



National College for
Teaching & Leadership

Mr Greg Wallace: Professional conduct panel outcome

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

May 2016

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

Teacher:	Mr Greg Wallace
NCTL case reference:	12608
Date of determination:	18 May 2016
Former employer:	Best Start Federation, Hackney

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 16 to 18 May 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Greg Wallace.

The panel members were Mr Martin Greenslade (lay panellist – in the chair), Dr Angela Brown (lay panellist) and Mr Michael Lesser (teacher panellist).

The legal adviser to the panel was Mr Peter Shervington of Eversheds LLP solicitors.

The presenting officer for the National College was Mr Ben Bentley, associate barrister at Browne Jacobson solicitors.

Mr Wallace was present and was represented by Mr Andrew Faux, of Counsel. The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 30

March 2016, as amended in a Statement of Agreed Facts agreed by the National College and Mr Wallace in advance of the hearing, which made certain minor corrections to the version contained in the Notice of Proceedings. Having heard from the representatives

the panel agreed that it was in the interests of justice to accept this amended version, with additional changes to amend the name 'Individual A' to 'Individual TZ' in allegations 5 and 6.

The panel therefore heard an allegation that Mr Wallace was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as the executive principal at the Best Start Federation (BSF) between 2008 and 2013 he:

1. Breached financial governance standards in place to ensure the appropriate use and best value of public money regarding the procurement and contracting with a firm, C2 Technology Ltd, in respect to ICT arrangements within the schools in the BSF, to which a sum in excess of £1.073 million was paid over a 5 year period between 2008 and 2013 without written quotations or governors' approval.
2. Did not declare in writing to the Best Start Federation before 2012 the conflict of interest he had in respect of C2 Technology Ltd, the principal director and shareholder of which, Individual TZ, was known to him by means of a close personal relationship, such conflict of interest being established by the fact that:
 - a. He was appointed as the registered Company Secretary of C2 Technology Ltd over a 5 year period between 27 July 1999 and 25 March 2004; and/or
 - b. His relationship with Individual TZ was at times of a sexual nature including during a period before 2008 and from Summer 2012 onwards; and/or
 - c. He invited Individual TZ to submit invoices for work done at BSF, including by e-mailing in January 2009 stating "*I am going to fwd newsletters. Obviously you don't really have to do it now. And you shd charge for last week and this because some of it is research time. I have got loads of things for you to look into and you can list them all on the invoice*"; and/or
 - d. He recommended to the Governing Body in April 2011 that C2 Technology Ltd be used to fit out a new ICT suite at Whitmore School and did not specifically make a declaration of interest when doing so on that occasion; and/or

- e. He received the sum of £4,000.00 in June 2011 from Individual TZ in respect of the Effective Marking joint venture he operated with them, the arrangements for which required Individual TZ invoicing for services rendered by him;
3. Disclosed confidential information to Individual TZ in respect to the tendering bids offered to BSF by competitors of C2 Technology Ltd in April 2009 in that he:
 - a. Blind copied TZ into an e-mail he sent to a competitor firm regarding the tender;
 - b. Forwarded the SLA proposal of a competitor firm to TZ before he was required to submit his own proposal on behalf of C2 Technology Ltd;
 - c. Advised TZ in respect of amendments to be made to the C2 Technology Ltd proposal before it was submitted;
 - d. Blind copied TZ into e-mails between him and colleagues in respect to the choice between C2 Technology Ltd and the competitor firm;
 - e. Blind copied TZ into an e-mail he sent to the competitor firm informing them they had lost the ICT contract;
 - f. Forwarded the response of the competitor firm to TZ after they had lost the ICT contract.
4. Received assistance from Individual TZ as to the creation of “new cleared down accounts” in respect of e-mails for himself, and the heads of schools within BSF at Whitmore, London Fields, Burbage and Mandeville, at around 08:00 hours on 17 April 2013, the day immediately following the visits made to those schools by the Audit and Anti-Fraud Division of the London Borough of Hackney on 16 April 2013 and subsequently deleted a significant number of e-mails.
5. His conduct in regard to the circumstances set out in allegation 2 was dishonest in that he authorised/permitted/encouraged and/or allowed significant public money to be spent for the personal gain of Individual TZ with whom he had a close personal relationship.
6. His conduct in regard to the circumstances set out in allegation 3 was dishonest in that he disclosed/conspired and/or assisted Individual TZ, with whom he had a close personal relationship both prior to 2008 and during the period Summer 2012 onward, to obtain a competitive advantage by means of information to which he should not have had access for his own personal gain.

