



National College for
Teaching & Leadership

Mrs Samantha Gosnell Professional conduct panel outcome

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

March 2015

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

Teacher:	Mrs Samantha Gosnell
Teacher ref no:	1081541
Teacher date of birth:	5 March 1973
NCTL case ref no:	0012213
Date of determination:	18 March 2015
Former employer:	St Vincent de Paul RC Primary School, Stevenage, Herts

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 18 March 2015 at 53-55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mrs Samantha Gosnell.

The panel members were Mr John Pemberton (teacher panellist – in the chair), Tapan Debnath (lay panellist) and Councillor Gail Goodman (teacher panellist).

The legal adviser to the panel was Mr Graham Miles of Blake Morgan LLP solicitors.

The meeting took place in private. The announcement of the decision of the panel (as to facts and conviction of a relevant offence) was made in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Meeting dated 17 February 2015.

It was alleged that Mrs Samantha Gosnell was guilty of a conviction of a relevant offence, in that:

At North and East Hertfordshire Magistrates Court, on 4 June 2014, she was convicted of:

- 1. Make supply/article(s) for use in fraud(s) on 7 May 2013 contrary to Section 7 of the Fraud Act 2006. She was sentenced to suspended imprisonment of 12 weeks concurrent, wholly suspended for 12 months.**

- 2. Fraud by abuse of position on 1 August 2013 contrary to Section 1(2)(c) and Section 4 of the Fraud Act 2006. She was sentenced as detailed in paragraph 1 above and ordered to pay costs of £85.00, compensation of £3,381.00 and victim surcharge of £80.00.**

Mrs Gosnell admitted that she had been convicted of these offences and signed a Statement of Agreed Facts to that effect.

C. Summary of evidence

Documents

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

Section 1: Chronology, with page number 2

Section 2: Notice of Referral and Response, with page numbers 4 to 7b

Section 3: Statement of Agreed Facts and Presenting Officer Representations, with page numbers 9 to 17

Section 4: NCTL documents, with page numbers 19 to 139

Statement of Agreed Facts

The panel was presented with a Statement of Agreed Facts signed by Mrs Gosnell on 15 January 2015.

D. 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 meeting.

On 1 September 2001 Mrs Gosnell began working at St. Vincent de Paul RC Primary School (“the School”) as a Teaching Assistant. She qualified as a Teacher in 2012. Between 1 April 2012 and 12 March 2014 she was employed as a Teacher at the School. Whilst employed at the School, she assisted with the Parent Staff Association (“PSA”) accounts. In her role as Chairperson, Mrs Gosnell had authority to sign cheques with a counter-signature, but the second signatory often signed ‘on trust’.

Mrs Gosnell is alleged to have made petty cash withdrawals between August 2012 and November 2012 of approximately £1,300. Some of this money was used to make payments which included the sum of £100.00 to her son, payment for petrol and the purchase of a gift or gifts for an IT technician and the secretary of the PSA. Those gifts included a bottle of wine, a bottle of Jack Daniels and an i-Pod Touch. In relation to the gift for the IT technician, Mrs Gosnell told the School that she had sought authority from Mrs Diann Ross, the Headteacher at that time, to do this and to spend the PSA funds. Mrs Ross stated that she had not given this authority, although she acknowledged that gifts were occasionally purchased from the PSA monies. Mrs Gosnell is reported to have repaid monies to the School in respect of payments to her son, for petrol and the purchase of gifts.

Mrs Gosnell claimed that she made purchases from Amazon of approximately £3,381.00. It is alleged that Mrs Gosnell created fictitious order numbers purporting to be from Amazon. Amazon PLC subsequently confirmed that the order numbers were invalid. When questioned about the Amazon order numbers Mrs Gosnell said that she would provide evidence of the purchases. Mrs Gosnell initially provided what is known as the 'basket' receipts. When further questioned, she claimed she had lost the receipts and also claimed that she could not locate the receipts on her computer. Mrs Gosnell then allegedly created a fictitious Word document purporting to be a "final detail or order" from Amazon. Mrs Gosnell admitted to the School that she was unable to provide evidence for the payments that they queried.

On 17 June 2013 she was suspended from her post at the School. In January 2014 she was arrested by the police. On 12 March 2014 she was dismissed from her post at the School. On 4 June 2014 she was convicted at North and East Hertfordshire Magistrates Court of the offences set out in the allegations. Mrs Gosnell said in her letter dated 7 December 2014 that she is unable to recall details of petty cash payments or Amazon purchases. However, she stated to the police that she 'purchased goods from all sorts or places.' Mrs Gosnell pleaded guilty at court where she was legally represented and pleaded guilty to the offences. She was sentenced as set out in the allegations.

