Brown is in breach of the following headline standards:

- “A teacher is expected to demonstrate consistently high standards of personal and professional conduct”; and
- “Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school ... ”

The Panel is satisfied that the conduct of Mr Mathew Brown fell significantly short of the standards expected of the profession.

The Panel has also considered whether Mr Brown’s conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Guidance.

The Panel notes that the impact of Mr Brown’s dishonesty in the 2011 application form was that honest candidates may have been denied the opportunity to be given this role and that Mr Brown was teaching in a role for which he did not have the qualifications, skills and experience that those appointing him had believed him to have.

In relation to Individual A’s reference of 2014, the Panel noted that Individual A’s evidence was that he was aware that there was some dispute in relation to whether Mr Brown had taught Advanced Skills Teachers at a previous college and that he wanted Individual A to clarify this in the reference. The evidence from Individual A was that he provided a reference that did not refer to Mr Brown teaching “Advanced Skills” courses or make any reference to Mr Brown allowing “Advanced Skills Teachers to be become better prepared ... ”. Mr Brown then amended the reference to include these words. The Panel finds this to be evidence of a deliberate, considered action, rather than a spur of the moment response. Moreover, it was designed to cover previous dishonesty. Further, claiming to have qualifications such as Advanced Skills Teacher status, without having achieved that qualification, undermines the hard work and abilities of those people who have obtained such qualifications.

In relation to the Advanced Skills Teacher qualification, there was some suggestion that Mr Brown had not appreciated that this label denoted achievement of a particular qualification. However the Panel noted that by the time of his application of 2014 Mr Brown appears to have appreciated this, in that the application referred to him obtaining that status at a particular date and referred to insight gained from Advanced Skills Teacher – Mr Brown stated in that application form “Advanced Skills Teacher (2006) and Outstanding Skills Teacher (2011) gave me great insight into expectations of Government agencies during inspections”.

On these bases the Panel concluded that Mr Brown has displayed behaviours associated with offences relating to or involving serious dishonesty.

The Guidance indicates that where behaviours associated with such an offence exist, a Panel is likely to conclude that an individual’s conduct would amount to unacceptable professional conduct.

The Panel notes that, although the conduct clearly related to the education profession, the conduct could be said to have taken place outside the education setting, in that it did not relate directly to Mr Brown’s teaching or interaction with pupils. The Panel is satisfied however that the conduct affected the way Mr Brown fulfilled his teaching role, in that it undermined Mr Brown’s integrity and credibility.

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

In relation to whether the facts amount to conduct that may bring the profession into disrepute, 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 can hold in pupil’s lives and that pupils must be able to view teachers as role models in the way they behave.

The findings of misconduct are serious and the conduct displayed would likely have a negative impact on the individual’s status as a teacher, potentially damaging the public perception.

The Panel therefore finds that Mr Mathew Brown’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.

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 Guidance 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.

The role of a teacher is one that carries significant influence, given teachers' work with young people. It is particularly important for this reason that the public has confidence in the profession, which includes confidence that teachers are honest and show high levels of integrity. The Panel has found that Mr Brown has acted dishonestly in providing a number of pieces of false information when applying for a teaching role and has attempted to cover that dishonesty by a further act of dishonesty, by altering a reference without the permission of the referee. In light of this, the public confidence in the profession could be seriously weakened if such conduct were not treated with the utmost seriousness when regulating the conduct of the profession.

Whilst Mr Brown's dishonesty had the clear potential to advantage him in securing him the teaching role he sought, it also had the clear potential to disadvantage other teachers applying for the same role. Such conduct was outside that which could reasonably be tolerated and the Panel considered that there was a strong public interest consideration in declaring and upholding proper standards of conduct in the profession when considering Mr Brown's behaviour.

The Panel has also considered the public interest in retaining good teachers in whom the State has invested. We have seen several references from former colleagues of Mr Brown which indicate that Mr Brown is a good classroom practitioner.

Notwithstanding the clear public interest considerations that were present which tended to point towards a Prohibition Order being appropriate, the Panel considered carefully whether or not it would be proportionate to impose a Prohibition Order taking into account the effect that this would have on Mr Brown.

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 Brown.

In considering the effect that a Prohibition Order would have on Mr Brown, the Panel noted that he is currently working in, and apparently hopes to continue to work in,

education. The Panel also noted that most of Mr Brown's career to date (some 10 years) has been spent in the education sector and that accordingly the skills and qualifications that he has acquired are focused on a career in that field.

The Panel also took account of the Guidance in this area, which suggests that a Prohibition Order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours, those that are relevant in this case are:

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

For the reasons that the Panel has already given, in relation to its finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, the Panel finds that Mr Brown's conduct amounted to serious departure from the relevant elements of the teachers' standards.

As to dishonesty, the Panel notes that Mr Brown's actions may have resulted in his being employed as Head of ICT at the School, when he may not otherwise have secured that role. In any event, the School has employed someone who did not have the qualifications or experience that they believed him to have. Mr Brown's dishonesty may also have disadvantaged any honest applicants for the role of Head of ICT at the School. The Panel further notes that Mr Brown repeated elements of his dishonesty and that the alteration of the reference was also an act of covering up the initial dishonesty.

