



National College for
Teaching & Leadership

Mr Richard McHale: Professional Conduct Panel outcome

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

October 2013

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Professional Conduct Panel decision and recommendations, and decision on behalf of the Secretary of State

Teacher:	Mr Richard McHale
Teacher ref no:	91/36506
Teacher date of birth:	23.01.1964
NCTL Case ref no:	10153
Date of Determination:	28 October 2013
Former employer:	Steyning Grammar School

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 28 October 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Richard McHale.

The Panel members were Mr Peter Monfort (Teacher Panellist – in the Chair), Professor Helen Valentine (Lay Panellist) and Ms Kulvinder Sandal (Teacher Panellist).

The Legal Adviser to the Panel was Mr Paddy Roche of Morgan Cole LLP Solicitors.

The Presenting Officer for the National College was Miss Laura Hackney of Browne Jacobson LLP Solicitors.

Mr Richard McHale 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 22 August 2013

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

Whilst attempting to register for employment with Randstad Education (formerly Select Education) in March 2013 he

1. Provided differing employment history and teaching experience on his CV to the information he had provided to Select Education in 2009;
2. Provided what he knew to be false statements of services and employment references which purported to be from:-
 - a. Steyning Grammar School, West Sussex, UK.
 - b. The Hope Flowers School, Bethlehem.
 - c. Lajamanu School, Australia.
3. Submitted a false statement of teaching service purporting to be from Newcastle City Council;
4. In doing so he acted dishonestly in that he knowingly provided false and/or inaccurate information to Randstad Education in his belief that this would increase his chances of successfully registering himself with them for employment.

No formal indication of his plea had been received from the teacher other than through a third party – in the absence of the teacher the case was therefore treated as contested.

C. Preliminary applications

The Presenting Officer applied for the case to proceed in the absence of Mr McHale. The Panel being satisfied that the Notice of Proceedings had been properly served on Mr McHale and noting that his permanent address is in Japan concluded on other evidence and communications received from the teacher that he wanted the case to proceed in his absence and that he had effectively waived his right to be present.

The Panel further determined that the case should be heard in public in accordance with its usual practice as it concluded there were no grounds which would justify the case being heard in private either in whole or in part.

D. Summary of evidence

Documents

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

Section 1 – Chronology page 2.

Section 2 – Notice of Proceedings and Response page 4-10.

Section 3 - Witness Statements page 12-19.

Section 4 - National College Documents page 27 – 66.

Section 5 – Teacher’s Documents page 68 – 77.

In addition, the Panel agreed to accept further documents received from the teacher which included a statement made by Mr McHale responding to the allegation particulars and various copy letters and other documents. No objection was raised by the Presenting Officer. These further documents were numbered 78 – 94.

The Panel Members confirmed that they had read all of the documents in advance of the hearing.

Witnesses

The Panel heard oral evidence from:

Witness A – Compliance Business Partner of Randstad Education who was called by the Presenting Officer.

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.

The case concerns an allegation that in March 2013 Mr McHale submitted an application to Randstad Education for supply teaching work enclosing a CV and other documents and testimonials in support. The details on the CV differed in a number of material respects from a CV he had previously submitted to the same company (then known as Select Education) in 2009 in that numerous dates had apparently changed as had details of the schools at which he claimed to have taught. The accuracy and provenance of

letters from various schools which he provided was investigated and it is alleged that he furnished documents which had been forged to achieve consistency with the dates set out on his CV. The National College allege that in so doing his conduct was dishonest and that he behaved as alleged to increase his chances of registering with Randstad Education to secure employment.

In an unsigned statement lodged on behalf of the teacher by Individual B dated 22/9/13 Mr McHale appears to accept that he “made a grave error of judgement” in that he “created false and inaccurate documents that included his CV and records of service.” He indicates that his laptop had been stolen on which all details of his teaching service records were stored with his CV. He says he was aware the dates he was providing to Randstad Education were incorrect but “mistakenly believed that, because he was only seeking a couple of weeks’ worth of employment with this agency, that such action would not be so serious.”