Findings of fact

At North and East Hertfordshire Magistrates Court, on 4 June 2014, she was convicted of:

- 1. Make supply/article(s) for use in fraud(s) on 7 May 2013 contrary to Section 7 of the Fraud Act 2006. She was sentenced to suspended imprisonment of 12 weeks concurrent, wholly suspended for 12 months.**
- 2. Fraud by abuse of position on 1 August 2013 contrary to Section 1(2)(c) and Section 4 of the Fraud Act 2006. She was sentenced as detailed in paragraph 1 above and ordered to pay costs of £85.00, compensation of £3,381.00 and victim surcharge of £80.00.**

The panel finds the facts proved based on Mrs Gosnell's admissions, the content of the agreed statement of facts and the certificate of conviction.

Findings as to conviction of a relevant offence

A 'relevant offence' is defined as a conviction of an offence that is relevant to a person's fitness to be a teacher. An offence can be a relevant offence even if it does not involve misconduct in the course of teaching.

The panel is satisfied that Mrs Gosnell was convicted of offences which were relevant to her fitness to be a teacher for the following reasons.

The offences relate to PSA funds, which involved the School and its relationship with the community in raising funds to support pupils' learning. The funds were not used appropriately in all cases. By her conviction, Mrs Gosnell has been found to have committed fraud involving dishonest abuse of her position as Chairperson of the PSA.

Panel's recommendation to the Secretary of State

The Panel is satisfied that Mrs Gosnell's actions are incompatible with being a teacher for the following reasons.

- Mrs Gosnell's actions involved a breach of the personal and professional conduct elements of the Teachers' Standards in that she failed to uphold public trust in the profession and maintain high standards of ethics and behaviour within and outside school.
- Mrs Gosnell abused her position of trust in relation to funds intended to support pupils' learning.
- Her actions were deliberate, dishonest and continued over a period of time.

The panel considered mitigating factors. The panel noted that Mrs Gosnell had a previous good history and had devoted 11 years' service to the School, progressing from Teaching Assistant to become a qualified teacher. The panel noted that the offence did not relate to her competencies or conduct as a teacher. Mrs Gosnell pleaded guilty to the offences in court and has provided an Agreed Statement of Facts to the panel, albeit limited.

However, her actions were sufficiently serious to make a prohibition order necessary in order to maintain public confidence in the profession and to declare and uphold proper standards of conduct expected of a teacher. This is the panel's recommendation.

The panel then considered whether to recommend whether Mrs Gosnell should be able to apply to have the prohibition order reviewed after a specified period of time. The panel noted that this was a conviction for offences involving fraud and serious dishonesty. However, taking into consideration the mitigating factors listed above, the panel

recommends that Mrs Gosnell should be permitted to have the prohibition order set aside after a period of 7 years. The panel considers this recommendation to be proportionate and appropriate.

Decision and reasons on behalf of the Secretary of State

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

The case concerns convictions for fraud associated with actions by Mrs Gosnell that took place at the school where she was working. The panel have found the facts proved and judged that those facts amount to convictions of relevant offences.

The panel are satisfied that Mrs Gosnell's actions are incompatible with being a teacher in that they involved a breach of the personal and professional conduct elements of the Teachers' Standards.

Whilst the panel have seen evidence of a previous good history the panel have judged Mrs Gosnell's actions to be sufficiently serious to warrant the recommendation of a prohibition order. I agree with that recommendation.

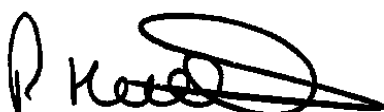
In considering whether it would be appropriate for Mrs Gosnell to be allowed to apply to have her order set aside after a period of time, the panel have noted that this was a conviction for offences involving fraud and serious dishonesty. Having considered the gravity of the offences and balancing this with the mitigating factors in this case, the panel have recommended that Mrs Gosnell be allowed to apply to have the order set aside after a minimum period of 7 years has elapsed. I agree with their recommendation.

This means that Mrs Samantha Gosnell is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. She may apply for the prohibition order to be set aside, but not until 30 March 2022, 7 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mrs Samantha Gosnell remains prohibited from teaching indefinitely.

This order takes effect from the date on which it is served on the teacher.

Mrs Samantha Gosnell has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date she is given notice of this order.

NAME OF DECISION MAKER: Paul Heathcote



Date: 20 March 2015

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