



Teaching
Regulation
Agency

Mr Robert James Morris: Professional conduct panel meeting outcome

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

June 2018

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

Teacher: Mr Robert James Morris

Teacher ref number: 1156022

Teacher date of birth: 10 April 1977

TRA reference: 16846

Date of determination: 29 June 2018

Former employer: [Redacted] (“School A”) and
[Redacted] (“School B”)

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 29 June 2018 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Robert James Morris.

The panel members were Mr Tony Woodward (former teacher panellist – in the chair), Ms Alison Walsh (teacher panellist) and Ms Surinder Dhillon (lay panellist).

The legal adviser to the panel was Ms Rachael Pye of Eversheds Sutherland International LLP.

In advance of the meeting, the TRA agreed to a request from Mr Morris that the allegations be considered without a hearing after taking into consideration the public interest and the interests of justice. Mr Morris provided a signed statement of agreed facts and admitted unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel therefore considered the case at a meeting without the attendance of the presenting officer, Mr Morris or his representative.

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 Proceedings dated 10 May 2018.

It was alleged that Mr Morris was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as a supply teacher through Simply Education Limited (“the Agency”):

1. You were under the influence of alcohol on school premises on the following occasions:
 - a. whilst on assignment at School A on or around 5 January 2017; and
 - b. whilst on assignment at School B on or around 3 October 2017.
2. You took alcohol onto the premises of School B on or around 3 October 2017.
3. Your actions at 1(b) were in contravention of previous advice given to you by the Agency on or around 19 January 2017.

Mr Morris has signed a statement of agreed facts dated 26 March 2018 in which he admits the above allegations and further admits that the facts of these allegations amounts to unacceptable professional conduct and conduct that may bring the profession into disrepute.

C. Summary of evidence

Documents

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

Section 1: Chronology– page 1

Section 2: Notice of Referral, Response and Notice of Meeting – pages 2 to 7b

Section 3: Statement of Agreed Facts and Presenting Officer’s representations – pages 8 to 12

Section 4: Teaching Regulation Agency documents – pages 13 to 49

Section 5: Teacher documents – pages 50 to 93

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

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Morris dated 26 March 2018.

D. Decision and reasons

The panel announced its decision and reasons as follows:

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

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

In advance of the meeting, the TRA agreed to a request from Mr Morris that the allegations be considered without a hearing. The panel has the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction is necessary or appropriate in this case.

Mr Morris was employed by the Agency as a supply teacher from 17 October 2015 to 2 October 2017. On 5 January 2017 Mr Morris was asked to leave School A as it was suspected he was under the influence of alcohol. A toothbrush, toothpaste, mouthwash and caffeine drinks were also found in Mr Morris' classroom. Mr Morris denied that he was under the influence of alcohol and stated that he [redacted] Mr Morris was subsequently advised by the Agency that he should avoid excessive alcohol consumption prior to working for the Agency. Mr Morris was also advised that if he felt unfit to work he should inform the Agency of this and must not attend work.

On 3 October 2017 Mr Morris attended for work at School B and was asked to leave the school premises as it was believed Mr Morris was under the influence of alcohol. Mouthwash was also found in Mr Morris' classroom and his water bottle was found to contain vodka. Also on this date, a black bag belonging to Mr Morris was found to contain a nearly empty bottle of vodka. Mr Morris stated that he had drunk the night before.

Findings of fact

The panel's findings of fact are as follows:

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

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

1. You were under the influence of alcohol on school premises on the following occasions:

a. whilst on assignment at School A on or around 5 January 2017.

The panel had regard to the signed statement of agreed facts in which Mr Morris admitted this allegation. The panel also considered the evidence provided in the bundle, namely the incident report from School A where the Agency reported that Mr Morris had been removed from the school premises on the 5 January 2017 as it was suspected that he was under the influence of alcohol.

The panel also considered evidence of a telephone conversation between the Agency and the deputy head of School A in which the deputy head stated that they had found a bag in Mr Morris' classroom containing a toothbrush, toothpaste, mouthwash and caffeine drinks. The panel felt that this was evidence that Mr Morris was attempting to conceal his alcohol use on school premises.

Whilst the panel note School A had no firm proof that Mr Morris was under the influence of alcohol at this time, in light of the signed statement of agreed facts the panel was satisfied that there was sufficient evidence to find this allegation proven.

b. whilst on assignment at School B on or around 3 October 2017.

The panel had regard to the signed statement of agreed facts in which Mr Morris admitted this allegation. The panel also considered the evidence provided in the bundle, namely School B's written account of events in which employees at School B stated that on the 3 October 2017 they observed Mr Morris was "*unsteady on his feet*" and "*was presenting as though he had consumed alcohol.*"

The panel took into consideration that at this time, Mr Morris claimed he had been drinking the night before. However, the panel felt that the evidence relating to Mr Morris' physical condition on this date was sufficient to show he was under the influence of alcohol whilst on school premises. The panel therefore found this allegation proven.

2. You took alcohol on to the premises of School B on or around 3 October 2017.

The panel had regard to the signed statement of agreed facts in which Mr Morris admitted this allegation. The panel also considered evidence provided in the bundle, namely the report from School B that following a search of Mr Morris' classroom, staff found a black bag containing a nearly empty bottle of vodka and also a water bottle containing vodka.

The panel was therefore satisfied that this allegation was proven.

3. Your actions at 1(b) were in contravention of previous advice given to you by the Agency on or around 19 January 2017.

The panel had regard to the signed statement of agreed facts in which Mr Morris admitted this allegation. The panel also considered the evidence in the bundle, namely the email from the Agency to Mr Morris in which Mr Morris was clearly told to “*avoid any excessive alcohol consumption prior to working*” for the Agency. The Agency also recommended that if Mr Morris felt unwell, he should inform the Agency and not attend work. The panel felt this advice was sufficiently clear and that having found allegations 1a, 1b and 2 proven, Mr Morris had clearly acted in contravention of this advice.

