



National College for
Teaching & Leadership

Mr William Evans: Professional conduct panel outcome

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

October 2017

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

Teacher: Mr William Evans

Teacher ref number: 1070721

Teacher date of birth: 17 May 1979

NCTL case reference: 15762

Date of determination: 11 October 2017

Former employer: Queen Elizabeth Humanities College ('the School'),
Herefordshire

A. Introduction

A professional conduct panel ("the panel") of the National College for Teaching and Leadership ("the National College") convened on 11 October 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr William Evans.

The panel members were Mr John Armstrong (lay panellist – in the Chair), Ms Alison Feist (former teacher panellist) and Cllr Gail Goodman (teacher panellist).

The legal adviser to the panel was Ms Eve Piffaretti of Blake Morgan LLP solicitors.

The presenting officer for the National College was Ms Holly Quirk of Browne Jacobson LLP solicitors.

Mr William Evans was not present but was represented by Ms Hayley Bennett of Cartwright King solicitors.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 3 October 2017.

It was alleged that Mr William Evans was guilty of conduct that may bring the profession into disrepute in that whilst employed as a teacher at the Queen Elizabeth Humanities College, an 11-16 comprehensive school in Herefordshire:

1. On 2 October 2016, he:
 - a. was in possession of a number of packets containing a quantity of cocaine at his home address;
 - b. tested positive to having used cocaine.
2. In respect of his conduct at Allegation 1(a), he received a police caution on 2 October 2016 for possession of a controlled drug (Class A) in contravention of section 5(1) of the Misuses of Drugs Act 1971 and/or contrary to section 5(2) of and/or Schedule 4 to the Misuses of Drugs Act 1971.

Mr Evans admitted the facts alleged in paragraphs 1 and 2 in his response to the Notice of Proceedings. Mr Evans denied that he was guilty of conduct that may bring the profession into disrepute.

C. Preliminary applications

Application for an adjournment

The panel considered an application for adjournment of the hearing made on Mr Evans' behalf by Ms Bennett. An adjournment was requested so that lesson observations and appraisals recently sought could be submitted to the panel in support of Mr Evans' case in mitigation.

After hearing submissions from the presenting officer and receiving legal advice relating to the Teacher misconduct: Disciplinary procedures for the teaching profession (the "Procedures"), paragraph 4.54, the chair announced the decision of the panel as follows:

"The panel has considered the application carefully and has reached a decision, taking into account paragraph 4.54 which sets out the panel's option to adjourn where it is fair and appropriate to do so:

- The application for an adjournment for an indeterminate period which is made on the basis that there may be documents which Mr Evans may like it to take into account which may relate to his good character and ability to teach.

- The panel has taken into account Mr Evans' interests and the public interest.
- The application for an adjournment has not been made for the purpose of Mr Evans' attendance at a hearing at a later date. Ms Bennett has confirmed that Mr Evans is content for her to represent him in his absence and that he would not attend at a later date.
- The application is opposed by the National College.
- The National College does not dispute Mr Evans' previous good character and his ability to teach.
- The case papers contain a letter, at page 47, which provides insight into Mr Evans' abilities as a teacher.
- Any additional material which may be available would only amplify documentation it already has and that the adjournment sought is in order to secure documentation which is not guaranteed and which may not be made available.

For the above reasons, the panel does not consider that it is appropriate or in the interests of a fair hearing to adjourn".

Submission of Late / Additional documents

The panel considered an application made, on Mr Evans' behalf by Ms Bennett, to submit additional documents not forming part of the bundle, namely lesson and learning walks observations. The presenting officer had no objection to the late admissions of the documents. After receiving legal advice, the chair announced the decision of the panel as follows:

"The panel has considered the application for the admission of additional documents not served in accordance with the Rules. The Panel consider doing so would be appropriate and in the interests of a fair hearing."

Application for the hearing to be in private

The panel considered an application made by Mr Evans in his response to the Notice of Proceedings dated 3 October 2017 which contained a written request for the hearing to take place in private. The panel also noted the submissions made on Mr Evans' behalf by Ms Bennett.

In his written submission, Mr Evans drew attention to the fact that the School should be protected from adverse publicity, the age of the allegations, that the factual allegations are admitted and that he has now left the teaching profession.

