

THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Mr Darrell Holt

Teacher ref no: 12/31805

TA Case ref no: 7671

Date of Determination: 11 June 2012

Former Employer: University of Brighton (student teacher)

A. Introduction

A Professional Conduct Panel (“the Panel”) of the Teaching Agency convened on 11 June 2012 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Darrell Holt at a meeting.

The Panel members were Mrs Fiona Tankard (Professional Panellist – in the Chair), Dr Geoffrey Penzer (Lay Panellist) and Professor Ian Hughes (Lay Panellist).

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

The meeting took place in private. The decision was announced in public and was recorded.

B. Allegations

The Panel considered the allegations set out in the Notice of Proceedings dated 28 May 2012.

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

1.

- (a) Whilst enrolled as a student teacher at the University of Brighton during the 2010/2011 academic year, he failed to declare all of his criminal offences on his suitability declaration form for entry to initial teacher training courses;
- (b) On 12 May 2005 he received a caution from Sussex Police for an offence of Shoplifting.

It was also alleged that Mr Holt had been convicted of relevant offences, in that:

2.

- (a) On 12 March 1990, he was convicted of the offence of Criminal Damage at Brighton Magistrates Court. As a result of this conviction he was ordered to pay a fine of £50 and compensation of £130;
- (b) On 12 March 1990, he was convicted of the offence of Failing to Surrender to Bail at Brighton Magistrates Court. As a result of this conviction he was ordered to pay a fine of £25 and costs of £30;
- (c) On 12 March 1990, he was convicted of the offence of Allowing Self to be Carried on Conveyance Taken Without Lawful Authority at Brighton Magistrates Court. As a result of this conviction he was ordered to pay a fine of £75 and costs of £16. He was disqualified from driving for 6 months and his licence was endorsed;
- (d) On 16 May 1991, he was convicted of a non-recordable offence at Brighton Magistrates Court. As a result of this conviction he was ordered to pay a fine of £50;
- (e) On 16 May 1991, he was convicted of the offence of Assault Occasioning Actual Bodily Harm at Brighton Magistrates Court. As a result of this conviction he received a Community Service Order (60 hours) and was ordered to pay compensation of £25;
- (f) On 16 May 1991, he was convicted of the offence of Criminal Damage at Brighton Magistrates Court. As a result of this conviction he received a Community Service Order (60 hours concurrent) and was ordered to pay compensation of £75;
- (g) On 13 August 1991, he was convicted of the offence of Breach of Community Service Order at Brighton Magistrates Court. As a result of this conviction he was ordered to pay a fine of £50;
- (h) On 21 December 1998, he was convicted of the offence of Criminal Damage at Brighton and Hove Magistrates Court. As a result of this conviction he was conditionally discharged for 6 months and was ordered to pay compensation of £125;
- (i) On 20 February 2001, he was convicted of the offence of Being Drunk in a Public Place at Horsham Magistrates Court. As a result of this conviction he was ordered to pay a fine of £50 and costs of £55;
- (j) On 18 April 2004, he was convicted of the offence of Shoplifting at Brighton and Hove Magistrates Court. As a result of this conviction he was ordered to pay a fine of £30;
- (k) On 18 November 2005, he was convicted of the offence of Assault on a Constable at Sussex (Central) Magistrates Court. As a result of this conviction he received a Community Order with a programme requirement and supervision requirement of 12 months. He was ordered to pay costs of £70 and compensation of £100.

C. Summary of Evidence

Documents

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

Notice of Referral & Response – on pages 1 – 6 & two additional pages

Statement of Agreed Facts/Representations – on pages 7 – 16

Teaching Agency Documents – on pages 17 – 27

Agreed Facts

The Statement of Agreed Facts in the above documents at pages 8 – 11 stated that:

