



Teaching
Regulation
Agency

Ms Aimee Green: Professional conduct panel meeting outcome

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

August 2021

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

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| Teacher: | Ms Aimee Green |
| Teacher ref number: | 3739114 |
| Teacher date of birth: | 24 June 1992 |
| TRA reference: | 18775 |
| Date of determination: | 9 August 2021 |
| Former employer: | Oxclose Community Academy, Washington, Tyne and Wear |

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 9 August 2021 by way of a virtual hearing, to consider the case of Ms Aimee Green.

The panel members were Mr Maurice McBride (lay panellist – in the chair), Ms Emma Moir (lay panellist) and Mr John Martin (teacher panellist).

The legal adviser to the panel was Mr Robert Kellaway of Birketts LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Ms Green that the allegations be considered without a hearing. A signed statement of agreed facts had been agreed in advance of the meeting.

The panel considered the case at a meeting without the attendance of the presenting officer, Ms Ruth Miller of Fieldfisher LLP, Ms Green or her representative Ms Alison Shanks.

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

Allegations

The panel considered the allegations set out in the notice of meeting dated 15 June 2021 and amended on 5 August 2021.

It was alleged that Ms Green was guilty of having been convicted of a relevant offence, in that:

1. On 11 September 2019, she was convicted of an offence contrary to section 39 of the Criminal Justice Act 1988, namely assault by beating, on 15 June 2019, was fined £200, ordered to pay costs of £85, compensation of £50, and a victim surcharge of £85, and made subject to an exclusion order from Mile Castle Public House, Newcastle upon Tyne and Community Order until 10 March 2020.
2. On 11 September 2019, she was convicted of an offence contrary to section 39 of the Criminal Justice Act 1988, namely assault by beating, on 15 June 2019, was ordered to pay compensation in the sum of £50 and made subject to an exclusion order from Mile Castle, Grainger Street, Newcastle upon Tyne and Community Order until 10 March 2020.

In the statement of agreed facts signed by Ms Green on 10 May 2021, Ms Green admitted the facts of allegations 1 and 2 and that her behaviour amounted to a conviction of a relevant offence.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

- Section 1: Chronology, anonymised pupil list and list of key people – pages 1 to 2
- Section 2: Notice of referral, response and notice of meeting – pages 3 to 14a
- Section 3: State of agreed facts and presenting officer representations – pages 15 to 18
- Section 4: Teaching Regulation Agency documents – pages 19 to 48
- Section 5: Teacher documents – pages 49 to 53

In addition, the panel agreed to accept the following:

- Corrected notice of meeting dated 5 August 2021 – pages 54-55.
- Email exchange between Ms Green and TRA – pages 56-57.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the meeting and additional documents admitted by the panel.

Statement of agreed facts

The panel considered a statement of agreed facts which Ms Green had signed on 10 May 2021. Along with her admission of the allegations, the panel also noted that Ms Green agreed that at the time of the offence and when convicted, she was employed or engaged to carry out teaching work.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Ms Green for the allegations to be considered without a hearing. The panel had 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 was necessary or appropriate in this case.

Ms Green commenced employment with Oxclose Community Academy (“the School”) on 2 February 2015 as a learning support assistant and on 5 June 2019 was appointed as a class teacher. Ms Green was an unqualified teacher.

On 15 June 2019, at around 21:45, Ms Green assaulted two individuals following an argument at a public house in Newcastle upon Tyne. Ms Green had been out drinking with her friends. Ms Green did not know the two individuals she assaulted. Ms Green was arrested that evening.

On 11 September 2019, Ms Green appeared before North Northumbria Magistrates’ Court. Ms Green pleaded guilty and was convicted of two counts of assault by beating in relation to her actions on 15 June 2019. Ms Green was ordered to pay a fine, compensation and costs and was made subject to an exclusion order from the public house which expired on 10 March 2020.

Northumbria Police made a referral to the TRA on 9 October 2019.

Findings of fact

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

- 1. On 11 September 2019, you were convicted of an offence contrary to section 39 of the Criminal Justice Act 1988, namely assault by beating, on 15 June 2019, were fined £200, ordered to pay costs of £85, compensation of £50, and a victim surcharge of £85, and made subject to an exclusion order from Mile Castle Public House, Newcastle upon Tyne and Community Order until 10 March 2020.**
- 2. On 11 September 2019, you were convicted of an offence contrary to section 39 of the Criminal Justice Act 1988, namely assault by beating, on 15 June 2019, were ordered to pay compensation in the sum of £50 and made subject to an exclusion order from Mile Castle, Grainger Street, Newcastle upon Tyne and Community Order until 10 March 2020.**

The panel noted page 8 of the Teacher Misconduct: The Prohibition of Teachers (“the Advice”) which states that where there has been a conviction at any time of a criminal offence, the hearing will not re-examine the facts of the case and the panel will accept the conviction as conclusive proof that establishes the relevant fact.

