



National College for
Teaching & Leadership

Mr Michael Andrew Younghusband: Professional Conduct Panel outcome

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

July 2014

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

Teacher:	Mr Michael Andrew Younghusband
Teacher ref no:	0650640
Teacher date of birth:	10 July 1983
NCTL Case ref no:	10566
Date of Determination:	Thursday 3 July 2014
Former employer:	Dene Community School, Peterlee, County Durham.

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on Thursday 3 July 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Michael Andrew Younghusband.

The Panel members were Ms Carolyn Robson (Teacher Panellist – in the Chair), Dr Geoffrey Penzer (Lay Panellist) and Mrs Mary Speakman (Teacher Panellist).

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

The Presenting Officer for the National College was Mr Christopher Geering of Counsel.

Mr Michael Andrew Younghusband was not present and was not represented.

The hearing took place in public.

B. Allegations

The Panel considered the allegations set out in the Notice of Proceedings.

It was alleged that Mr Michael Andrew Younghusband was guilty of conviction, at any time, of a Relevant Offence in that, whilst working at Dene Community School, he was:-

1. On 6 September 2013 at Durham Crown Court, convicted of possessing a controlled drug with intent to supply, namely Class A – Cocaine on 21 August 2013 contrary to Section 5(3) Misuse of Drugs Act 1971 and was subsequently:-
 - a. Sentenced to 40 months imprisonment;
 - b. Charged a Victim Surcharge of £120.

No indication was received from the Teacher whether he admitted the fact of the conviction.

C. Preliminary applications

In the absence of the Teacher the Presenting Officer made an Application for the hearing to proceed. The Panel was satisfied that the Notice of Proceedings in proper form had been served on Mr Younghusband at HMP Northumberland. The Notice of Proceedings was exhibited in the case papers at Page 2.

The Panel was satisfied from a signed declaration made by Mr Younghusband (dated 2 July 2014) that he was aware of the hearing, he had received the Notice of Proceedings and case papers and he agreed that the case should be heard in his absence. In the circumstances the Panel determined that he had waived his right to be present and decided that the case should proceed in his absence.

D. Summary of evidence

Documents

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

- | | | |
|-----------|------------------------------------|---------------|
| Section 1 | Chronology | Page 1. |
| Section 2 | Notice of Proceedings and Response | Pages 2 to 7. |

Section 3 Witness Statements – N/A.

Section 4 NCTL Documents

Pages 8 to 25.

Section 5 Teacher Documents – N/A.

In addition the Panel admitted a separate bundle of documents concerned only with service of the Notice of Proceedings and the case papers. In that bundle the documents were paginated from 1- 22.

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

Witnesses

No witnesses were called in the course of the hearing.

The Presenting Officer on behalf of the National College relied on the documents in the case papers which included a Certificate of Conviction from Durham Crown Court and a copy of the Judge's Sentencing Remarks.

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

Case Summary

It is alleged that Mr Younghusband was convicted on his own plea of guilty before Durham Crown Court on 6 September 2013 of possessing a controlled drug of Class A with intent to supply and on 27 September 2013 was sentenced to 40 months imprisonment and ordered to pay a Victim Surcharge of £120.

Findings of Fact

Our findings of fact are as follows:-

We find the following particulars of the allegation against Mr Michael Andrew Younghusband proved:-

1. Whilst working at Dene Community School he was:-
 - i. On 6 September 2013 at Durham Crown Court, convicted of possessing a controlled drug with intent to supply, namely Class A – Cocaine on 21 August 2013 contrary to Section 5(3) Misuse of Drugs Act 1971 and was subsequently:
 - a. Sentenced to 40 months imprisonment;
 - b. Charged a Victim Surcharge of £120.

Our reasons are that we have seen a copy of the Certificate of Conviction from the Crown Court at Durham dated 15 October 2013 exhibited in the case papers at Page 8, and also have considered the Sentencing Remarks made by the Crown Court Judge which are exhibited Pages 9 to 12 of the case papers.

In the absence of any evidence to the contrary we are satisfied that this conviction relates to the teacher Michael Andrew Younghusband.

Findings as to Conviction of a Relevant Offence

A Relevant Offence is defined as an offence which is relevant to a person's fitness to be a Teacher.

Mr Younghusband has been convicted of an offence of possession of a very significant quantity of Cocaine which, according to the Judge's comments in sentencing comprised 744 grams with a value of just under £30,000 at street level.

He pleaded guilty to possessing the drug with intent to supply and was told that, but for his guilty plea, the appropriate term of immediate imprisonment would have been five

years. In the event he was sentenced to three years and four months. The conviction, in our judgement, is clearly relevant to Mr Younghusband's fitness to be a teacher and the seriousness of the case against Mr Younghusband is reflected in the length of the sentence of imprisonment imposed.

