

THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Mr Henry James Morgan Hall
Teacher ref no: 06/083359
Teacher date of birth: 14/03/1978
TA Case ref no: 5118
Date of Determination: 30 August 2012
Former Employer: North Walsham High School, Norfolk

A. Introduction

A Professional Conduct Panel (“the Panel”) of the Teaching Agency convened on 30 August 2012 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Henry James Morgan Hall.

The Panel members were Dr Roland Kitchen (Lay Panellist– in the Chair), Mrs Fiona Tankard (Teacher Panellist) and Mr David Gordon (Lay Panellist).

The Legal Adviser to the Panel was Mr Paul Owston of Berrymans Lace Mawer LLP Solicitors.

The Presenting Officer for the Teaching Agency was Ms Louisa Atkin of Browne Jacobson LLP Solicitors.

Mr Hall was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The Panel considered the allegations set out in the Notice of Proceedings dated 2 July 2012. The Committee noted a couple of errors in the allegations (namely the reference to 25th May 2009 in allegation 6 and an incorrect apostrophe in Magistrate’s in allegations 9 – 16) which they corrected as below. The legal adviser informed the Panel that since these were essentially typographical corrections and not substantive amendments the Panel need not consider the formal procedure for amending allegations.

It was alleged that Mr Hall was guilty of unacceptable professional conduct, in that:

1. On 17th June 2005 he received a police caution from the Thames Valley police for the offence of possessing an imitation firearm in a public place. He committed the offence on 13th June 2005,
2. On the 17th June 2005 he received a caution from the Thames Valley police for the offence of possessing an offensive weapon in a public place. He committed the offence on the 13th of June 2005,
3. On the 17th June 2005 he received a caution from the Thames Valley police for the offence of possessing an offensive weapon in a public place. He committed the offence on the 13th of June 2005,
4. On 17th June 2005 he received a police caution from the Thames Valley police for the offence of possessing an imitation firearm in a public place. He committed the offence on 13th June 2005,
5. On 17th June 2005 he received a police caution from the Thames Valley police for the offence of possessing an imitation firearm in a public place. He committed the offence on 13th June 2005,
6. On the 20th October 2009 he received a police caution from the Suffolk Constabulary for the offence of possessing a class B controlled drug (cannabis/cannabis resin). He committed the offence on 25th and/or 27th May 2009,
7. On 20th October 2009 he received a police caution from the Suffolk Constabulary for the offence of possessing a class C controlled drug (ketamine). He committed the offence on the 27th of May 2009,
8. On the 22nd of September 2010 he received a police caution from the British transport police for persistently making use of a public communication network to cause annoyance/inconvenience/anxiety. He committed the offence on 20th August 2010.

It was also alleged that Mr Hall has been convicted of relevant offences, in that:

9. On 10th May 1999 he was convicted at Nottingham Magistrates' Court of the offence of driving a motor vehicle with excess alcohol. He committed this offence on 5th May 1999. As a result of the conviction he was disqualified from driving for 18 months and ordered to pay a fine of £140.00 and £20.00 in costs
10. On 10th May 1999 he was convicted at Nottingham Magistrates' Court of the offence of using a vehicle while uninsured. He committed this offence on 5th May 1999. As a result of the conviction he did not receive a separate penalty.
11. On 14th November 2005 he was convicted at Norwich Magistrates' Court of the offence of failing to stop after an accident on 9th September 2005. As a result of the conviction his licence was endorsed; he was disqualified from driving for 12 months and ordered to pay a fine of £300.00.

12. On 14th November 2005 he was convicted at Norwich Magistrates' Court of the offence of failing to report an accident that occurred on 9th September 2005. As a result of the conviction he did not receive a separate penalty.
13. On 14th November 2005 he was convicted at Norwich Magistrates' Court of the offence of driving without due care and attention. He committed this offence on 9th September 2005. As a result of the conviction his driving licence was endorsed and he was ordered to pay a fine of £200.00 and £35.00 in costs.
14. On the 14th November 2005 he was convicted at Norwich Magistrates' Court of the offence of having no test certificate (MOT). He committed this offence on 9th September 2005. As a result of the conviction he did not receive a separate penalty.
15. On 8th December 2009 he was convicted at Lowestoft Magistrates' Court of driving a mechanically propelled vehicle while unfit through drink or drugs. He committed this offence on 27th May 2009. As a result of the conviction he was disqualified from driving for 12 months and ordered to pay a fine of £100.00 and £115.00 in costs.
16. On 8th December 2009 he was convicted at Lowestoft Magistrates' court of using a vehicle whilst uninsured on the 27th May 2009. As a result conviction he was ordered to pay a fine of £100.00.

Mr Hall had not responded to the Notice of Proceedings.

C. Summary of Evidence

Documents

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

Notice of Proceedings & Pro Forma letter – on pages 1 – 8

Teaching Agency documentation – on pages 9 - 61

The Panel Members confirmed that they had read all of the documents in advance of the hearing and added the search agent's letter dated 17 August 2012 to the bundle at page 62. A memorandum of conviction from Lowestoft Magistrates Court had been missing from the original bundle prepared but had been sent with the Notice of Proceedings and provided to the Panel in advance of the hearing.