7. His conduct in regard to the circumstances set out in allegation 4 was dishonest in that he sought to frustrate/conceal and/or dispose of information contained in school e-mail accounts which might have assisted and/or revealed to authorities his conduct as alleged at allegations 1 to 3.

Mr Wallace confirmed that his position as regards the admission of the allegations was as set out in the Statement of Agreed Facts from page 8 of the bundle. In short:

Allegations 1 to 4 were admitted and it was admitted that these amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Allegations 5 to 7 were not admitted.

C. Preliminary applications

There were no preliminary applications other than requests by Mr Faux on behalf of Mr Wallace to rely on additional evidence, dealt with below under 'Documents'.

D. Summary of evidence

Documents

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

Section 1: Notice of Proceedings pages 2 to 6

Section 2: Statement of Agreed and Disputed Facts pages 8 to 13

Section 3: NCTL witness statements pages 15 to 19

Section 4: NCTL documents pages 21 to 583

Section 5: Teacher Documents pages 585 to 677

In addition, the panel agreed to accept the following:

Email statement of Witness B pages 678 to 679

Statement of Individual A pages 680 to 681

Statement of Individual B pages 682 to 683

Statement of Individual C pages 684 to 686

Best start academies business plan pages 687 to 770

Timeline of federation growth pages 771 to 773

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

Witnesses

The panel heard oral evidence from the following witnesses for the NCTL:

- Witness A Principal audit investigator

The panel also heard oral evidence from Mr Wallace himself, and from Witness B, executive principal for the Harris Federation.

The panel heard further oral evidence in mitigation on behalf of Mr Wallace from the following:

- Witness C Assistant principal, Harris Primary Academy Philip Lane
- Witness D Headteacher, Concordia Academy, Romford.

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 and the additional material provided during the course of the hearing.

Mr Wallace was employed as executive principal at the Best Start Federation ('BSF'). It was alleged that he breached financial governance standards regarding the procurement and contracting with a firm, C2 Technology Ltd, in respect to ICT arrangements within the schools in the BSF, to which a sum in excess of £1.073 million was paid over a 5 years period without written quotations or governors' approval. It was alleged that he failed to declare in writing to the BSF before 2012 a conflict of interest he had in respect of C2

Technology Ltd, the principal director and shareholder of which was known to him by means of a close personal relationship. It was alleged that he disclosed confidential information to Individual TZ in respect of the tendering bids offered to BSF by competitors of C2 Technology Ltd in April 2009. It was alleged that he received assistance from Individual TZ as to the creation of "new cleared down accounts" in respect of emails for himself and the heads of schools within BSF at Whitmore, London Fields, Burbage and Mandeville, at around 08.00 hours on 17 April 2013, the day immediately following the visits made to those schools by the Audit and Anti Fraud Division of the London Borough of Hackney on 16 April 2013. It was alleged that he subsequently deleted a significant

number of emails. It was further alleged that his conduct was in various respects dishonest.

Findings of fact

Our findings of fact are as follows:

Whilst employed as the Executive Principal at the Best Start Federation (BSF) between 2008 and 2013 you:

- 1. Breached financial governance standards in place to ensure the appropriate use and best value of public money regarding the procurement and contracting with a firm, C2 Technology Ltd, in respect to ICT arrangements within the schools in the BSF, to which a sum in excess of £1.073 million was paid over a 5 year period between 2008 and 2013 without written quotations or governors' approval.**

This allegation was admitted.

