



National College for
Teaching & Leadership

Ms Sharon May: Professional conduct panel outcome

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

December 2016

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

Teacher: Ms Sharon May
Teacher ref number: 9644414
Teacher date of birth: 23 April 1970
NCTL case reference: 15252
Date of determination: 22 December 2016
Former employer: Irlam and Cardishead College

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 22 December 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Ms Sharon May in a meeting.

The panel members were Mr Mike Carter (teacher panellist – in the chair), Mrs Mel Gunstone (lay panellist) and Mr Colin Parker (teacher panellist).

The legal adviser to the panel was Mr Graham Miles of Blake Morgan LLP solicitors.

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 allegation set out in the Notice of Meeting dated 14 December 2016.

It was alleged that Ms Sharon May has been convicted of the following relevant criminal offence:

On 10 March 2016 she was convicted at the Crown Court at Manchester (Crown Square) of three offences of fraud. She committed these offences between 1 May 2010 and 3 December 2014, and was sentenced to 24 months imprisonment (suspended for 24 months) and was ordered to carry out 200 hours of unpaid work.

Ms May admitted the conviction and admitted that the conviction was for relevant offences.

C. Preliminary applications

There were no preliminary applications. In advance of the meeting, Ms May signed an agreed statement of facts and requested that the case be considered at a meeting. The National College agreed to this request. The panel did not conclude that the public interest and/or the interests of justice required the case to be considered at a hearing.

D. Summary of evidence

Documents

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

Section 1: Chronology – page 2

Section 2: Notice of Referral, response and notice of meeting – pages 4 to 18a

Section 3: Statement of Agreed Facts and Presenting Officer Representations – pages 19 to 22

Section 4: NCTL documents – pages 24 to 59

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

Statement of agreed facts

The panel considered a Statement of Agreed Facts signed by Ms May on 26 November 2016.

E. Decision and reasons

The panel announced its decision and reasons as follows:

The panel has carefully considered this case and has reached a decision.

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

Ms Sharon May was employed as a teacher and a SENCO at Irlam and Cardishead College ('the School') from 1 September 1997 until 28 February 2015.

In October 2014, the School was notified of concerns relating to the possible misuse of a grant budget which had been allocated to the School for Targeting Mental Health in Schools (TAMHS). An investigation was commenced by the Local Authority which revealed that funds taken from both the TAMHS and 1-2-1 Tuition budgets had been used to buy

Trafford Centre vouchers, restaurant vouchers and vouchers for Center Parcs. The vouchers had been ordered by Ms May.

In November 2014, Ms May was asked to provide further information to explain why the vouchers had been purchased and/or how they had been put to use. In responding to this request, Ms May provided information to the Local Authority which was false and/or misleading.

Ms May was suspended on 10 November 2014 so that further investigations could take place. She was invited to attend an investigation meeting in December 2014, but declined due to poor health. On 27 February 2015 she submitted her resignation from the school.

A police investigation was commenced and Ms May was interviewed on 30 April 2015. During the interview, Ms May admitted paying for holidays and expenses for herself and her family with vouchers which had been purchased with money from one of the school's budgets. She admitted that, in total, she had spent more than £40,000 of school funds for her own purposes.

On 10 March 2016, Ms May pleaded guilty to three offences of fraud in the Crown Court at Manchester (Crown Square).

Findings of fact

The panel's findings of fact are as follows:

It was alleged that you have been convicted of the following relevant criminal offences:

On 10 March 2016 you were convicted at the Crown Court at Manchester (Crown Square) of three offences of fraud. You committed these offences between 1 May 2010 and 3 December 2014 to 24 months' imprisonment (suspended for 24 months) and were ordered to carry out 200 hours of unpaid work.

The panel finds the facts proved based on Ms May's admission, the agreed statement of facts and the certificate of conviction.

Findings as to conviction of a relevant offence

Ms May admits that the offences for which she was convicted amount to relevant offences. The panel has taken this admission into account, but made its own determination.

The panel is satisfied that the conduct of Ms May in relation to the facts it has found proved, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two Personal and Professional Conduct, Ms May 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:
 - showing tolerance of and respect for the rights of others;
 - not undermining fundamental British values, including...the rule of law,
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.

The panel did not consider that Ms May's actions had a potential impact on the safety or security of pupils or members of the public. However, her actions deprived vulnerable pupils of public monies that had been allocated to enhance their educational needs. To that extent, Ms May has failed to show respect for the rights of those pupils.

The panel has also taken account of how the teaching profession is viewed by others. The panel noted that the sentencing judge stated, 'you are no longer a respected teacher, you are a criminal'. The panel considered that Ms May's behaviour in committing the offence could affect the public confidence in the teaching profession given the influence that teachers may have on pupils, parents and others in the community.

The panel has noted that Ms May's behaviour has ultimately led to her receiving a sentence of imprisonment, albeit that it is suspended, which is indicative of the seriousness of the offences committed.

This is a case involving an offence of fraud or serious dishonesty, which the document Teacher Misconduct: The Prohibition of teachers, which the panel refers to as "the Advice" states is likely to be considered a relevant offence.

The panel has taken into account the fact that Ms May pleaded guilty at the first opportunity and was given credit for this and her previous good character by the sentencing judge. The panel has not received any evidence or submissions in mitigation from Ms May.

The panel considers that a finding that this conviction was for relevant offences, is necessary to reaffirm clear standards of conduct, so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of a conviction of relevant offences, 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 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 panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Ms May 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 proper standards of conduct in the profession was also present as the conduct found against Ms May 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 May.

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 May. 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;
- actions or behaviours that undermine the rule of law;
- an abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures.

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 noted that the Crown Court dealt with Ms May as a person of previous good character and the panel has adopted the same approach. No references or testimonials have been provided to the panel.

There was no evidence to suggest that Ms May was acting under duress, and in fact the Crown Court found her actions to be dishonest.

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 May. The serious dishonesty committed over several years, involving a very significant amount of public money allocated for the education of vulnerable pupils, was a significant factor 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 that a review period of the order should be considered. The panel was mindful 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. These behaviours include fraud or serious dishonesty. The panel has found that Ms May has been responsible for dishonesty committed over several years, involving a very significant amount of public money allocated for the education of vulnerable pupils.

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 provision for a review period.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendations made by the panel in respect of both sanction and review period.

This is a case where the panel has found that the conviction given to the teacher was a relevant one. That conviction was for three offences of fraud. Ms May committed these offences between 1 May 2010 and 3 December 2014, and she was sentenced to 24 months imprisonment (suspended for 24 months) and was ordered to carry out 200 hours of unpaid work.

The panel noted that Ms May pleaded guilty.

The panel found that Ms May 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:
 - showing tolerance of and respect for the rights of others;
 - not undermining fundamental British values, including...the rule of law,
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.

The panel also went on to consider the behaviours shown by Ms May, to include:

- 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;
- actions or behaviours that undermine the rule of law;
- an abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures.

I have considered the recommendation of the panel and I agree that a prohibition order is proportionate. A prohibition order properly balances the rights and interests of the teacher with the wider public interest.

I have gone on to consider the panel's recommendation in respect of a review period.

This was a serious case of fraud and dishonesty. It involved a significant amount of public money.

Taking into account the need to be proportionate and fair I support the recommendation made by the panel.

This means that Ms Sharon May 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 Sharon May 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 Sharon May 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 'Alan Meyrick', written in a cursive style.

Decision maker: Alan Meyrick

Date: 29 December 2016

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