1. Mr Darrell Holt (DOB: 09/09/1972) was enrolled as a student teacher at the University of Brighton from September 2010 until January 2011. He was/is a registered teacher (TRN 12/31805).
2. On 25 May 2010, Mr Holt completed a suitability declaration form for entry into initial teacher training courses. In answer to the second question on the form, which asked whether he had ever been cautioned or convicted of a criminal offence, he answered yes. However, Mr Holt subsequently failed to provide a full account of all of his offences in the space provided for this purpose. Mr Holt declared his most recent conviction for assault of a constable, but failed to declare his ten other offences which resulted in convictions. Mr Holt also failed to declare that he received a caution in May 2005 for the offence of Shoplifting.
3. Mr Holt admits the facts of the allegations against him and that they amount to an unacceptable professional conduct as defined in the GTC Disciplinary Rules 2008; namely that his conduct fell short of the standard expected of a registered teacher and was behaviour which involved a breach of the standards of propriety expected of the profession.
4. Mr Holt admits that the offences listed on his CRB Enhanced Disclosure form are an accurate reflection of his offending history.
5. Mr Holt admits the facts of the allegations against him and that they amount to conviction of a relevant offence as defined in the GTC Disciplinary Rules 2008; namely that he was convicted for a criminal offence, other than one having no material relevance to a person's fitness to be a Registered Teacher, committed in England or Wales, or which if committed elsewhere, would have constituted a conviction within the meaning of paragraph 8(1) of Schedule 2 of the Teaching and Higher Education Act 1998.

E. Decision and Reasons

The Panel announced its decision and reasons as follows:

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 between 1990 and 2005 Mr Holt was convicted of various relevant criminal offences and also received a caution, and that whilst enrolled as a student teacher at the University of Brighton he failed to declare all his criminal offences.

Findings of fact

Our findings of fact are as follows:

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

1.

- (a) Whilst enrolled as a student teacher at the University of Brighton during the 2010/2011 academic year, he failed to declare all of his criminal offences on his suitability declaration form for entry to initial teacher training courses;
- (b) On 12 May 2005 he received a caution from Sussex Police for an offence of Shoplifting.

Mr Holt has admitted the facts of the allegations in his letter to the Presenting Officer dated 16 October 2011 and the Statement of Agreed Facts signed by him on 16 October 2011, at pages 15 & 16 and 8 – 11 respectively. We have also accepted the evidence in the letter dated 19 January 2011 from the University of Brighton to the GTCE, at pages 18 & 19, University of Brighton Suitability Declaration Form signed by Mr Holt on 25 May 2010, at pages 20 & 21, and the Sussex Police Certificate of Caution, at pages 26 & 27.

2.

- (a) On 12 March 1990, he was convicted of the offence of Criminal Damage at Brighton Magistrates Court. As a result of this conviction he was ordered to pay a fine of £50 and compensation of £130;
- (b) On 12 March 1990, he was convicted of the offence of Failing to Surrender to Bail at Brighton Magistrates Court. As a result of this conviction he was ordered to pay a fine of £25 and costs of £30;
- (c) On 12 March 1990, he was convicted of the offence of Allowing Self to be Carried on Conveyance Taken Without Lawful Authority at Brighton Magistrates Court. As a result of this conviction he was ordered to pay a fine of £75 and costs of £16. He was disqualified from driving for 6 months and his licence was endorsed;
- (d) On 16 May 1991, he was convicted of a non-recordable offence at Brighton Magistrates Court. As a result of this conviction he was ordered to pay a fine of £50;

- (e) On 16 May 1991, he was convicted of the offence of Assault Occasioning Actual Bodily Harm at Brighton Magistrates Court. As a result of this conviction he received a Community Service Order (60 hours) and was ordered to pay compensation of £25;
- (f) On 16 May 1991, he was convicted of the offence of Criminal Damage at Brighton Magistrates Court. As a result of this conviction he received a Community Service Order (60 hours concurrent) and was ordered to pay compensation of £75;
- (g) On 13 August 1991, he was convicted of the offence of Breach of Community Service Order at Brighton Magistrates Court. As a result of this conviction he was ordered to pay a fine of £50;
- (h) On 21 December 1998, he was convicted of the offence of Criminal Damage at Brighton and Hove Magistrates Court. As a result of this conviction he was conditionally discharged for 6 months and was ordered to pay compensation of £125;
- (i) On 20 February 2001, he was convicted of the offence of Being Drunk in a Public Place at Horsham Magistrates Court. As a result of this conviction he was ordered to pay a fine of £50 and costs of £55;
- (j) On 18 April 2004, he was convicted of the offence of Shoplifting at Brighton and Hove Magistrates Court. As a result of this conviction he was ordered to pay a fine of £30;
- (k) On 18 November 2005, he was convicted of the offence of Assault on a Constable at Sussex (Central) Magistrates Court. As a result of this conviction he received a Community Order with a programme requirement and supervision requirement of 12 months. He was ordered to pay costs of £70 and compensation of £100.

Mr Holt has admitted the facts of the allegations in his letter to the Presenting Officer and the Statement of Agreed Facts. We have also accepted the evidence in the Enhanced CRB Disclosure form dated 15 December 2010, at pages 22 – 25.