The panel were referred to an audit report from page 32 of the bundle, which detailed the standards identified as having been breached, and to the Financial Procedures Manual For Schools found from page 449 onwards. These included requirements for 3 or more written quotations to be obtained for transactions over £10,001, and for transactions over £20,000 to be referred to the governing body. The panel were directed to the schedule from pages 85 to 94 which identifies how the sum of £1,073,663.37 paid to C2Technology was broken down.

Mr Wallace admitted that there had been a failure to obtain written quotations and/or governors' approval in respect of transactions which required approval, and failures with regard to the contracting and procurement with C2 Technology Ltd generally over the period. He further accepted that these created a risk that best value and/or competitive fairness was not achieved. In oral evidence, however, he stated that he 'did not believe best value was not achieved', and that a number of steps had been taken to ensure best value.

Having reviewed the evidence, the panel were satisfied that this allegation was proved on the balance of probabilities.

- 2. Did not declare in writing to the Best Start Federation before 2012 the conflict of interest you had in respect of C2 Technology Ltd, the principal director and shareholder of which, Individual TZ, was known to you by means of a close personal relationship, such conflict of interest being established by the fact that:**

- a. **You were appointed as the registered Company Secretary of C2 Technology Ltd over a 5 year period between 27 July 1999 and 25 March 2004; and/or**
- b. **Your relationship with Individual TZ was at times of a sexual nature including during a period before 2008 and from Summer 2012 onwards; and/or**
- c. **You invited Individual TZ to submit invoices for work done at BSF, including by e-mailing them in January 2009 stating “I am going to fwd newsletters. Obviously you don’t really have to do it now. And you shd charge for last week and this because some of it is research time. I have got loads of things for you to look into and you can list them all on the invoice”;** and/or
- d. **You recommended to the Governing Body in April 2011 that C2 Technology Ltd be used to fit out a new ICT suite at Whitmore School and did not specifically make a declaration of interest when doing so on that occasion; and/or**
- e. **You received the sum of £4,000.00 in June 2011 from Individual TZ in respect of the Effective Marking joint venture you operated with them, the arrangements for which required Individual TZ invoicing for services rendered by you.**

This allegation was admitted.

The requirement to declare conflicts of interests is outlined in the Financial Procedures Manual at pages 474 to 475, which states that an ‘interest’ arises ‘where an individual may stand to gain some financial or material advantage or benefit as a result of a decision which they are party to’. It goes on to identify that interests should be registered ‘if they, their spouse/partner, family or relative has a link with an individual or business that may contract for work or provide goods and services for the school.’

It was accepted by Mr Wallace that he had not declared an interest in C2 Technology prior to 2012. The panel were shown, amongst other similar documents, a register at page 71 in which Mr Wallace had declared no interests and marked the date 7 October 2010.

The panel were referred by the presenting officer to the following documents by which it was said that a conflict of interests was established:

- a. A Companies House registration at page 65 which demonstrates that Mr Wallace was appointed as company secretary on 27 July 1999 and resigned on 25 March 2004.

- b. It was not disputed that Mr Wallace was involved in a sexual relationship with TZ prior to 2002 and after August 2012 and that they remained close friends between those times. Nevertheless, the panel were provided with emails between Mr Wallace and TZ at pages 294 to 357, which evidenced a close relationship between them.
- c. As regards item c. in the list, the panel were referred to an email at page 302 of the bundle, in which Mr Wallace wrote to TZ, as indicated in the allegation, 'you shd [sic] charge for last week and this because some of it is research time. I have got loads of things for you to look into and you can list them all on the invoice'.
- d. As regards item d., the panel were directed to the minutes of a meeting which discussed the Whitmore ICT suite, set out from page 74. At paragraph 5.15 there is a recommendation that C2 Technology be used for ICT support. Mr Wallace is recorded to have been in attendance, yet it is also recorded that no declarations of interest had been made.
- e. Emails from page 337 deal with the Effective Marking Scheme set up by Mr Wallace. At page 339 there is an email from TZ identifying that £4,000 had been transferred to Mr Wallace in respect of income deriving from this scheme.

