



National College for
Teaching & Leadership

Mr Gary Greenhouse: Professional conduct panel outcome

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

October 2015

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

Teacher: Mr Gary Greenhouse
Teacher ref number: 0611447
Teacher date of birth: 7 March 1980
NCTL case reference: 12854
Date of determination: 30 October 2015
Former employer: Charles Thorp School, Tyne and Wear

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 30 October 2015 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Gary Greenhouse.

The panel members were Mr Colin Parker (teacher panellist – in the chair), Ms Gail Goodman (teacher panellist) and Mr Martin Pilkington (lay panellist).

The legal adviser to the panel was Ms Patricia D’Souza of Eversheds LLP.

The presenting officer for the National College was Mr Scott Ivill of 2 Hare Court.

Mr Greenhouse was present and represented himself.

The hearing took place in public and was recorded. Parts of the hearing during which health issues were discussed were heard in private, yet such parts were recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 14 August 2015 (subject to the minor amendment approved by the panel during the hearing).

It was alleged that Mr Greenhouse was guilty of a conviction, at any time, of a relevant offence in that:

1. On 30 October 2014, at Gateshead District Magistrates Court, he was convicted of the offence of theft in that on or between 01 December 2013 and 15 July 2014 he stole £2,400 belonging to Charles Thorp School contrary to section 1(1) and 7 of the Theft Act 1968. He was sentenced to 6 months imprisonment wholly suspended for 12 months, order to undertake 300 hours of unpaid work and to pay compensation in the sum of £1,200 and a victim surcharge of £80.

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

2. On 10 April 2005 he received a caution from Northumbria Police for possessing a controlled drug – Class A – Cocaine contrary to Section 5(2) of the Misuse of Drugs Act 1971.

These allegations were not admitted prior to the hearing. In the hearing, Mr Greenhouse admitted the facts of allegation 1 and 2. As there was no admission relating to whether such conduct amounted to conviction of a relevant offence and/or unacceptable professional conduct and/or conduct which may bring the profession into disrepute, this case proceeded as a disputed case.

C. Preliminary applications

The panel considered an application from Mr Greenhouse for this hearing to be held in private. Mr Greenhouse indicated that due to the health issues recently experienced by him and a relative that he would prefer for the entire hearing to be conducted in private.

The panel has considered whether to exercise its discretion under paragraph 11 of the Teachers' Disciplinary (England) Regulations 2012 (the "Regulations") and paragraph 4.57 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession (the "Procedures") to exclude the public from all or part of the hearing.

The panel has determined to exercise its discretion under paragraph 11(3)(b) of the Regulations and the second bullet point of paragraph 4.57 of the Procedures that the public should be excluded from certain parts of the hearing (see below).

The panel has taken into account the general rule that hearings should be held in public and that this is generally desirable to maintain public confidence in the administration of these proceedings and also to maintain confidence in the teaching profession. On this occasion, however, the panel considers that the request for the hearing to be heard in private is a reasonable one, given concerns about sensitive and confidential matters relating to the teacher's health being placed in the public domain. The panel has considered whether there are any steps short of excluding the public from the entire hearing that would serve the purpose of protecting the confidentiality of matters relating to the teacher's health. The panel considers that to the extent it becomes necessary during the course of the hearing to discuss such matters, the panel can consider at that stage whether to exclude the public from that portion of the hearing only.

The panel has had regard to whether Mr Greenhouse's request runs contrary to the public interest. The panel is required to announce its decisions in public as to whether the facts have been proven and whether those facts amount to conviction of a relevant offence and/or unacceptable professional conduct and/or conduct that may bring the profession into disrepute. In the event that the case continues, any decision of the Secretary of State will also be in public. The panel considers, in the circumstances of this case, that the public interest will be satisfied by these public announcements. Those public announcements will ensure that public confidence in these proceedings and in the standards of the profession are maintained. The panel considered that the public interest is still served, even if health matters are considered in private session.

