



National College for
Teaching & Leadership

Mr Huw Jones: Professional conduct panel outcome

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

June 2016

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	12
Decision and reasons on behalf of the Secretary of State	14

Professional conduct panel decision and recommendations, and decision on behalf of the Secretary of State

Teacher: Mr Huw Jones

Teacher ref number: 8175167

Teacher date of birth: 9 November 1959

NCTL case reference: 14635

Date of determination: 28 June 2016

Former employer: Rainhill High School Media Arts College, Merseyside

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 28 June 2016 at Ramada Hotel, The Butts, Coventry, CV1 3GG to consider the case of Mr Huw Jones.

The panel members were Mr Mike Carter (teacher panellist – in the chair), Mr John Elliott (lay panellist), and Ms Esther Maxwell (lay panellist).

The legal adviser to the panel was Ms Isabelle Mitchell of Eversheds LLP.

The presenting officer for the National College was Ms Louisa Atkin of Browne Jacobson LLP.

As this was a meeting, the parties were not present.

The meeting took place in private, save for the announcement of the panel’s decision, which was announced in public and recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Meeting dated 8 June 2016.

It was alleged that Mr Jones was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed at Rainhill High School Media Arts College Mr Jones:

1. Provided positive and/or exemplary references for one or more members of staff despite knowing that senior members of staff had concerns about their conduct and/or competence, including:-
 - a. by completing a reference for Exclusive Education in relation to Teacher A on or around 10 February 2015;
 - b. by completing a reference for Edstaff Limited in relation to Teacher A on or around 10 March 2015;
 - c. by completing a reference in relation to Teacher B for Hays Recruitment on or around 16 October 2014;
 - d. by completing a reference in relation to Teacher C on or around 10 February 2011.
2. In providing one or more of the references referred to within 1 above he:-
 - a. provided information which he knew or ought to have known was misleading in that he;
 - i. omitted any reference to the conduct and/or competence concerns of which he was aware;
 - ii. provided information which he knew or ought to have known would not reflect the views of the senior leadership team;
 - b. was dishonest, in that;
 - i. he described Teacher A's relationship with staff as excellent and stated that he "gets on with all types of pupils and staff" and/or that he was "a well-respected member of staff who was very well liked by both staff and pupils", despite knowing that he had a difficult relationship with members of the senior leadership team, who had concerns in relation to his behaviour towards pupils;
 - ii. indicated that there had been no "disciplinary procedures which the applicant had been subject to in which the disciplinary sanction is current", despite

knowing that disciplinary procedures had been commenced against Teacher B for theft;

- iii. indicated that Teacher C has not been absent through illness or disability, despite the fact that you knew he had a period of sickness absence.

In the Statement of Agreed Facts, Mr Jones admitted the facts of the allegations and that they amounted to unacceptable professional conduct and conduct which may bring the profession into disrepute.

C. Preliminary applications

Whilst there were no preliminary applications, the panel considered at the outset whether the allegations should be considered at a public hearing which the parties would be entitled to attend, or a private meeting without the parties present. The panel considered the interests of justice and given that the facts of the allegation have been admitted, and that Mr Jones had requested a meeting, the panel was of the view that justice would be adequately served by considering this matter at a meeting.

The panel carefully considered the public interest. The panel noted that if the case proceeded in a meeting, there would be a public announcement of the panel's decision. The panel also had in mind that if a hearing were convened, there would be a cost to the public purse, which may not be justified if the matter could be determined in a meeting. The panel also had regard to the delay that would be caused by convening a hearing and considered it to be in the public interest to reach a final determination in this matter without further delay. The panel therefore decided to proceed with a meeting, but noted that it could, at any stage of the meeting, reconsider this issue.

D. Summary of evidence

Documents

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

Section 1: Chronology, anonymised pupil list and list of key people – pages 2 to 3

Section 2: Notice of Referral, response and Notice of Meeting – pages 5 to 10c

Section 3: Statement of Agreed Facts and presenting officer representations – pages 12 to 17

Section 4: NCTL documents – pages 19 to 107

Section 5: Teacher documents – pages 109

The panel members confirmed that they had read all of the documents in advance of the hearing.

Witnesses

The matter was convened as a meeting and no oral evidence was heard.

E. Decision and reasons

The panel announced its decision and reasons as follows:

The panel has carefully considered the case before it and has reached a decision.

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing.

Mr Jones was employed as a teacher at Rainhill High School (“the School”) from 1 September 1996 and was promoted to head of humanities on 1 September 2008.

On 30 November 2010 Teacher C resigned from the School.

In April 2014 Teacher A received a final written warning.

In June 2014 Teacher B was dismissed.