Mr Wallace's position, in short, was that he had not made a declaration of interest because he did not appreciate that there was any interest to declare. He stated that he had forgotten that he had previously been company secretary for C2 Technology. He stated that his sole role in the company had been to sign annual accounts, some years before, at a time when C2 Technology had nothing to do with schools. He stated that when it came to declaring interests he had simply not made the connection.

Mr Wallace accepted that he would have described TZ as his 'partner' from August 2012. He stated that he did not declare an interest because the forms on which a declaration was registered set out a narrower range focussing on 'immediate family'. He stated that he signed the documents on the basis of what they said. Mr Wallace accepted that he should have taken a different approach. Taken to a meeting minute dated 30 April 2008

at page 271 of the bundle, Mr Wallace accepted that it set out a wider definition of interests to declare than that on the forms (for example at page 68), however he stated that at the time when he was presented with the form he believed he was signing simply to say that neither he nor members of his immediate family (in which he did not include TZ) had a beneficial interest in the business.

Regarding the email at page 302 of the bundle referred to at item 2c., Mr Wallace said that the email arose in the context of work done by TZ relating to a building at one of the schools. He stated that his intention was only to make clear that TZ should not be doing work without charging for it. He also stated that it was normal practice to send school newsletters to contractors, so that they understood what the school was doing.

Mr Wallace accepted (see page 12 of the Statement of Agreed Facts) that he had operated his Effective Marking Scheme enterprise in such a way that third parties would be invoiced through C2 Technology Limited. He accepted that he had received payments, including one for £4,000 in June 2011, arising from this arrangement.

However he said that he saw no connection between his work and C2 Technology's work for the school because, although the payments were received through C2 Technology, he saw the marking scheme as completely separate to the IT work which C2 Technology was undertaking.

The panel is satisfied that that Mr Wallace had a clear and significant conflict of interest in dealing with C2 Technology Limited based on his previous role as a company secretary. The panel further considers that, notwithstanding that TZ may be argued to fall outside the scope of 'immediate family', the close nature of Mr Wallace's relationship with TZ, and the nature of communications between them, including the email identified at

item c., both created a conflict of interest. The panel also considers that the fact Mr Wallace received income from his Effective Marking Scheme through C2 Technology demonstrates a conflict, notwithstanding that Mr Wallace may have felt there was no connection between his scheme and the work of the business.

The panel is further satisfied that this conflict of interest was not declared in writing before 2012.

Accordingly, the panel finds allegation 2 proved.

3. Disclosed confidential information to Individual TZ in respect to the tendering bids offered to BSF by competitors of C2 Technology Ltd in April 2009 in that you:

- a. Blind copied TZ into an e-mail you sent to a competitor firm regarding the tender;**
- b. Forwarded the SLA proposal of a competitor firm to TZ before they were required to submit their own proposal on behalf of C2 Technology Ltd;**
- c. Advised TZ in respect of amendments to be made to the C2 Technology Ltd proposal before it was submitted;**
- d. Blind copied TZ into e-mails between you and colleagues in respect to the choice between C2 Technology Ltd and the competitor firm;**
- e. Blind copied TZ into an e-mail you sent to the competitor firm informing them they had lost the ICT contract;**

f. Forwarded the response of the competitor firm to TZ after they had lost the ICT contract.

Mr Wallace admitted, in the Statement of Agreed Facts at page 12 of the bundle, that he had sent a series of emails in April 2009 in which he disclosed to TZ, by means of blind copy, the tendering information and bids made by a rival firm in respect of an ICT contract for which C2 Technology was also competing, and advised them in respect of the terms to include in a service level agreement which C2 Technology Ltd was ultimately awarded. He accepted that the information disclosed was confidential to the schools involved and commercially sensitive, and that it should not have been disclosed to TZ. Mr Wallace admitted that as a result of the disclosure, TZ and C2 Technology were afforded an unfair competitive advantage and gained financially from the award of the contract.