Findings of Fact

Our findings of fact are as follows:

We have found the following particulars of the allegations against Richard McHale proven, for these reasons:

Whilst attempting to register for employment with Randstad Education (formerly Select Education) in March 2013 he:

1. Provided differing employment history and teaching experience on his CV to the information he had provided to Select Education in 2009;

At page 89 of the case papers in his second statement Mr McHale says that he admits and takes full responsibility for this. We have also been provided with copies of the CV's submitted by him which contain material differences both in relation to his range of teaching experience, relevant dates and the identity of schools where he claims to have taught. At page 69 of the case papers in the first statement submitted to the National College on his behalf by Individual B (who has assisted him in his response to this case) it is said that he “panicked and made a grave error of judgement.” Instead of reporting to the agency that he had lost his records in Vietnam he “created false and inaccurate documents that included his CV and records of service.”

2. Provided what he knew to be false statements of services and employment references which purported to be from:-

- a. Steyning Grammar School, West Sussex, UK

This particular is admitted by Mr McHale at page 89 in his second witness statement. He acknowledges that he provided Randstad Education in

March 2013 with a false statement but that it was never his intention to deliberately mislead the agency. He says that the document he provided was an exact replica of the statement the school had issued to him at the end of his period of employment at Steyning Grammar School. Nonetheless he accepts that the document he provided was of his own creation. That admission is supported by the evidence of the Head teacher Individual C at page 24 who confirms that the Statement of Service on Steyning Grammar School headed notepaper was not provided by the school.

b. The Hope Flowers School, Bethlehem

In his second statement at page 90 Mr McHale admits that in 2012 he noticed that a record of service and reference provided by The Hope Flowers School which had been sent to him electronically in word format contained incorrect dates. He goes on to say that:- "I therefore corrected the statement to show the correct dates of my service at the school." He appears not to have had permission to do so and then submitted the amended letter as an apparently authentic document with his CV to Randstad Education.

We note also that in its amended form the dates of his employment set out in the letter are identical to those claimed on his 2013 CV. The letter appears to have been sent from The Hope Flowers School and apparently bears the signature of one of the School's directors. It is a false document.

c. Lajamanu School, Australia

Mr McHale denied this particular. He says that the letter exhibited at page 49 of the case papers was provided by Individual D of Lajamanu School , Darwin, Northern Territory and is authentic. It was provided by Individual D after some exchange occurred between the two of them over the correct dates of Mr McHale's employment at the school (see page 91 of the case papers).

We have compared this letter at page 49 with an earlier letter said to have been written and signed by Individual D dated 8 November 2007 (page 48) which contains much the same information other than the dates. The "Individual D" signatures are very different.

We have also looked at a letter produced by Mr McHale from the Department of Corporate and Information Services Darwin dated 12 April 2013 which was sent to the National College within the last few days and has been admitted into evidence at a very late stage in this case. It suggests another set of dates for Mr McHale's employment at Lajamanu School which is different again from both the "Individual D" letters.

We are not minded to accept the authenticity of any of these documents – none of them have been independently verified and in the light of the admissions made by Mr McHale re the falsification of other “official” documents we are not inclined to give much, if any, weight to documents submitted by him. This is especially so in relation to the “Individual D” letters where we have concerns in relation to the signatures thereon.

We believe it is more probable than not that the “Individual D” letter exhibited at page 49 which was submitted to Randstad with his CV is another false document.

3. Submitted a false statement of teaching service purporting to be from Newcastle City Council;

At page 92 Mr McHale says that because of his desperate situation when he realised that Newcastle City Council had lost their records of his employment with them “I made a grave error of judgement and created a document that showed the correct dates of employment at the two schools.” That document is exhibited at page 50 of the case papers. It also contains reference to Hookergate State High School, Tyne and Wear. In view of his admission that he created another false document we make no formal finding as to whether Mr McHale was ever employed at Hookergate School in view of the way in which this particular is drafted.

4. In doing so he acted dishonestly in that he knowingly provided false and/or inaccurate information to Randstad Education in his belief that this would increase his chances of successfully registering himself with them for employment.