The panel had been provided with a copy of the Memorandum of Conviction from the North Northumbria Magistrates’ Court which detailed that Ms Green had been convicted of two counts of assault by beating, in respect of her actions on 15 June 2019.

In addition, the panel noted that in the response to the notice of referral dated 30 June 2020 and in the signed statement of agreed facts signed on 10 May 2021, Ms Green had admitted the facts of allegations 1 and 2. Ms Green also admitted in her email to the TRA of 1 May 2020 that she had punched one individual and had pushed the other individual.

On examination of the documents before the panel, the panel was satisfied that the facts of the allegations were proved.

Findings as to conviction of a relevant offence

Having found the facts of allegations 1 and 2 proved, the panel went on to consider whether those facts amounted to a conviction of a relevant offence.

The panel noted that the offences had taken place outside of the school setting and outside of school hours and had not involved pupils or other members of staff. Nevertheless, for the reasons set out below, having considered all the facts of the case, the panel considered that the two counts of assault by beating of which Ms Green had been convicted were relevant to her fitness to be a teacher.

The panel considered the two counts of assault by beating had involved violence, and noted the Advice states that offences involving violence are likely to be considered a relevant offence. However, the panel did note that Ms Green's behaviour did not lead to a sentence of imprisonment, which was indicative that the offence was at the less serious end of the possible spectrum.

The panel was satisfied that the conduct of Ms Green in relation to the proven facts involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Ms Green was 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.

The panel noted that the behaviour involved, in committing the offence, could have had an impact on the safety of pupils and/or members of the public. Ms Green had acted violently on the evening of 15 June 2019 towards two members of the public whom she did not know. The panel considered that Ms Green had presented a danger to members of the public at the time of the offence and there had been no proper justification for her actions.

The panel also took account of the way the teaching profession is viewed by others and, in particular, noted the influence that teachers may have on pupils, parents and others in the community. The panel considered that Ms Green's behaviour in committing the offence of assault by beating whilst on a night out would likely negatively affect the public's confidence in the teaching profession. The public would not expect any member of society to act in the way Ms Green had done, let alone a member of the teaching profession.

The panel also considered that a finding that the conviction was a relevant offence was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

The panel considered there was little compelling evidence within the bundle in the way of mitigating circumstances at the time the offence was committed.

In summary, the panel found the allegations proven and that Ms Green had been convicted of a relevant offence.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of a conviction of a relevant offence, it was 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 had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so.

The panel noted that 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 had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, in particular the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

The panel decided that a strong public interest consideration in declaring proper standards of conduct in the profession was present as the conduct found against Ms Green, was outside that which could reasonably be tolerated from a teacher.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Green, two counts of assault by beating on two innocent members of the public without apparent justification, was not treated with the utmost seriousness when regulating the conduct of the profession.

In the light of the panel's findings against Ms Green which involved conviction of a violent offence, there was a potential public interest consideration in respect of the protection of pupils and the public. However, on balance the panel considered the risk that Ms Green would repeat the acts of violence against members of the public was limited.

The panel decided that there was not a public interest consideration in retaining the teacher in the profession. The panel was provided with no evidence of the abilities of Ms Green as a teacher or that she had made, or could make in the future, a substantial contribution to the teaching profession.

Ms Green had not put forward any references or statements from colleagues, family members or friends as to her skills as a teacher, her contribution to the teaching profession or her commitment to the profession.

Notwithstanding the 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 Green.

In carrying out the balancing exercise, the panel had regard to the public interest considerations present as well as the interests of Ms Green. 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 proved. 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;
- 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 the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

The panel considered that Ms Green's actions on 15 June 2019 had been deliberate. The panel noted that it appeared from Ms Green's evidence that she had been intoxicated at the time the offences had been committed but the panel did not consider this meant her actions had not been deliberate.

No evidence was put forward that Ms Green had ever been subject to any previous regulatory sanctions or committed any other criminal acts. However, no evidence was submitted from anyone, other than written submissions from Ms Green, as to her good character or her abilities as a teacher.

The panel noted that Ms Green had referred to Individual A , a colleague from the School, in her letter to the presenting officer of 9 April 2021 knowing the kind of person/member of staff she is and that the offence had been completely out of character. Yet, no character reference to this effect, or any other character reference, had been provided by that colleague or any other members of staff, or any former work colleague, or friends or family members. Accordingly, the panel could give very little weight to Ms Green's written indication that she had acted out of character on 15 June 2019.

There was no evidence to suggest that Ms Green was acting under duress at the time she committed the offences.

The panel considered Ms Green's written statements within the bundle dated 1 May 2020, 10 July 2020, 17 November 2020 and 9 April 2021, as to her personal circumstances at the time of the incident. In particular, Ms Green submitted that around the time of the offence she had been subject to [redacted]. The panel gave some weight to this mitigation as a result of the detailed accounts provided by Ms Green [redacted]. However, the panel found it could not give significant weight to this mitigation, as it was not supported by any corroborating evidence and the panel only had the written submissions of Ms Green to the presenting officer following her conviction for the offences. [redacted]. Her account to the police on 16 June 2019 (the day after the offence) of the reasons why she had acted in the way she had, was different to the account she subsequently put forward in writing to the presenting officer.