The panel turned its independent mind to the matter and were satisfied that the facts of the allegation were established. Emails from Mr Wallace to TZ reflecting the details set out in particulars a. to f. can be found at page 360 (particular a.), page 362 (particular b.), page 369 (particular c.), page 389 (particular d.), page 411 (particular e.), page 413 (particular f.). The panel is further satisfied that the information contained in these emails was confidential. This allegation was therefore found to have been proved on the balance of probabilities.

4. Received assistance from Individual TZ as to the creation of “*new cleared down accounts*” in respect of e-mails for yourself, and the heads of schools within BSF at Whitmore, London Fields, Burbage and Mandeville, at around 08:00 hours on 17 April 2013, the day immediately following the visits made to those schools by the Audit and Anti-Fraud Division of the London Borough of Hackney on 16 April 2013 and subsequently deleted a significant number of e-mails.

This allegation was admitted.

The panel were referred to emails beginning at page 414, in which TZ explained how to set up cleared down accounts and asked whether Mr Wallace wished to proceed. Mr Wallace replied in the affirmative. An email at page 417 showed the names of the individuals for whom Mr Wallace wished accounts to be set up.

In his oral evidence, Witness A, the principal audit investigator within the London Borough of Hackney, recounted requesting access to email accounts, which was refused. He was then given access to data which showed that the accounts had been opened the day after his team had gone into the school. He stated that C2 Technology only gave him access to the emails after a 30 day period had expired, which meant that they were unable to access those dated prior to 17 April. He stated that it was only after later enquiries were made that Hackney Learning Trust confirmed a third party was able to

obtain these emails. Neither the school nor C2 Technology had previously identified this third party as a possible source.

Mr Wallace, in his evidence, stated that when the audit had started on the 16 April 2013 he believed it related to the proposed conversion of BSF to academy status. He stated that the effect of clearing down was to change usernames so that, for example, 'G Wallace' was changed to 'G.Wallace2'. He was uncomfortable about comments regarding Hackney Council which had been made by staff discussing the academy conversion proposal. He wanted the cleared down accounts to ensure that these emails would not be seen by others in the school who might catch sight of staff members' screens. He was adamant that nothing was deleted at that stage.

Mr Wallace admitted that in July 2013 he deleted emails via his phone. He stated that these were emails sent to him by heads of school about the audit investigation. He stated that they did not concern C2 Technology. His statement characterises the content in a slightly different way. He states, at paragraph 74 on page 602, 'I remember I did delete some emails in or around July that year which were critical of Hackney but it was well after the audit and again was to avoid embarrassment as they also were disparaging'.

The precise number of emails remains unclear, but the panel are satisfied that even if there were only 2 or 3, set in context, this can properly be characterised as a 'significant number'.

Taking into account Mr Wallace's admissions, and having considered the evidence itself, the panel is satisfied that allegation 4 has been proved in its entirety on the balance of probabilities.

5. Your conduct in regard to the circumstances set out in allegation 2 was dishonest in that you authorised/permitted/encouraged and/or allowed significant public money to be spent for the personal gain of Individual TZ with whom you had a close personal relationship.

This allegation was denied. The position of Mr Wallace is explained in the Statement of Agreed Facts at page 12 of the bundle. He denied that his conduct at allegation 2 would be regarded as dishonest by the standards of reasonable and honest people (including reasonable and honest teachers), or that he appreciated at the time that his conduct was dishonest by those standards. It was confirmed by Mr Wallace that the apparent admission in his statement at page 603 of the bundle, that the acts in allegation 2 could be considered dishonest by others, was in error.

Mr Wallace stated that he felt others looking at the rules and in the context would consider that his approach in not declaring his interest was honest in the circumstances. He did not see TZ as his 'immediate family'. He had forgotten about his former role as company secretary and he saw no real connection between TZ's business and his own

Effective Marking initiative (albeit funds were passed through the business). In short, it did not occur to him to declare any interest.

On the basis of the legal advice received, the panel applied the test set out in the case of *R v. Ghosh*, assessing first whether Mr Wallace's conduct would be regarded as dishonest based on the standards of reasonable and honest people. Taking into account all the evidence before it, the panel considered that a reasonable and honest person would regard his failure to declare a conflict of interest as being careless, but placed in the context of a federation developing at frantic pace, the pressurised environment and workload placed on him at the time, and his own one-dimensional focus on education, the panel does not consider that a reasonable and honest person (or teacher) would regard his actions as being dishonest.