The presenting officer opposed the application on the basis that there was a presumption that hearing should take place in public and that the School had not requested anonymity in these proceedings. After receiving legal advice, the chair announced the decision of the panel as follows:

"The panel has heard submissions from Ms Bennett and notes that Ms Quirk opposes the application for the hearing to be in private. The panel has paid due regard to paragraph 4.57 which provides that a panel may exclude the public from a hearing or part of it where it appears necessary in the interests of justice or to protect the interest of children or vulnerable witnesses or where the teacher makes a request for the hearing to be in private and the panel does not consider it to be contrary to the public interest.

The panel's starting point is that hearings should be held in public to ensure openness and transparency, bearing in mind that the public interest includes maintaining confidence in the profession and upholding proper standards of conduct.

The panel notes that the School has not made an application for or requested privacy.

The reasons for a private hearing put forward by Mr Evans are so that the School should be protected from adverse publicity, due to the age of the allegations, that the factual allegations are admitted and that he is no longer engaged in teaching.

The panel has paid due regard to Mr Evans' right to privacy and weighed this against the public interest. The panel has concluded that the reasons put forward by Mr Evans are not sufficient to grant his application for the hearing to take place in private. The panel has concluded that the public interest in this hearing taking place in public outweighs Mr Evans' right to privacy. Accordingly, the hearing will continue in public."

D. Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – page 2

Section 2: Notice of Proceedings and Response – pages 4 to 10

Section 3: National College documents – pages 12 to 39

Section 4: Teacher documents – pages 41 to 65

In addition, the panel agreed to accept the following:

Lesson and learning walks observations, pages 66 to 76.

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

Witnesses

There were no witnesses.

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 Evans was employed at the School as a teacher of Design and Technology from 1 January 2013 until 22 October 2016.

On 2 October 2016 Mr Evans' home address was searched by West Mercia Police ("the Police") following his arrest in relation to a matter for which no further action was taken by the Police and which is not before this panel. During that search a number of small, self-seal, clear plastic bags containing remains of cocaine, a Class A drug, were discovered. Mr Evans admitted the possession of cocaine for his personal use and also tested positive for cocaine. Whilst in police custody he asked for an assessment from a drugs counsellor. Mr Evans accepted a caution from the Police on 2 October 2016.

On 3 October 2016, the School suspended Mr Evans pending investigation. This followed a report made by Mr Evans to the headteacher that he had received a police caution for possession of a Class A drug on 2 October 2016. The decision to suspend Mr Evans was endorsed by the Local Authority Designated Officer (LADO). A LADO Allegation Management Meeting was held on 11 October 2016. Following that meeting Evans' initial suspension was extended for a further 10 days. He was invited to attend an investigation interview meeting at the school on 20 October 2016.

On 20 October 2016 Mr Evans asked to speak with the headteacher prior to the investigation interview. Mr Evans indicated that he would be tendering his resignation and he resigned from the School by letter dated 22 October 2016.

Findings of fact

The panel's findings of fact are as follows:

It was alleged that you are guilty of conduct that may bring the profession into disrepute in that whilst employed as a teacher at the Queen Elizabeth Humanities College, an 11-16 comprehensive school in Herefordshire:

1. On 2 October 2016, you:

a. were in possession of a number of packets containing a quantity of cocaine at your home address;

b. tested positive for having used cocaine.

2. In respect of your conduct at Allegation 1(a), you received a police caution on 2 October 2016 for possession of a controlled drug (Class A) in contravention of section 5(1) of the Misuses of Drugs Act 1971 and/or contrary to section 5(2) of and/or Schedule 4 to the Misuses of Drugs Act 1971.

Mr Evans admits the facts of allegations 1(a) and 1(b) and allegation 2. This admission was set out in Mr Evans' response to the Notice of Proceedings, the letter from his legal representatives dated 18 January 2017 and by the teacher's representative today.

The panel noted that, under section 5(1) of the Misuse of Drugs Act 1971, it is an offence for a person to have a controlled drug in his possession. Mr Evans has admitted that, on 2 October 2016, he accepted a caution for possession of a controlled drug, namely cocaine. Mr Evans also admits that he tested positive for use of that controlled drug on 2 October 2016. The panel also accepted the legal advice to the effect that a caution can only be given where an offence is admitted.