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

Having found the facts of allegation 1 proven, we further find that this amounts to unacceptable professional conduct.

This is because:

Mr Holt's actions constitute misconduct of a serious nature, falling significantly short of the standard of behaviour expected of a teacher.

We have noted Mr Holt's admission in the Statement of Agreed Facts that his actions constitute unacceptable professional conduct.

We have referred to the Teacher's Standards published by the Department for Education and find that Mr Holt's actions constitute a failure to demonstrate

consistently high standards of personal and professional conduct. It is not acceptable for a teacher or prospective teacher to shoplift, however minor the item might be, and anyone wishing to enter the teaching profession must accept the need for strict accuracy when providing details in any form in order that a full and accurate judgement can be made as to their suitability to become a teacher.

We note that in his letter to the Presenting Officer Mr Holt refers to an incomplete understanding when completing the suitability declaration form. We do not accept that the form left any room for a misunderstanding as to what information was required, to the extent there was an underlined reference to 'spent' convictions.

With respect to allegation 2, having found that Mr Holt was convicted of the offences listed, we further find that those are relevant offences.

This is because:

They are convictions of offences that are relevant to Mr Holt's fitness to be a teacher.

We have noted Mr Holt's admission in his letter to the Presenting Officer and the Statement of Agreed Facts that the offences are relevant.

In themselves we find that offences of violence (e) and (k) are relevant, given that they are serious offences and are likely to impact on Mr Holt's suitability to be a teacher. Such behaviour is contrary to the personal and professional conduct expected of a teacher and would be likely to impact on the safety or security of pupils and members of the public, or on confidence in the teaching profession.

Offences (a) – (d) and (f) – (j) would not standing on their own be relevant but taken together do constitute relevant offences. Cumulatively they show a pattern of criminal behaviour over an extended period of time that is relevant to Mr Holt's suitability to be a teacher.

Panel's Recommendation to the Secretary of State

When considering what sanction, if any, to impose, we have had regard to "The Prohibition of Teachers – DfE advice on factors relating to decisions leading to the prohibition of teachers from the teaching profession". In particular, we have had regard to the protection of children and other members of the public, 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 a Prohibition Order.

We have carefully considered the documents in the bundle.

Having been found guilty of two offences of violence and several other offences of more minor matters over an extended period of time, Mr Holt has demonstrated a deep seated attitude leading to harmful behaviour. Such behaviour has the potential to represent a continuing risk of seriously affecting the education and/or well-being of

pupils. It is also a serious departure from the personal conduct expected of a teacher.

In relation to mitigation, we have considered Mr Holt's letter to the Presenting Officer dated 16 October 2011. It refers to a misunderstanding in relation to reporting his criminal offences and an admission that he has had "a somewhat chequered past". We do not accept the former explanation, given the clarity of the form, and in light of the scope of his criminal offences consider that a fuller explanation with regard to them is warranted.

There is no evidence that Mr Holt's actions directly affected children or young people and it may be that given the opportunity to further reflect on his behaviour and mature, Mr Holt might be able to demonstrate his suitability to be a teacher. For that reason we recommend that he should be able to apply for the order to be set aside after 3 years have elapsed.

Secretary of State's Decision and Reasons

I have given careful consideration to the case and to the panel's findings of fact. I have also given careful consideration to the panel's findings in respect of unacceptable professional conduct and relevant criminal convictions.

This case contains two key elements; the convictions themselves and the caution for shoplifting; and the failure to disclose these convictions on a form.

The panel has considered both of these elements, as have I, and together they amount to a pattern of behaviour that falls significantly short of that expected of a teacher.

The panel point to the sustained pattern of criminal behaviour, as well as identifying some serious convictions for violence and dishonesty.

The public expects high standards of teachers and for the reasons given, namely that this pattern of behaviour, over a long period of time, falls short of those high standards, I support the recommendation that a prohibition order is proportionate and in the public interest.

I have then considered the review period. The panel have recommended a period of three years that will allow Mr Holt the opportunity to mature in his behaviour and to demonstrate his suitability for teaching.

This means that Mr Darrell Holt is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the Prohibition Order to be set aside, **but not until 2015, 3 years from the date of this order at the earliest**. If he does apply, a panel will meet to consider whether the Prohibition Order should be set aside. Without a successful application, Mr Darrell Holt remains barred from teaching indefinitely.

This Order takes effect from the date on which it is served on the Teacher.

Mr Darrell Holt 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.

NAME OF DECISION MAKER: Alan Meyrick

Date: 12 June 2012