Ms Atkin did not call any witnesses and addressed the Panel on the allegations and the documents in support of those. She submitted that on the basis of the latter the burden of proof had been satisfied and the cautions and convictions, either individually or cumulatively, amounted to unacceptable professional conduct and conviction of a relevant offence respectively. After the Panel had announced its decision on these issues Ms Atkin addressed them on the issue of prohibition and referred them to the guidance on that issue.

D. Decision and Reasons

We have now carefully considered the case before us and have reached a decision.

We confirm that we have read all the documents provided in the bundle in advance of the hearing.

It is alleged that Mr Hall was cautioned for several offences, relating to firearms, drugs and causing a nuisance, between 2005 and 2010 and convicted of several motoring offences between 1999 and 2009.

Findings of fact

Our findings of fact are as follows:

We have found the following particulars of the allegations against Mr Hall proven, for these reasons:

Mr Hall was cautioned for the offences detailed in allegations 1 – 8 and was convicted of the offences detailed in allegations 9 – 16.

We have accepted the evidence in the memoranda of convictions at pages 44 – 52 and 57 - 61 in the bundle and the PNC printout at pages 53 – 56 in the bundle.

Findings as to Unacceptable Professional Conduct and Conviction of a Relevant Offence

Having found that Mr Hall was cautioned for the offences detailed in allegations 1-8 we further find that those amount to unacceptable professional conduct.

This is because:

The cautions and the offences that they relate to constitute misconduct of a serious nature, falling significantly short of the behaviour expected of a teacher.

The cautions and the offences they relate to breach the General Teaching Council for England Code of Conduct and Practice for Registered Teachers, effective from 1 October 2009, in that Mr Hall failed to maintain reasonable standards in his behaviour to uphold public trust and confidence in the profession.

The cautions relate to three distinct types of offences over the course of five years. Two of those relate to the serious issues of firearms and drugs. Individually, with more background we might have considered that some of the cautions did not amount to unacceptable professional conduct but the cumulative effect of them is such that they clearly amount to that.

Having found that Mr Hall was convicted of the offences detailed in allegations 9-16 we further find that those are relevant convictions.

This is because:

They are convictions that are relevant to Mr Hall's fitness to be a teacher.

Mr Hall has been convicted on three separate occasions, over the course of 10 years, of a series of motoring offences. These are of varying degrees of seriousness and they display a pattern of disregard for public safety and the law. They therefore amount to conduct that is not acceptable for a member of the teaching profession to engage in.

Panel's Recommendation to the Secretary of State

When considering what sanction, if any, to recommend we have had regard to "The Prohibition of Teachers – Teaching Agency advice on factors relating to decisions leading to the prohibition of teachers from the teaching profession".

In particular we have had regard to the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct. We have sought to approach the issue bearing in mind the principle of proportionality.

We have concluded that in this instance it is appropriate to recommend that a Prohibition order be made.

We have carefully considered the documents that we have been provided with and the submissions made by Ms Atkin.

We have found that Mr Hall has been cautioned or convicted of no less than 16 offences some of which are very serious, such as those involving an imitation firearm and offensive weapon. This represents a serious departure from the standards expected of a teacher. Further, the offences were committed over the course of more than 11 years which is evidence of a deep seated attitude leading to harmful behaviour. Mr Hall's behaviour also demonstrates a lack of personal boundaries and insight. Accordingly we conclude that his behaviour is incompatible with being a teacher.

We recommend that Mr Hall should be allowed to apply to set aside the Prohibition Order but not before 5 years have elapsed. This is because Mr Hall's behaviour appears in the main to have arisen from an underlying problem relating to substance abuse combined with a lack of maturity. There is therefore the possibility that Mr Hall may be able to address these and therefore it would be disproportionate to prevent him from applying to set aside the order after a suitable period of time.

Secretary of State's Decision and Reasons

I have given careful consideration to the findings and recommendations of the Panel in this case. Mr Hall has been cautioned or convicted of 16 offences over a period of more than 11 years. Having found that Mr Hall had been cautioned for 8 offences

and convicted of a further 8 offences, the Panel consider that those offences constitute misconduct of a serious nature and represent a serious departure from the standards expected of a teacher.

The cautions and convictions relate to a range of offences relating to firearms, drugs, causing a nuisance and motoring offences between 1999 and 2010.

In recommending the imposition of a Prohibition order the Panel have concluded that Mr Hall's behaviour is incompatible with being a teacher. I concur with the Panel's recommendation.

The Panel have recommended that Mr Hall be allowed to apply for the order to be set aside after a minimum of 5 years. This takes into account that there appears to be an underlying problem of substance abuse combined with a lack of maturity. A period of 5 years provides Mr Hall with a reasonable time to address these issues and accordingly I agree with the Panel's recommendation.

Name of Decision Maker: Paul Heathcote

Date: 30/08/2012