It did appear to the panel that Ms Green accepted her conduct on 15 June 2019 had been wrong and that she was now aware of the seriousness of her actions. Ms Green appeared to be remorseful for her actions. In particular, the panel noted Ms Green's comment:

'I had never met the girls before that night and I'm absolutely devastated by my actions. I have put shame not only [on] myself but my family and Oxclose Academy. I hope and pray every day I get to keep my job and keep being part of the Oxclose family.'

Whilst Ms Green was remorseful for her actions, the panel considered she had not displayed sufficient insight into why her actions had fallen so far below the standards expected of the teaching profession. In particular, why her conduct would be likely to damage the teaching profession and a school in which she taught, and why it might negatively influence the children under her care.

The panel considered whether it would be proportionate to conclude this case with no recommendation of prohibition and whether the publication of the findings made by the panel alone would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order in the circumstances of this case. The public interest considerations present in this case would be unacceptably compromised if the recommendation was that the publication of adverse findings alone would be sufficient.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Ms Green. The fact that Ms Green had been convicted of a violent offence and the lack of mitigation was a significant factor in forming that opinion. Accordingly, the panel made 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 states 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 proved, would militate against the recommendation of a review period. One of these behaviours include violence. The panel found that Ms Green was responsible for two convictions of assault. However, the panel considered that this was not a case where a recommendation of no review period would be appropriate as the panel considered the violence committed by Ms Green, on a single

occasion of short duration outside of school, had been on the less serious scale of the spectrum in terms of possible offences.

The panel decided that 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 a 3 year review period. The panel considered a recommendation for the minimum period of 2 years was not appropriate in this case given the offence had involved violence, although the fact it was at the lower end of the spectrum in terms of possible violent offences militated against a longer review period being appropriate.

The panel considered the review period would also allow Ms Green to fully reflect on the wider ramifications of her actions and to address the issues she referred to in her private life. These steps should ensure that if she was ever permitted to return to teaching following the minimum review period, there is little prospect of such issues affecting her ability to uphold standards in the profession.

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 both sanction and review period.

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

In this case, the panel has found all of the allegations proven and found that those proven facts amount to a relevant conviction.

The panel has made a recommendation to the Secretary of State that Ms Aimee Green should be the subject of a prohibition order, with a review period of 3 years.

In particular, the panel has found that Ms Green 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.

The panel finds that the conduct of Ms Green fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a conviction of two counts of assault by beating.

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 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 Ms Green, and the impact that will have on her, is proportionate and in the public interest.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "It did appear to the panel that Ms Green accepted her conduct on 15 June 2019 had been wrong and that she was now aware of the seriousness of her actions. Ms Green appeared to be remorseful for her actions." The panel has also commented that "Whilst Ms Green was remorseful for her actions, the panel considered she had not displayed sufficient insight into why her actions had fallen so far below the standards expected of the teaching profession. In particular, why her conduct would be likely to damage the teaching profession and a school in which she taught, and why it might negatively influence the children under her care." 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, "public confidence in the profession could be seriously weakened if conduct such as that found against Ms Green, two counts of assault by beating on two innocent members of the public without apparent justification, 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 the public might regard a failure to impose a prohibition order 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 Ms Green herself and the panel comment "No evidence was put forward that Ms Green had ever been subject to any previous regulatory sanctions or committed any other criminal acts. However, no

evidence was submitted from anyone, other than written submissions from Ms Green, as to her good character or her abilities as a teacher.”

However, despite the lack of evidence, a prohibition order would prevent Ms Green from teaching. A prohibition order would also clearly deprive the public of her 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 regarding the impact on the teaching profession “The panel considered that Ms Green’s behaviour in committing the offence of assault by beating whilst on a night out would likely negatively affect the public’s confidence in the teaching profession. The public would not expect any member of society to act in the way Ms Green had done, let alone a member of the teaching profession.”

I have also placed considerable weight on the finding of the panel that “the public interest considerations outweighed the interests of Ms Green. The fact that Ms Green had been convicted of a violent offence and the lack of mitigation was a significant factor in forming that opinion.”

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Green 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, in light of the circumstances in this case, with lack of mitigation and sufficient 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 intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended a 3 year review period.

I have considered the panel’s comments “it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a three-year review period. The panel considered a recommendation for the minimum period of two years was not appropriate in this case given the offence had involved violence, although the fact it was at the lower end of the spectrum in terms of possible violent offences militated against a longer review period being appropriate.”

I have considered whether 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. In this case a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are a conviction of violence and the lack of mitigation and insight.

I consider therefore that a 3 year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Ms Aimee Green is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. She may apply for the prohibition order to be set aside, but not until 18 August 2024, 3 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Ms Green remains prohibited from teaching indefinitely.

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

Ms Green 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 'S Buxcey', with a horizontal line underneath.

Decision maker: Sarah Buxcey

Date: 12 August 2021

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