Having found the first limb of the *R v. Ghosh* test is not met, the panel conclude that on the balance of probabilities allegation 5 is not proved.

6. Your conduct in regard to the circumstances set out in allegation 3 was dishonest in that you disclosed/conspired and/or assisted Individual TZ, with whom you had a close personal relationship both prior to 2008 and during the period Summer 2012 onward, to obtain a competitive advantage by means of information to which he should not have had access for his own personal gain.

This allegation was denied. The position of Mr Wallace is explained in the Statement of Agreed Facts at page 13 of the bundle. He accepted that his conduct at allegation 3 would be regarded as dishonest by the standards of reasonable and honest people (including reasonable and honest teachers), but denied that he appreciated at the time that it was dishonest by those standards.

Mr Wallace explained that at the time, staff at the school wanted the current IT provider replaced. He blind copied TZ to emails because he wanted TZ to be able to reply to him, but did not want everyone else's responses to be seen by TZ. He felt that the quote by the previous provider had been for a sum far in excess of the cost involved.

Mr Wallace was asked about an email to TZ at page 369 which suggested that changing hours offered 'make it sound like better competition as it will appear we are going from 1.5 days to 1 day'. He stated he did not fully understand the procurement process and was concerned to avoid the previous contractor getting the contract purely on price. He stated that he wrote the email in the evening, and was probably 'not thinking straight'.

In an email at page 376 discussing price, Mr Wallace stated to TZ 'The same. Less time. They can afford more like £7k'. In relation to this, Mr Wallace stated that he wanted to get the best deal for the school, which he believed was with TZ's company, but wanted to do

it in a way that TZ was not exploited. Mr Wallace stated that TZ had a track record of doing extra work for free. Mr Wallace said that he was concerned that TZ should be properly paid for the work he did.

The panel consider it clear that there was a conflict of interest in disclosing confidential information to a bidder. It also accepts, as admitted by Mr Wallace, that by the standards of ordinary and reasonable people (or teachers) it would be regarded as dishonest. However, the panel has also reached the conclusion, having considered the evidence carefully, that Mr Wallace did not appreciate his behaviour to be dishonest by those standards. There was no persuasive evidence to suggest that the contract would result in any personal gain for Mr Wallace. The panel concludes that, as a pure educationalist with a passionate interest in improving learning, Mr Wallace was so entirely focussed on that end that he simply did not appreciate that actions, which he saw as achieving the best outcome for pupils at the school, would, or could be regarded by others as being dishonest. Accordingly, the panel find the second limb of the test in *R v. Ghosh* has not been met and, on the balance of probabilities, allegation 6 is not proved.

7. Your conduct in regard to the circumstances set out in allegation 4 was dishonest in that you sought to frustrate/conceal and/or dispose of information contained in school e-mail accounts which might have assisted and/or revealed to authorities your conduct as alleged at allegations 1 to 3.

This allegation was denied. The position of Mr Wallace is explained in the Statement of Agreed Facts at page 13 of the bundle. He denied that his conduct at allegation 4 would be regarded as dishonest by the standards of reasonable and honest people (including reasonable and honest teachers), or that he appreciated at the time that his conduct was dishonest by those standards.

The panel repeats the summary of evidence set out above under allegation 4. In oral evidence, Mr Wallace adamantly denied that there was any deliberate attempt to frustrate the audit process. He said that his concern in requesting 'cleared down accounts' was to avoid inappropriate emails regarding Hackney Council appearing on staff members' screens in a way which might be visible to others in the school, and his concern in deleting emails was to protect staff members who he felt might become the victims of a politically motivated action.