The panel also considered a preliminary application from the presenting officer to amend the date referred to in allegation 1, which does not currently reflect the dates included in Memorandum of an Entry in the Register of the Gateshead District Magistrates' Court included in the bundle. This refers to the facts of the allegation 1 taking place in a period between 01 December 2013 and 15 July 2014 and not solely on 15 July 2014. Mr Greenhouse confirmed that he did not oppose this amendment of allegation 1. The panel considered that the proposed amendment to allegation 1 is not substantive or material as it does not change the nature of the allegation or render it more serious, simply it corrects the period of time over which the allegation relates. The panel does not consider that Mr Greenhouse's case would be presented any differently as a result of this amendment and is therefore content to accept the application to amend allegation 1.

D. Summary of evidence

Documents

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

Section 1: Chronology

– pages 1 to 2

Section 2: Notice of Proceedings	– pages 3 to 9
Section 3: National College’s Documents	– pages 10 to 30
Section 4: Teacher documents	– pages 31 to 41

In addition, the presenting officer made an application to include in the bundle additional documents. In accordance with the power under paragraph 4.18 of the Procedures, the panel agreed to admit the following as evidence which may be considered relevant to the case:

- Letter from the National College dated 28 April 2015 to Mr Greenhouse - pages 42 - 46
- Letter from Northumbria Police dated 22 May 2015 - page 47

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

Witnesses

Mr Greenhouse gave oral evidence.

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 Greenhouse had been employed at Charles Thorp School (“the School”) since 2011 as a teacher of physical education, sport and BTEC public services. In 2014, concerns were raised in relation to his performance. In May 2014, the School commenced an investigation following the School’s finance team discovering inconsistency in the administration and payments relating to a school trip. Mr Greenhouse admitted in the course of that investigation that he had taken around £2,400 of payments received from parents of pupils at the School. The matter was referred to the police and Mr Greenhouse left the School at the end of August 2014.

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:

You are guilty of a conviction, at any time, of a relevant offence in that:

- 1. On 30 October 2014, at Gateshead District Magistrates Court, you were convicted of the offence of theft in that on or between 01 December 2013 and 15 July 2014 you stole £2,400 belonging to Charles Thorp School contrary to section 1(1) and 7 of the Theft Act 1968. You were sentenced to 6 months imprisonment wholly suspended for 12 months, order to undertake 300 hours of unpaid work and to pay compensation in the sum of £1,200 and a victim surcharge of £80.**

The panel had regard to the Memorandum of Entry in the register of the Gateshead District Magistrates' Court from 30 October 2014 included in the bundle. This states that on 01 December 2013/15 July 2014 Mr Greenhouse stole cash to the value of £2,400 belonging to Charles Thorp School contrary to section 1(1) and 7 of the Theft Act 1968. Mr Greenhouse was committed to prison for 6 months suspended for 12 months. Mr Greenhouse was also to undertake unpaid work for 300 hours within the next 12 months and he was ordered to pay compensation of £1,200 and a victim surcharge of £80.

Mr Greenhouse admitted the facts of this allegation in the hearing. The panel therefore find this allegation proven.

You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:

- 2. On 10 April 2005 you received a caution from Northumbria Police for possessing a controlled drug – Class A – Cocaine contrary to Section 5(2) of the Misuse of Drugs Act 1971.**

The Police National Computer printout included in the bundle states that on 10 April 2005 Mr Greenhouse was cautioned by Northumbria Police for possessing a controlled drug – Class A – Cocaine as a result of breach of the section 5(2) of the Misuse of Drugs Act 1971.

The presenting officer reminded the panel that the panel could not accept the fact of a caution as evidence of an offence in the same way as a criminal conviction (as a caution is not a conviction). During the hearing Mr Greenhouse admitted that that he had received this caution.

In his oral representations, Mr Greenhouse indicated that he was not a teacher in 2005 but acted as a cover supervisor at the School from January 2005. He was employed in the school from 8am to 4pm, which would entail supervising pupils completing work set by other teachers and sometimes he would teach other subjects such as Spanish. If pupils raised a query, Mr Greenhouse would try to answer the question and if he did not know the answer he would find out for the pupil. Mr Greenhouse confirmed that he was in control of a class without the supervision of another teacher. The presenting officer

submitted that Mr Greenhouse satisfied the definition of “teaching work” as set out under Regulation 3(1)(b) of the Regulations, as he was “delivering lessons to pupils”.

The panel found this allegation proven.