The panel also took into account the contents of record of simple caution dated and signed by Mr Evans on 2 October 2016, the School's incident report form dated 3 October 2016, the Police National Computer record dated 15 November 2016, an email sent by Mr Evans to the headteacher of the School dated 17 November 2016 and a letter from the Police dated 21 November 2016.

The panel also noted the contents of a letter from the Police which confirms further information in relation to the caution administered to Mr Evans and the offence it relates to. When questioned by the Police Mr Evans fully admitted possession of the cocaine for his personal use and asked for an assessment by a drugs worker.

Accordingly, the panel is satisfied that Mr Evans committed the offence for which he was cautioned and finds the facts alleged in allegation 1(a) and 1(b) and allegation 2 proved.

Findings as to 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 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 Evans in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Evans is expected to demonstrated consistently high standards of personal and professional conduct and 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:
 - 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;
- 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 Evans in relation to the facts found is misconduct of a serious nature which breaches the Teachers' Standards.

The panel noted the contents of the School's Written Statement of Particulars of Employment signed by Mr Evans on 31 August 2012 which states under Code of Conduct :-

"Employees are required to maintain conduct of the highest standard to ensure public confidence in their integrity.

Teachers are bound by the Teachers' Standards as outlined in the "Your Teaching Post in QEHC Academy Trust" booklet. "

The panel noted that the conduct took place outside the school setting, but has taken into account that Mr Evans taught pupils in a school across the age range of 11 to 16 years. The panel also took 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 also 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.

Mr Evans has admitted that his misconduct was serious. The panel was concerned to note that, notwithstanding Mr Evans' assertion of his anti-drug stance in the school environment, he was found to be in possession of and using a Class A drug outside the school setting. The panel considered this finding of misconduct to be serious and that the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

The panel has also considered whether Mr Evans conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice.

The panel has found that the acceptance of a caution for the offence of possession of a Class A drug, including a one-off incident is relevant.

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 conduct that may bring the profession into disrepute.

The panel therefore finds that Mr Evans' 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 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 a number of them to be relevant in this case, namely the protection of pupils/the protection of other members of the public/the maintenance of public confidence in the profession/declaring and upholding proper standards of conduct.

The panel took into account its findings against Mr Evans as set out above, which included that he was in possession of a Class A drug, cocaine, at his home address, for his personal use. The panel determined that a strong public interest consideration in declaring proper standards of conduct in the profession was also present, as the conduct found against Mr Evans was outside that which could reasonably be tolerated.

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

Notwithstanding the clear public interest considerations that were present, the panel reflected carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Evans.

In carrying out the balancing exercise the panel has taken into account the public interest considerations both in favour of and against prohibition as well as the interests of Mr Evans. 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;
- actions or behaviours that undermine fundamental British values of .. the rule of law..;
- the commission of a serious criminal offence 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.

There was no evidence that Mr Evans' actions were not deliberate.

There was no evidence to suggest that the teacher was acting under duress.

Mr Evans has a previously good history. The panel noted the contents of the Police National Computer record and that he had no previous history of criminal offences prior to the caution. The panel has considered Mr Evans' lesson observations and learning walks, which reflect that Mr Evans was an "outstanding" teacher. The panel also considered the reference prepared by the School's headteacher dated 25 October 2016 which describes Mr Evans as "a strong teacher with valuable skills. At a recent monitoring inspection he was cited by HMI as providing exemplary teaching which was clearly rooted in a student centred approach." The panel noted that this reference was not prepared for the purpose of these proceedings and it was noted that no other references have been provided from any colleagues to attest to Mr Evans abilities as a teacher.

Mr Evans has admitted the offence to police in accepting a simple caution and has expressed regret and remorse for his actions. He has also admitted the facts of this caution and his personal use of cocaine on 2 October 2016. Mr Evans asserts that he attended Addaction, a voluntary organisation which supports people to make positive behavioural changes with regards drugs and other substances.

Having considered the mitigation in this case and the seriousness of the conduct found proven, 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 the teacher. The serious nature of the offence 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 for them to decide to recommend that a review period of the order should be considered. The panel was 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 two years. The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. One of these behaviours includes Class A drug abuse or supply.

The panel again carefully considered the information in mitigation. Mr Evans has expressed remorse for this actions but the panel is concerned that it has only limited evidence as to his insight into his conduct given that the facts of his conduct may bring the profession into disrepute.