The panel again applied the test set out in *R v. Ghosh*. Firstly, applying the objective test to the 'cleared down' accounts referred to in the first part of allegation 4, the panel accepts the evidence of Mr Wallace that he was creating cleared down accounts in order to avoid sensitive comments about Hackney Council being seen on the computers of staff members. The panel was not persuaded that the emails contained in the 'cleared down' accounts were permanently deleted at any stage. Taking these points into account, the panel concludes that, in context, the creation of 'cleared down accounts' would not be considered dishonest by the standards of a reasonable and honest person, whether that person was a teacher or not.

The panel reached a different conclusion when it applied the same objective test to the deletion of emails. As has been indicated in the context of allegation 4, there remains some uncertainty as to precisely what was contained in the emails which were deleted. Mr Wallace stated that these were emails sent to him by heads of school about the audit investigation. He stated that they did not concern C2 Technology. He also stated at paragraph 74 of his witness statement at page 602 that they were emails which were 'critical of Hackney'. Whatever the precise content, in the panel's view, a reasonable and honest person or teacher would be likely to consider that the deletion of emails of the nature described would be dishonest.

The panel therefore considered that the objective test under *R v. Ghosh* was met as far as the deletion of emails was concerned. However, the panel found that the subjective test was not met: It is the panel's considered finding that Mr Wallace deleted the emails not out of a desire to frustrate, conceal or dispose of information which might assist the authorities, nor with any awareness that the emails might assist the authorities, but with the sole intention of protecting colleagues and preserving the momentum towards improved learning outcomes which he had generated through his involvement. The panel is satisfied that, at the time in question, he did not appreciate that the action of deleting emails would be seen by a reasonable person, or teacher, as dishonest.

Accordingly, the second stage of the test in *R v. Ghosh* has not been met, and allegation 7 is therefore found not proved.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute

Having found allegations 1, 2, 3 and 4 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 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 Wallace in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Wallace is in breach of the following standards:

- 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 Wallace fell significantly short of the standards expected of the profession. Although no dishonesty has been found, Mr

Wallace showed a disregard for proper procedures by failing to declare conflicts of interests and by disclosing confidential information to a bidder regarding competing bids.

The panel has also considered whether Mr Wallace's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel has found that none of these offences are relevant.

Accordingly, the panel is satisfied that Mr Wallace 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.

The findings of misconduct are serious and the conduct displayed would likely have a negative impact on the status of Mr Wallace as a teacher, potentially damaging the public perception.

The panel therefore finds that Mr Wallace's actions constitute conduct that may bring the profession into disrepute.

In conclusion, therefore, having found the facts of particulars 1, 2, 3 and 4 proved, we further find that Mr Wallace's 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 punitive effect.

The panel has considered the particular public interest considerations set out in the Advice and having done so has found the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct to be relevant in this case. In light of the panel's findings against Mr Wallace, which involved, amongst other things, non compliance with financial procedures, failing to declare a conflict of interest, and disclosing confidential information to a bidder regarding rival bids, there is a public

interest consideration in ensuring that effective financial management of schools is maintained. Similarly, the panel considers that public confidence in the profession could be weakened if conduct such as that found against Mr Wallace 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 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 Wallace.

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 Wallace. 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. The relevant behaviour in this case was a serious departure from the personal and professional conduct elements of the Teachers' Standards.

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. Mr Wallace has a previous good history and the panel accepts that his actions were not consistent with his character as a whole. Whilst, in light of the panel's findings, there is no evidence to suggest that the actions were not deliberate, it is also clear to the panel that those actions were wholly motivated by a desire to improve educational outcomes. Mr Wallace has not sought to blame others and has accepted his responsibility, yet the panel do consider that there was an element of duress brought about by a combination of his own natural enthusiasm and others outside of the federation encouraging him to take on responsibility for more schools in order to address poor achievement levels in the local area. Whilst this was not entirely outside Mr Wallace's control, the breadth of responsibility on his shoulders beyond his key focus on improving learning outcomes, and an apparent lack of supporting infrastructure, appeared to impact on his attention to the detail of some procedural requirements.