Findings as to conviction of a relevant offence and/or 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 conviction of a relevant offence and/or unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

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

By reference to allegation 1, the panel consider that under Part Two of the Teachers’ Standards, Mr Greenhouse failed to demonstrate consistently high standards of personal and professional conduct. In particular, he 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
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position;
 - showing tolerance of and respect for the rights of others;
 - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs;
- “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 noted that Mr Greenhouse’s actions were relevant to teaching, working with children and/or working in an education setting as both pupils and staff should have confidence that a member of the profession would not seek to steal monies provided to the School by parents.

The panel has also taken account of how the teaching profession is viewed by others. The panel considered that Mr Greenhouse’s behaviour in committing the offence could affect the public confidence in the teaching profession given the influence that teachers have on pupils, parents and others in the community.

The panel has noted that Mr Greenhouse's behaviour has ultimately led to him receiving a sentence of imprisonment albeit that it was suspended, which is indicative of the seriousness of the offences committed. The panel noted from the Memorandum of an Entry in the Register of the Gateshead District Magistrates' Court that the reason for Mr Greenhouse receiving a custodial sentence was a serious breach of trust over a considerable period of time against children and their families. Mr Greenhouse confirmed in his oral evidence that the Magistrates' Court wanted to make an example of him due to the nature of his breach of trust, however his criminal law solicitor expected his sentence to be worse.

This is a case which relates to a serious offence of theft. The Advice states that a conviction of theft from a person or other serious theft is likely to be considered a relevant offence. In addition, the Advice states that any conviction that led to a term of imprisonment will be considered a relevant offence.

The panel has taken into account Mr Greenhouse's written representations to the National College in which he describes his financial problems which led to him stealing funds from the school in order to cover debts and that he always intended to pay the monies back. Mr Greenhouse also comments that he has an unblemished teaching record and he has always excelled in his work and that he loves the teaching profession and wishes to continue to teach. A character reference, from the solicitor that represented Mr Greenhouse in the criminal proceedings which led to his conviction of theft, states that Mr Greenhouse is extremely remorseful and he did not seek to minimise his actions and immediately acknowledged that difficulties in his personal life had caused him to make errors in judgement that he had never made before. Mr Greenhouse's solicitor also stated that due to Mr Greenhouse's co-operation, remorse and personal circumstances, the court departed from the Sentencing Guidelines and imposed a less serious sentence than it could have done.

The panel also had regard to character statements from parents of pupils and pupils Mr Greenhouse had taught, who indicated that Mr Greenhouse was an enthusiastic and professional football coach and he was an excellent motivator with excellent man management skills.

The panel noted the evidence from Mr Greenhouse of his teaching proficiency. However, the panel has found that the seriousness of the offending behaviour that led to the conviction is relevant to Mr Greenhouse's ongoing suitability to teach. The panel considers a finding that his conviction is a relevant offence is necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

By reference to allegation 2, the panel further considered that Mr Greenhouse's conduct was in breach of the following personal and professional standard included in Part Two of the Teachers' Standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - having regard to the need to safeguard pupils' well-being, in accordance with the statutory provisions;

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

Mr Greenhouse's conduct displayed behaviours associated with the offences listed on pages 8 and 9 of the Advice by virtue of his caution relating to the possession of a class A drug. The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel notes that it is likely that the facts relating to allegation 2 took place outside of the education setting. Possessing class A drugs is conduct which affects the way Mr Greenhouse fulfils his teaching role. It may also lead to pupils being exposed to, or influenced by, such behaviour in a harmful way as pupils may consider that his conduct, which led to the caution, is acceptable.

Accordingly, the panel is satisfied that Mr Greenhouse is guilty of unacceptable professional conduct.

The panel has taken into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

A caution for possessing cocaine is serious and the conduct displayed would likely have a negative impact on Mr Greenhouse's status as a teacher, potentially damaging public perception of the profession.

The panel noted the presenting officer's submissions relating to page 8 of the Advice which states that a panel would consider the acceptance of a caution for any of the offences listed, to confirm behaviours that would amount to "conduct that may bring the profession into disrepute".