In around February and March 2015, Mr Jones prepared two references in relation to Teacher A. At the time of preparing these references, Mr Jones knew that members of the senior leadership team at the School had concerns in relation to Teacher A’s conduct prior to his departure from the School, including Teacher A’s ability to maintain appropriate professional boundaries. Despite being aware of these matters, Mr Jones provided wholly positive references that provided no indication of any of the concerns which had led to Teacher A’s departure from the School.

In relation to Teacher B, Mr Jones prepared a reference dated 14 October 2014. At the time of preparing the reference, Mr Jones knew that Teacher B had been investigated by the police for theft of school property and that he left the School whilst subject to disciplinary procedures in relation to those matters. Despite being aware of these concerns, Mr Jones’ reference for Teacher B was wholly positive and omitted to provide any reason for why Teacher B had left the School.

In relation to Teacher C, Mr Jones prepared a reference dated 10 February 2011. At the time of preparing the reference, Mr Jones knew that Teacher C had been subject to the School’s capability process prior to Teacher C’s departure. Despite being aware of the concerns around Teacher C’s competence, Mr Jones provided a wholly positive reference that provided no indication of any of the concerns which had led to Teacher C’s departure from the School.

In May 2015 the headteacher became aware of the references prepared by Mr Jones and an investigatory interview took place on 19 June 2015.

A disciplinary hearing took place on 3 September 2015 and Mr Jones resigned on the same day.

Findings of fact

Our findings of fact are as follows:

The panel has found the following particulars of the allegations against Mr Jones proven, for these reasons:

Whilst employed at Rainhill High School Media Arts College he:

1. Provided positive and/or exemplary references for one or more members of staff despite knowing that senior members of staff had concerns about their conduct and/or competence, including:-

a. by completing a reference for Exclusive Education in relation to Teacher A on or around 10 February 2015;

Mr Jones admitted this allegation in the Statement of Agreed Facts signed by him on 19 April 2016 (pages 12 to 15). This admission is consistent with the evidence in the papers, for example the copy of the reference for Exclusive Education dated 10 February 2015 (pages 45 to 46), the interview with Mr Jones as part of the School's internal disciplinary procedure (pages 58 to 69) and the statement from the headteacher of the School (pages 53 to 54).

The panel was therefore satisfied that this allegation was proven.

b. by completing a reference for Edstaff Limited in relation to Teacher A on or around 10 March 2015;

Mr Jones admitted this allegation in the Statement of Agreed Facts signed by him on 19 April 2016 (pages 12 to 15). This admission is consistent with the evidence in the papers, for example the copy of the reference for Edstaff Limited dated 10 March 2015 (page 47), the interview with Mr Jones as part of the School's internal disciplinary procedure (pages 58 to 69) and the statement from the headteacher of the School (pages 53 to 54).

The panel was therefore satisfied that this allegation was proven.

c. by completing a reference in relation to Teacher B for Hays Recruitment on or around 16 October 2014;

Mr Jones admitted this allegation in the Statement of Agreed Facts signed by him on 19 April 2016 (pages 12 to 15). This admission is consistent with the evidence in the papers,

for example the copy of the reference dated 16 October 2014 (pages 48 to 49), the interview with Mr Jones as part of the School's internal disciplinary procedure (pages 58 to 69) and the statement from the headteacher of the School (pages 53 to 54).

The panel was therefore satisfied that this allegation was proven.

d. by completing a reference in relation to Teacher C on or around 10 February 2011.

Mr Jones admitted this allegation in the Statement of Agreed Facts signed by him on 19 April 2016 (pages 12 to 15). This admission is consistent with the evidence in the papers, for example the copy of the reference dated 10 February 2011 (pages 50 to 51), the interview with Mr Jones as part of the School's internal disciplinary procedure (pages 58 to 69) and the statement from the headteacher of the School (pages 53 to 54).

The panel was therefore satisfied that this allegation was proven.

2. In providing one or more of the references referred to within 1 above he:-

a. provided information which he knew or ought to have known was misleading in that he;

i. omitted any reference to the conduct and/or competence concerns of which he was aware;

Mr Jones admitted this allegation in the Statement of Agreed Facts signed by him on 19 April 2016 (pages 12 to 15). This admission is consistent with the evidence in the papers, for example the interview with Mr Jones as part of the School's internal disciplinary procedure (pages 58 to 69) and the statement from the headteacher of the School (pages 53 to 54), which demonstrate that Mr Jones was aware, or ought to have been, of conduct and/or competence concerns when completing the references at allegation 1 above.