The panel felt the findings indicated a situation in which a review period would be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for Mr Evans to be able to apply to have the prohibition order reviewed after a period of three years. The panel considers a three year period is an appropriate period of time for Mr Evans to reflect on how his conduct is viewed by others and consider the influence that teachers may have on pupils, parents and others in the community. The panel consider that will enable him to reflect on the uniquely influential role that teachers can hold in pupils' lives so that pupils must be able to view him as a role model in the way he behaves.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of sanction and review period.

In considering this case, I have also given very careful attention to the advice that is published by the Secretary of State concerning the prohibition of teachers.

In this case, the panel has found the allegations proven and found that those proven facts amount to conduct that may bring the profession into disrepute. The panel has made a recommendation to the Secretary of State that Mr Evans should be the subject of a prohibition order, with a review period of three years.

In particular the panel has found that Mr Evans 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:
 - 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;

- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel finds that the conduct of Mr Evans fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of possession of and using a Class A drug.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself whether or not a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Evans, and the impact that will have on him, is proportionate.

In this case I have considered the extent to which a prohibition order would protect children. The panel has observed “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”. A prohibition order would therefore prevent an adverse influential role from being present whilst the prohibition order is in force.

I have also considered the extent to which a prohibition order is in the public interest. The panel has determined that there was a “strong public interest consideration in declaring proper standards of conduct in the profession was also present, as the conduct found against Mr Evans was outside that which could reasonably be tolerated.”

I have taken into account the panel’s comments on insight and remorse. The panel say, “Mr Evans has admitted the offence to police in accepting a simple caution and has expressed regret and remorse for his actions.” The panel also noted, “Mr Evans asserts that he attended Addaction, a voluntary organisation which supports people to make positive behavioural changes with regards drugs and other substances.”

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. I note the panel observe, “public confidence in the profession could be seriously weakened if conduct such as that found against Mr Evans were not treated with the utmost seriousness when regulating the conduct of the profession.” I also note the panel’s reference to the Advice in relation to the behaviours associated with such an offence as found in this case.

I have had to consider that the public has a high expectation of professional standards of all teachers and that failure to impose a prohibition order might be regarded by the public as a failure to uphold those high standards. In weighing these considerations I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Evans himself. The panel considered documentation which supported Mr Evan’s good history as a teacher. The panel observed, ‘lesson observations and learning walks, which reflected that Mr Evans was an “outstanding” teacher’. Furthermore the panel noted it had seen a, “reference prepared by the School’s headteacher dated 25 October 2016 which describes Mr Evans as “a strong teacher with valuable skills.”

A prohibition order would prevent Mr Evans from returning to the profession. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case I have placed considerable weight on the panel’s comments concerning public confidence in the proffesion. The panel was satisfied that, “the conduct of Mr Evans in relation to the facts found is misconduct of a serious nature which breaches the Teachers’ Standards.” And that it, “considered this finding of misconduct to be serious and that the conduct displayed would likely have a negative impact on the individual’s status as a teacher, potentially damaging the public perception.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Evans has made to the profession.

I have considered the panel’s comments that the “public interests consideration outweigh the interests of the teacher” in light of the, “seriousness of the conduct found proven”.

In my view it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the aims which a prohibition order is intended to achieve.

I have gone on to consider the matter of a review period. In this case the panel has recommended a 3 year review period. The panel having carefully considered mitigation were of the opinion, “Mr Evans has expressed remorse for his actions but the panel is

concerned that it has only limited evidence as to his insight into his conduct given that the facts of his conduct may bring the profession into disrepute.”

I note that the panel was of the view that a 3 year review period will give time for Mr Evans to, “reflect on how his conduct is viewed by others and consider the influence that teachers may have on pupils, parents and others in the community.” The panel further say, a 3 year review period will allow Mr Evans to, “to reflect on the uniquely influential role that teachers can hold in pupils’ lives so that pupils must be able to view him as a role model in the way he behaves.”

I have also considered the panel’s comments that Mr Evans, “expressed regret and remorse for his actions” and that the panel observed Mr Evans had, “no previous history of criminal offences prior to the caution.”

I agree with the panel that a 3 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession.

I consider therefore that a three year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr William Evans 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 25 October 2020, three 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 Evans remains prohibited from teaching indefinitely.

This order takes effect from the date on which it is served on the teacher.

Mr Evans 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.



Decision maker: Dawn Dandy

Date: 18 October 2017

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