Panel's recommendation to the Secretary of State

Mr Younghusband is currently serving a lengthy prison sentence for a very serious offence of possession of a Class A drug with intent to supply. We note that the Crown Court Judge, in sentencing, said that Mr Younghusband was addicted to the drug, his involvement was due to pressure, he exhibited genuine remorse and had a determination to address his addiction.

Notwithstanding the Judge's comments, Mr Younghusband's conviction – involving as it does an admission that he possessed Cocaine with intent to supply – places him in fundamental breach of the high standards of personal and professional conduct required by the Teachers Standards. Teachers have to conduct themselves as role models to both pupils and the general public.

Prohibition Orders are imposed in the public interest which includes the protection of pupils and other members of the public, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct. We believe that all three elements of our public interest duty are engaged by this case. We assess that Mr Younghusband has, in particular, caused immense damage to the collective reputation of the profession.

This is, therefore, in our view clearly a case where a Prohibition Order should be imposed in the public interest.

We have considered very carefully whether there should be any review period. Without any representations from Mr Younghusband and in his absence we have enormous difficulty in judging his attitude to his conviction, his drug dependency and whatever factors led him to become involved in this offending. We recognise that persons, even those convicted of very serious offences, as here, do sometimes succeed in achieving full rehabilitation and become responsible members of society. At the same time teachers do hold a privileged and responsible position in general society. With that privileged position comes very substantial duties including the need to demonstrate very high standards of conduct.

We are also very exercised by concerns over Mr Younghusband ever being allowed back in the classroom. In particular we have considered the potential reaction of members of the public, especially parents and pupils, who would learn about Mr Younghusband's conviction and their perception of his suitability to be re-admitted as a member of the profession.

The majority view of the Panel is that there should be no review period and the concerns that exist now around Mr Younghusband's suitability to work with young persons will remain indefinitely. Put simply, the prevailing view of the Panel is that to have someone with this sort of conviction working with children is simply inappropriate and, thus, in this case the Prohibition Order should be imposed without any review period.

The minority view is that Mr Younghusband should be allowed to make an application for the Prohibition Order to be set aside but only after a very significant period has elapsed of, say, 10 years. Mr Younghusband is still a young man and he would need to establish by evidence to any Panel hearing his application for Set Aside that he was completely rehabilitated, there was no risk of any future involvement with controlled drugs, as well as his genuine remorse and insight into the reasons for his having committed the offence. His conduct since the imposition of the Prohibition Order would need to be rigorously examined. However, allowing such a review period would be a proportionate outcome and recognises the fact that even those responsible for serious offences do have the capacity for full rehabilitation. Such a disposal would be appropriate only because nothing else is known to Mr Younghusband's detriment.

Decision and reasons on behalf of the Secretary of State

I have carefully considered the recommendations and findings of the panel in this case.

Mr Younghusband was convicted of possessing a controlled drug with intent to supply, namely Class A – Cocaine, in September 2013 and received a substantial custodial sentence. The panel have found this to be a conviction of a relevant offence.

The panel concluded this to be a fundamental breach of the high standards of personal and professional conduct required by the Teachers Standards. Teachers have to conduct themselves as role models to both pupils and the general public.

In determining whether a prohibition order is an appropriate and proportionate sanction the panel have properly noted that Prohibition orders are imposed in the public interest which includes the protection of pupils and other members of the public, to maintain

public confidence in the profession and to declare and uphold proper standards of conduct. They have judged that all three elements are engaged by this case, in particular he has caused immense damage to the collective reputation of the profession.

I agree with this judgement and that a prohibition order is an appropriate and proportionate sanction.

In considering whether a review period would be appropriate, the majority of panel members recommended that Mr Younghusband should not have an opportunity to apply for the order to be set aside. They felt that it would be inappropriate for someone with a conviction such as this to be working with children. The minority view of the panel was that a review after a minimum period of ten years should be allowed to give an appropriate time for full rehabilitation and to show there was no possibility of any future involvement with controlled drugs.

I have carefully considered the two views and referred to the Secretary of State's advice *Teacher misconduct: the prohibition of teachers*. The advice makes clear that the abuse and/or supply of a class A drug is behaviour that would ordinarily result in prohibition without provision for an application to have the order set aside. Having considered the facts of this case – a conviction of possession of a significant amount of a class A drug with intent to supply resulting in a custodial sentence of in excess of over 3 years, I agree with the majority recommendation that Mr Younghusband's prohibition order should be without provision for an application to have the order set aside.

This means that Mr Michael Andrew Younghusband 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 allegation found proved against him, I have decided that Mr Michael Andrew Younghusband 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 Michael Andrew Younghusband 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. Keene', with a large, stylized flourish at the end.

NAME OF DECISION MAKER: Paul Heathcote

Date: 4 July 2014

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