The panel was therefore satisfied that this allegation was proven.

ii. provided information which he knew or ought to have known would not reflect the views of the senior leadership team;

Mr Jones admitted this allegation in the Statement of Agreed Facts signed by him on 19 April 2016 (pages 12 to 15). This admission is consistent with the evidence in the papers, for example the interview with Mr Jones as part of the School's internal disciplinary procedure (pages 58 to 69) and the statement from the headteacher of the School (pages 53 to 54), which demonstrate that Mr Jones was aware, or ought to have been, of the views of the senior leadership team of the teachers who were the subject of the references completed by Mr Jones.

The panel was therefore satisfied that this allegation was proven.

b. was dishonest, in that;

- i. he described Teacher A's relationship with staff as excellent and stated that he "gets on with all types of pupils and staff" and/or that he was "a well-respected member of staff who was very well liked by both staff and pupils", despite knowing that he had a difficult relationship with members of the senior leadership team, who had concerns in relation to his behaviour towards pupils;**

Mr Jones admitted this allegation in the Statement of Agreed Facts signed by him on 19 April 2016 (pages 12 to 15). This admission is consistent with the evidence in the papers, for example the interview with Mr Jones as part of the School's internal disciplinary procedure (pages 58 to 69) and the statement from the headteacher of the School (pages 53 to 54), which demonstrate that Mr Jones was aware that Teacher A had a difficult relationship with the School's senior leadership team, who had concerns in relation to Teacher A's behaviour towards pupils. The panel was satisfied that Mr Jones' actions would be considered dishonest by the standards of an honest and reasonable teacher and Mr Jones himself has admitted his actions were dishonest.

The panel was therefore satisfied that this allegation was proven.

- ii. indicated that there has been no "disciplinary procedures which the applicant had been subject to in which the disciplinary sanction is current", despite knowing that disciplinary procedures had been commenced against Teacher B for theft;**

Mr Jones admitted this allegation in the Statement of Agreed Facts signed by him on 19 April 2016 (pages 12 to 15). This admission is consistent with the evidence in the papers, for example the interview with Mr Jones as part of the School's internal disciplinary procedure (pages 58 to 69) and the statement from the headteacher of the School (pages 53 to 54), which demonstrate that Mr Jones was aware that disciplinary procedures had been commenced against Teacher B for theft.

The panel was therefore satisfied that this allegation was proven.

- iii. indicated that Teacher C has not been absent through illness or disability, despite the fact that you knew he had a period of sickness absence.**

Mr Jones admitted this allegation in the Statement of Agreed Facts signed by him on 19 April 2016 (pages 12 to 15). This admission is consistent with the evidence in the papers, for example the interview with Mr Jones as part of the School's internal disciplinary procedure (pages 58 to 69) and the statement from the headteacher of the School (pages 53 to 54), which demonstrate that Mr Jones was aware that Teacher C had had a period of sickness absence.

The panel was therefore satisfied that this allegation was proven.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute

Having found the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel has had regard to the document Teacher Misconduct: The Prohibition of Teachers, which the panel refers to as “the Advice”

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions...;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...;
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel is satisfied that the conduct of Mr Jones fell significantly short of the standards expected of the profession.

Mr Jones knowingly provided misleading and inaccurate references about three different teachers and in doing so he undermined the reference system and exposed pupils and other schools to unnecessary risks of misconduct from the teachers who were the subject of the references. By providing misleading information, including in respect of a teacher where there had been safeguarding concerns related to that teacher’s behaviour towards pupils, Mr Jones completely disregarded the need to safeguard pupils’ well-being in accordance with statutory provisions. By providing references, purportedly on the School’s behalf, which he knew were inaccurate and misleading and did not reflect the views of the senior management, Mr Jones also put his school in a difficult legal and reputational situation, thereby failing to have proper and professional regard to his school’s ethos, policies and practices.

The panel has also considered whether Mr Jones’ conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and the panel has found that the offence of fraud or serious dishonesty is relevant. Mr Jones dishonestly made false representations about the teachers who were the subject of the

references, as he knowingly provided misleading and inaccurate information which he knew did not reflect the views of his senior leadership team. Mr Jones' behaviour was also repeated, as he completed four separate references on different occasions, all of which were misleading and inaccurate. Mr Jones' conduct also had potentially serious consequences for pupils, who were put at risk of potential future harm as a result of the misleading information provided by Mr Jones, and the School.

The Advice 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.

Accordingly, the panel is satisfied that Mr Jones 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 can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave. The panel considers that the public and parents would view Mr Jones' behaviour as potentially harmful to pupils. Schools need to be able to rely on references provided by former employers and colleagues and Mr Jones' actions put the trust in this system in jeopardy.

The panel therefore finds that Mr Jones' 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 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.