Mr Wallace has fully acknowledged his mistakes and has shown great insight, clearly explaining to the panel in oral evidence how he will seek to avoid making similar errors again by improving his own practice, undertaking training as appropriate and by ensuring that, in so far as he takes on leadership responsibilities in future, he has in place around him sufficient support to ensure that the procedural requirements are met and he can focus on his undoubtedly exceptional talent as an educator.

The panel acknowledges that Mr Wallace's wrongdoing has already had a traumatic impact on his career. Nevertheless, the panel heard evidence that, since resigning as executive principal at BSF, Mr Wallace has taken on a valuable role within the Harris Federation, playing a significant part in turning around failing schools with the result that a substantial improvement has been seen in children's attainment and in the schools'

OFSTED ratings. The fact that he has made such a significant contribution since his resignation reinforces the panel's perception that Mr Wallace is motivated wholly by a desire to improve the educational development of children in challenging areas.

The panel has seen written evidence from a number of witnesses testifying to the excellent work of Mr Wallace and his inspirational abilities in improving the teaching of children. The panel heard from Witness C, whose statement is at page 638 of the bundle. As assistant principal of Harris Primary Academy Philip Lane, where Mr Wallace currently works, Witness C described Mr Wallace as putting 'the same dedication, passion and relentless drive at squeezing the best out of staff around him into also pushing the best out of the children he teaches'. Witness C described the result of this work; 'this high quality bespoke approach has meant that children who had no chance of leaving Year 6 secondary ready are now confident, motivated and increasingly independent learners'. Witness C praises Mr Wallace for helping him to develop his leadership skills and states 'I owe my current success to Greg and the time and effort he put into developing me as a teacher and leader', concluding 'The ability to motivate and inspire adults, as well as children, is a rare gift. The English education system would be losing one of its best assets if Greg were to be prohibited from teaching'. In oral evidence, Witness C provided the panel with an animated and enthusiastic account of a class taught by Mr Wallace which clearly inspired the children involved.

The panel heard similar praise from Witness D, headteacher at Concordia Academy in Romford, who had worked with Mr Wallace both within the Harris Federation and in Hackney. Witness D stated 'Greg's impact in Hackney is well documented, but it is worth remembering that he not only took on the most challenging schools in the borough but also succeeded in turning them into successful schools. In the time I worked with him there I only saw a professional totally committed to improving these schools'. Witness D stated 'his passion for the profession, his unwavering dedication and his sheer expertise set him apart, and he must be allowed to continue and build upon the excellent work he had done'. Witness D stated in oral evidence that Mr Wallace was 'forward thinking' in his approach to mathematics teaching, having already started to implement effective teaching practices before they became part of the current national drive.

Amongst other testimonies, the panel were also provided with a reference from Individual D, primary director of the Harris Federation, who stated of Mr Wallace, 'although he has not held a management position with us, his ability to teach children is remarkable and goes well beyond 'outstanding'. In his work for the Federation, he has had a significant and very positive impact on the education of the children in our primary academies'.

An array of testimonies on a similar vein were provided to the panel, including from a number of teachers whose approach has been influenced by Mr Wallace's inspirational example.

The panel was left in no doubt that Mr Wallace has exceptional abilities as an educator and has inspired many other teachers and children to improve their abilities and skills.

The panel has found Mr Wallace guilty of unacceptable professional conduct and conduct that may bring the profession into disrepute. These are by their very nature serious findings, albeit at the lower end of the scale of severity. However, having reviewed all the evidence, taking into account the insight shown by Mr Wallace, and having regard to what the panel assesses to be an unusually significant public interest in Mr Wallace being allowed to continue his exceptional work, the panel consider that the findings of unacceptable professional conduct and conduct that may bring the profession into disrepute are in themselves sufficient in this case to address the matter. The panel is not of the view that prohibition is a proportionate and appropriate response to Mr Wallace's misconduct.

For all the reasons set out above, the panel has determined that a recommendation for a prohibition order will not be appropriate in this case.

Decision and reasons on behalf of the Secretary of State

There is no prohibition order against Mr Greg Wallace. The findings have been published to take account of the High Court's decision that publication of the finding of unacceptable professional conduct and conduct that may bring the profession into disrepute is sufficient in this case.