Even though there were behaviours that would point to a Prohibition Order being appropriate, the Panel went on to consider whether or not there were sufficient mitigating factors to militate against a Prohibition Order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case.

The Panel did not find that Mr Brown's actions were not deliberate; on the contrary it found them to be deliberate and dishonest. Similarly, there was no evidence that Mr Brown was acting under duress.

The Panel did however accept that Mr Brown had a good history with no disciplinary proceedings against him prior to the facts giving rise to the allegations and that there was no evidence of dishonesty in areas of Mr Brown's work other than in his job applications.

The Panel read letters from a number of former colleagues indicating that they viewed Mr Brown to be honest in other aspects of his work, notwithstanding the matters that they had been made aware of in relation to these allegations. The Panel did however exercise some caution in this regard, in that it was not clear to the Panel from the evidence, even after hearing Mr Brown's oral testimony on the issue, whether those

character witnesses were all aware of the precise extent of Mr Brown's conduct or the fact that Mr Brown accepted that his actions were dishonest. In some cases referees had only known Mr Brown for a relatively short period of time, in one case less than a month, and had not been party to the discussions to which they referred.

Taking all of the above into consideration, 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 Mr Brown. The extent, repetition and covering up of the dishonesty were significant factors in forming that opinion. Accordingly, the Panel makes a recommendation to the Secretary of State that a Prohibition Order should be imposed with immediate effect.

The Panel went on to consider whether or not it would be appropriate to recommend a review period for the Order. The Panel was mindful that the Guidance 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 Guidance indicates that there are behaviours that, if proven, would militate against a review period being recommended. One of these behaviours is fraud or serious dishonesty. The Panel has found that Mr Brown has been responsible for dishonesty which may have harmed the prospects of honest applicants seeking a position at the School and that Mr Brown repeated and covered up his dishonesty. The Panel does therefore consider the dishonesty to be serious. Nonetheless, there is a continuous scale of conduct that could be described as dishonest and, whilst serious, the Panel does not view Mr Brown's dishonesty as the most serious that could have taken place, in that there was no evidence of significant impact on young people in the School, or on the School's finances.

When applying for the post of Head of ICT Mr Brown was a qualified teacher; colleagues have indicated that he is very good at teaching; and they have also indicated that he has excellent skills in ICT and a good relationship with his pupils. Mr Brown may therefore have secured the post of Head of ICT in any event and he appears to have been successful once appointed, such that he felt it appropriate three years later to apply for Head of Year.

In oral evidence, Mr Brown showed some insight into, and remorse for, his actions. The Panel did note however that this insight and remorse had come to Mr Brown late in the proceedings, in that dishonesty was only admitted to the Panel on the day of the hearing and was not supported in his written submissions.

The Panel felt the findings indicated a situation in which a review period was appropriate and proportionate.

The Panel considered the period of time which might be recommended before Mr Brown would be entitled to apply for review of any Prohibition Order. Taking all the circumstances into account it was felt proportionate to recommend a review period of two years. In particular, this would allow Mr Brown to reflect further on the impact of his actions, to demonstrate honesty and professional integrity in securing employment and to show sustained insight.

Decision and reasons on behalf of the Secretary of State

I have carefully considered the findings and recommendations of the panel in this case.

Mr Brown has admitted the allegations and the panel have found all the facts proven. They have further judged that those facts amount 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 balanced the public interest with the interests of Mr Brown. They have found the following public interest considerations to be relevant in this case:

- the maintenance of public confidence in the profession; and
- declaring and upholding proper standards of conduct.

The panel have considered any potential mitigating factors. They have judged that Mr Brown's actions were deliberate and dishonest. There was no evidence that he was acting under duress. The Panel did however accept that Mr Brown had a good history with no disciplinary proceedings against him prior to the facts giving rise to the allegations and that there was no evidence of dishonesty in areas of Mr Brown's work other than in his job applications.

The Panel has decided that the public interest considerations outweigh the interests of Mr Brown and I agree with their recommendation that a prohibition order is an appropriate and proportionate sanction.

The Panel have not viewed Mr Brown's dishonesty as the most serious that could have taken place, in that there was no evidence of significant impact on young people in the School, or on the School's finances. He has shown some remorse and insight into his actions albeit late in proceedings.

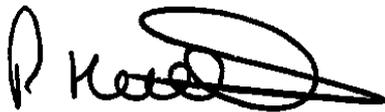
In the circumstances I agree with the panel's recommendation that Mr Brown should be provided with the opportunity to apply for the order to be set aside after a minimum period of 2 years have passed. This will allow him time to reflect properly on his actions and demonstrate a sustained period of honesty.

This means that Mr Mathew Brown is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the Prohibition Order to be set aside, but not until 10 November 2016, 2 years from the date of this order at the earliest.

This is not an automatic right to have the Prohibition Order removed. If he does apply, a panel will meet to consider whether the Prohibition Order should be set aside. Without a successful application, Mr Mathew Brown remains barred from teaching indefinitely.

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

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

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

NAME OF DECISION MAKER: Paul Heathcote

Date: 31 October 2014

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