In light of the panel's findings against Mr Jones, there is a strong public interest consideration in respect of the protection of pupils and the public given that Mr Jones' behaviour had potentially serious consequences for pupils and schools, who were put at risk of potential future harm as a result of the misleading information provided by Mr Jones.

Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Jones were not treated with the utmost seriousness. The panel considers that the public and parents would view Mr Jones' behaviour as potentially harmful to pupils and the consequences of Mr Jones' actions were potentially serious.

The panel considers that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Jones included dishonesty and 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 Mr Jones.

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 Jones. The panel took further account of the Advice, 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;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- a deep-seated attitude that leads to harmful behaviour;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up;

The panel considers that evidence of a deep-seated attitude that leads to harmful behaviour exists as Mr Jones has failed to acknowledge that his actions were wrong and that he put pupils and the public at risk. Given this lack of insight and understanding, the panel considers that Mr Jones poses an ongoing risk to pupils, schools and the public.

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 Jones has not however availed himself of the opportunity of

providing any evidence or making representations in mitigation of his actions. The panel considers that Mr Jones' actions were deliberate and there is no evidence to suggest that Mr Jones was acting under duress.

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 Jones. The well-being of children is safeguarded by the provision of accurate and complete references, which Mr Jones did not provide. His flouting of this principle by providing misleading references was a significant factor in the panel's decision making. 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 were mindful that the 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 2 years.

The 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. Mr Jones has admitted and the panel has found that he has been responsible for dishonestly providing misleading and inaccurate information about three different teachers which he knew did not reflect the views of his senior leadership team. In respect of one of these teachers the School had safeguarding concerns and Mr Jones failed to disclose these concerns in the reference. Mr Jones' dishonest behaviour was also repeated on four separate occasions. Further, Mr Jones' conduct had potentially serious consequences for pupils, who were put at risk of potential future harm as a result of the misleading information provided by Mr Jones.

The panel has considered the extent to which Mr Jones has shown insight and remorse into his actions. The panel considers that Mr Jones has demonstrated a lack of insight into his actions. The evidence shows that Mr Jones has no understanding as to why his behaviour was wrong or understood why such behaviour is so serious. In light of this, the panel considers that Mr Jones poses an ongoing risk to pupils, schools and the public. The panel considers that the only insight displayed by Mr Jones was his admission of the allegations, but given the overwhelming evidence against him the panel considers that Mr Jones had no alternative. Therefore, the panel remains satisfied that Mr Jones has not displayed any real insight or remorse for his actions.

The panel felt 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 considered very carefully the findings and recommendations of the panel in this case. The panel has found all of the allegations proven, and Mr Jones has been found guilty of unprofessional conduct and conduct bringing the profession into disrepute.

Mr Jones knowingly provided misleading and inaccurate references about three different teachers, and in doing so he undermined the reference system and exposed pupils and other schools to unnecessary risks of misconduct from the teachers who were the subject of references. Mr Jones completely disregarded the need to safeguard pupils' well-being in accordance with statutory provisions.

I agree with the panel that there is a strong public interest consideration in respect of the protection of pupils and the public, given that Mr Jones' behaviour had potentially serious consequences for pupils and schools, who were put at the risk of potential future harm.

I note the panel has considered the particular public interest considerations, 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; and have found them all to be relevant in this case. I agree with the panel's view.

I agree with the panel that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Jones were not treated with the utmost seriousness when regulating the conduct of the profession.

I note the panel took account of the Advice, and behaviours proven in this case, namely:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- a deep-seated attitude that leads to harmful behaviour;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up.

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 Jones. I agree with that view. I have considered the public interest in this case and agree with the panel that prohibition is both proportionate and appropriate. I agree with the panel's view that the well-being of children is safeguarded by the provision of accurate and complete references, which Mr Jones did not provide.

I now turn to the matter of a review period. I note that the panel has considered the Advice, which indicates that there are behaviours that, if proven, would militate against a

review period being recommended. These include fraud or serious dishonesty. Mr Jones has admitted and the panel has found that he has been responsible for dishonestly providing misleading and inaccurate information. Mr Jones' dishonest behaviour was also repeated on four separate occasions.

The panel considers that Mr Jones has demonstrated a lack of insight into his actions, and no understanding as to why his behaviour was wrong or understood why such behaviour is so serious.

The panel has decided that a prohibition order should be recommended without provisions for a review period.

Nothing is more important than the safety and welfare of children, and for this reason and the reasons set out above, I agree with the panel's recommendation, that a prohibition order should be imposed and that no review period should be allowed.

This means that Mr Huw Jones 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 Jones 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 Jones 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 'J. Millions', with a small dot at the end of the signature.

Decision maker: Jayne Millions

Date: 5 July 2016

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