We are satisfied that Mr McHale’s conduct was dishonest. The creation of documents from schools and a Local Authority which are false and intended to lead a prospective employer to believe they are genuine is dishonest according to the ordinary standards of reasonable and honest people. These documents were, on any view, created to deceive the recipients into believing they were genuine. The creation of the false documents must have involved considerable effort, calculation and planning on the part of Mr McHale and we cannot believe that he would not have realised that what he was doing was dishonest. We determine therefore that both limbs of the test for “dishonesty” set out in *R v Ghosh* are satisfied on the evidence we have heard and read in this case. In addition Mr McHale was aware that the CV he submitted to Randstad was not an accurate document on which reliance could be placed and his only purpose in submitting that document must have been to improve his prospects of securing employment.

Findings as to Unacceptable Professional Conduct and/or Conduct that may bring the profession into disrepute

Having found all particulars proved we find this is a case of Unacceptable Professional Conduct. Mr McHale has behaved dishonestly in a way that we have found to be planned and deliberate. Teachers must uphold public trust in the profession and protect its collective reputation by observing high standards of conduct. Mr McHale has fallen far short of these standards. This case has exposed misconduct of a very serious nature.

Panel's recommendation to the Secretary of State

We have been advised that on 15 July 2009 Mr McHale appeared before the General Teaching Council for England Professional Conduct Committee (in a meeting) for allegations of failing to disclose to Steyning Grammar School full details of his employment with previous employers and misrepresenting the extent of his teaching experience in Religious Education. He had admitted the particulars and that the facts amounted to Unacceptable Professional Conduct. He was given a Reprimand.

The report of that case has been made available to the Panel. The facts seem to be very similar to the case we have heard today and give us grave cause for concern.

The GTCE report concludes with the following observation:- "We have decided to impose a Reprimand with effect from today's date. We have decided that Mr McHale's behaviour did not affect the education of children and he appears to show insight into his actions and professional failings. He has engaged positively with the Council through this case and has provided assurances that he has learned from his actions and will not repeat such behaviour. Whilst his actions were deliberate, Mr McHale has shown regret. He has apologised for his behaviour both to the Council as well as to Steyning Grammar School."

We have now found him guilty of dishonesty in an application for agency employment which includes the submission of false documents which he created to deceive his prospective employer. We believe that his case before the GTCE some 4 years ago (of which we were of course unaware) makes this case very much more serious.

Despite his assertions to the GTCE Committee Mr McHale clearly has not learned his lesson. The finding of dishonesty we have made today taken together with the imposition of the Reprimand for similar unacceptable conduct means, in our view, that a Prohibition Order should be imposed. Although no pupils – so far as we are aware – have been adversely affected by Mr McHale's behaviour the remaining two elements of the public interest test are clearly engaged by his behaviour.

He has fallen very far short of the standards of conduct the public expect of teachers and he has damaged the reputation of the profession. We therefore recommend that a

Prohibition Order is imposed but would allow Mr McHale to apply for the Prohibition Order to be set aside after a period of 5 years has elapsed.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to the findings and recommendations of the panel in this case.

The panel have found a range of facts proven relating to false statements and information in respect of an application for registration with an employment agency. The panel also found that in doing so Mr McHale had acted dishonestly. The case proceeded in Mr McHale's absence.

Having found the particulars proved, the panel concluded that Mr McHale had acted dishonestly in a planned and deliberate way and that his behaviour fell seriously short of the standards expected of a teacher. The panel have found unacceptable professional conduct.

Having found unacceptable professional conduct the panel were advised that Mr McHale had been subject to a previous General Teaching Council for England reprimand relating to misrepresentations and failure to disclose full employment details on a previous application to Steyning Grammar School. At the time Mr McHale provided assurances that he had learnt from his actions and had shown insight into his actions and professional failings.


Clearly Mr McHale has not learned his lesson and the current finding of dishonesty alongside the previous reprimand for similar conduct is damaging to the reputation of the profession. I agree that a prohibition order is an appropriate sanction in the public interest.

The panel recommended that Mr McHale be allowed to apply to have the order set aside after a minimum period of 5 years. It is extremely concerning that Mr McHale has engaged in similar behaviour for a second time despite his assertions to the General Teaching Council for England committee. In view of the seriousness of the current behaviour and his previous behaviour, I have decided that the prohibition order should be without opportunity for an application to have it set aside.

This means that Mr Richard McHale 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 Richard McHale 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 the Teacher.

Mr Richard McHale 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 loop at the end.

NAME OF DECISION MAKER: Paul Heathcote

Date: 29 October 2013

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