The panel therefore found this allegation 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 had regard to the signed statement of agreed facts where Mr Morris admits that the allegations against him amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel also 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 Morris in relation to the facts found proven, involved serious breaches of the Teachers’ Standards. The panel found Mr Morris had acted in breach of the following standards, namely:

- 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, and maintain high standards in their own attendance and punctuality; and
- 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 Morris fell significantly short of the standards expected of the profession.

The panel has also considered whether Mr Morris' conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel felt Mr Morris had demonstrated:

- a serious departure from the personal and professional conduct elements of the Teachers' Standards; and
- misconduct seriously affecting the education and/or wellbeing of pupils.

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.

Having found the facts of particulars 1a, 1b, 2 and 3 proven, we further find that Mr Morris' conduct amounts to both unacceptable professional conduct and 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 a 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 maintenance of public confidence in the profession; and
- declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Morris, which involved teaching at School A and School B whilst under the influence of alcohol, there is a strong public interest consideration. The panel considers that the public confidence in the profession could be

seriously weakened if conduct such as that found against Mr Morris was not treated with the utmost seriousness when regulating the conduct of the profession.

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 Morris.

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 Morris. 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:

- a serious departure from the personal and professional conduct elements of the Teachers' Standards; and
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk.

The panel was particularly concerned that the safety of students had been compromised by Mr Morris' actions and that the allegations found proven showed a pattern of behaviour of this kind.

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there was 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. Whilst the panel found that Mr Morris' actions appeared to be deliberate, they accept that his consumption of alcohol [redacted]. The panel also found there was no credible evidence that Mr Morris was acting under duress.

The panel did not feel Mr Morris showed sufficient insight into or remorse for his behaviour as the evidence suggested that he had attempted to make a number of excuses for his behaviour. The panel was also mindful that Mr Morris had previously been given a warning by the Agency but had continued to act in contravention of this warning.

The panel therefore first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel is sufficient. The panel is of the view that applying the standard of the ordinary intelligent citizen, recommending no prohibition order would not be a proportionate and appropriate response. Recommending that publication of adverse findings is sufficient in the case would unacceptably compromise the public interest considerations present in this case, despite the severity of consequences for the teacher of prohibition.

The panel is of the view that prohibition is both proportionate and appropriate on the facts of this case. The panel has decided that the public interest considerations outweigh the interests of Mr Morris. The safety of 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 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. The panel found that none of these behaviours were present in this case.

The panel felt that Mr Morris has not shown sufficient insight into his actions and there is evidence of denial [redacted]. The panel was also mindful that Mr Morris had already received a warning for his behaviour and had therefore already been granted an opportunity to change his behaviour.

Nevertheless, the panel's findings indicated a situation in which a review period would be appropriate because the conduct arose as a result of [redacted]. Therefore, the panel decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provision for a review period after two years. The panel felt this would give Mr Morris sufficient time to address [redacted] and noted there was evidence to suggest that Mr Morris was taking steps to do this.

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 unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel has made a recommendation to the Secretary of State that Mr Morris should be the subject of a prohibition order, with a review period of two years.

In particular the panel has found that Mr Morris 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, and maintain high standards in their own attendance and punctuality; and
- 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 Morris fell significantly short of the standards expected of the profession.

The panel has also considered whether Mr Morris' conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel felt, "Mr Morris had demonstrated:

- a serious departure from the personal and professional conduct elements of the Teachers' Standards; and
- misconduct seriously affecting the education and/or wellbeing of pupils."

The findings of misconduct are particularly serious as they include a finding of behaviour that puts pupils' wellbeing at risk.

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 Morris, 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 panel was particularly concerned that the safety of students had been compromised by Mr Morris' actions and that the allegations found proven showed a pattern of behaviour of this kind." A prohibition order would therefore prevent such a risk from being present. I have also taken into account the panel's comments on insight and remorse which the panel sets out as follows, "The panel did not feel Mr Morris showed sufficient insight into or remorse for his behaviour as the evidence

suggested that he had attempted to make a number of excuses for his behaviour.” The panel has also commented that Mr Morris had, “previously been given a warning by the Agency but had continued to act in contravention of this warning.”. In my judgement the lack of insight means that there is some risk of the repetition of this behaviour and this risks future pupils’ safety. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “that the public confidence in the profession could be seriously weakened if conduct such as that found against Mr Morris was not treated with the utmost seriousness when regulating the conduct of the profession.”

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 Morris himself.

A prohibition order would prevent Mr Morris from continuing in the teaching 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 the lack of insight or remorse. The panel has said it felt, “that Mr Morris has not shown sufficient insight into his actions and there is evidence of denial [redacted]. The panel was also mindful that Mr Morris had already received a warning for his behaviour and had therefore already been granted an opportunity to change his behaviour.”

I am particularly mindful that Mr Morris’ actions compromised the safety of students.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Morris has made to the profession. In my view it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision that is not backed up by remorse or insight 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 2 year review period.

I have considered the panel's comments " the panel's findings indicated a situation in which a review period would be appropriate because the conduct arose as a result of [redacted]

The panel has also said that a 2 year review period would give Mr Morris, "sufficient time to address [redacted] and noted there was evidence to suggest that Mr Morris was taking steps to do this."

I agree with the panel that a 2 year review period will allow sufficient time for Mr Morris to address his [redacted] and is a proportionate period to achieve the aim of maintaining public confidence in the profession

This means that Mr Robert Morris 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 2020, 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 Morris remains prohibited from teaching indefinitely.

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

Mr Morris 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: 05 July 2018

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