The panel therefore finds that Mr Greenhouse's 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 a conviction of a relevant offence, unacceptable professional conduct and conduct that may bring the profession into disrepute, it is

necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel has to consider whether it is an appropriate and proportionate measure, and whether it is in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel has considered the particular public interest considerations set out in the Advice and having done so has found all of them to be relevant in this case, namely: the protection of pupils, the protection of other members of the public, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

There is a strong public interest consideration in respect of the protection of pupils and members of the public given that Mr Greenhouse has been cautioned for the possession of cocaine.

Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Greenhouse 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 Mr Greenhouse cannot reasonably be tolerated.

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

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 Greenhouse. 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 Teachers' Standards;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- 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 heard from Mr Greenhouse that he believed he was acting under duress at the time he stole monies from the School to pay his debts. However, the panel considered his actions were deliberate. The panel noted the parents and pupils who had provided him with character references considered him to be of previously good record as did Mr Greenhouse himself (as set out in his written representations and in his oral evidence).

Mr Greenhouse accepted that stealing as a result of financial issues was a mistake. He indicated to the panel that teaching is his passion and it has always been his “drive” to help children learn and develop. He realises he has lost a lot of trust from parents and children he has taught, but he has retained friends who are aware that this conduct was completely out of character for him. He stated that he cannot really explain the extent of his remorse and regret other than he will always regret what he has done for the rest of his life. He wanted the panel to understand how “sorry” he is. He considers he has a lot to offer the teaching profession.

He has been undertaking what work he can from window cleaning and delivering pizzas. He handles up to £400-£500 any night with this job and Mr Greenhouse indicated that there is no concern with his handling of the company finances in relation to this position. However, no evidence beyond Mr Greenhouse’s oral submissions was provided to substantiate this.

The panel noted further that the character statements from the two parents and one former pupil, to whom Mr Greenhouse provided football coaching, state that they all consider Mr Greenhouse to be dedicated to achieving the best from each player and that he was enthusiastic and professional in his approach. They also commented that his man management skills were “first rate” and he always applied a strict code of conduct that players and parents understood and followed. He also had an excellent rapport with his players and provided constructive feedback and encouragement which was motivating. Those providing character references consider that Mr Greenhouse was a “real asset” to the teaching profession.

The panel took into account that at the time of the offence referred to in allegation 1 that both he and his relative experienced significant health issues.

Taking all the evidence into account the panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mr Greenhouse. The theft of monies from the School over an extended period of time, which were provided by parents who paid for their children to go on a School trip, 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 were mindful that the Advice advises that a prohibition order applies for life, but there may be circumstances in any given case that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include theft from a person or other serious cases of thefts.

The panel noted Mr Greenhouse's remorse for his actions, as expressed in his written representations and his oral submissions, in addition to his solicitor's comments that given his remorseful attitude that it was unlikely that such behaviour relating to theft was likely to be repeated.

However, the panel considered 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 carefully considered the findings and recommendations of the panel in this case.

The panel has found the allegations proven and has judged that they amount to unacceptable professional conduct, conduct that may bring the profession into disrepute and conviction of a relevant offence.

In considering whether to recommend prohibition as an appropriate and proportionate sanction the panel has properly balanced the interests of the public with those of the teacher. Having referenced the Advice, they have found all the public interest considerations 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 and the declaring and upholding of proper standards of conduct.

Although the panel heard from Mr Greenhouse that he believed he was acting under duress at the time he stole money from the school, the panel consider his actions to be deliberate. The panel have though noted the positive character references provided by Mr Greenhouse.

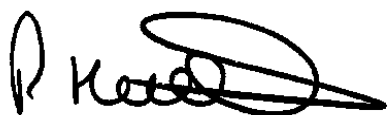
In all the circumstances I agree with the panel's recommendation that prohibition is an appropriate and proportionate sanction.

The facts include a conviction for serious theft from a school that resulted in a custodial sentence of 6 months, albeit suspended for 12 months. Mr Greenhouse also accepted a caution for possessing a class A drug. I agree with the panel that the order should be without the opportunity to apply to have it set aside.

This means that Mr Gary Greenhouse is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Gary Greenhouse shall not be entitled to apply for restoration of his eligibility to teach.

This order takes effect from the date on which it is served on Mr Gary Greenhouse.

Mr Gary Greenhouse has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'P Heathcote', with a large, sweeping flourish at the end.

Decision maker: Paul Heathcote

Date: 3 November 2015

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