



Teaching
Regulation
Agency

Dr Jonas Green: Professional conduct panel meeting outcome

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

April 2023

Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	4
Documents	4
Statement of agreed facts	4
Decision and reasons	5
Findings of fact	5
Panel's recommendation to the Secretary of State	7
Decision and reasons on behalf of the Secretary of State	10

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

Teacher:	Dr Jonas Green
Teacher ref number:	0552224
Teacher date of birth:	17 June 1974
TRA reference:	19580
Date of determination:	27 April 2023
Former employer:	Haberdashers' Aske's Boys' School, Hertfordshire

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 27 April 2023 by way of a virtual meeting, to consider the case of Dr Jonas Green.

The panel members were Mr Paul Millett (lay panellist – in the chair), Ms Dawn Hawkins (teacher panellist) and Ms Patricia Hunt (former teacher panellist).

The legal adviser to the panel was Ms Abigail Reynolds of Birketts LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Dr Green that the allegations be considered without a hearing. Dr Green provided a signed statement of agreed facts and admitted conviction of a relevant offence. The panel considered the case at a meeting without the attendance of the presenting officer, Ms Laura Vignoles of Kingsley Napley LLP solicitors, Dr Green or any representative for Dr Green.

The meeting took place in private by way of a virtual meeting.

Allegations

The panel considered the allegations set out in the notice of meeting dated 13 February 2023.

It was alleged that Dr Green was guilty of having been convicted of a relevant offence, in that:

1. On 14 December 2020, he was convicted of two offences of making an indecent photograph or pseudo-photograph of children on 02 January 2020, contrary to the Protection of Children Act 1978 s.1(a).

Dr Green admitted the facts of allegation 1 and that his behaviour amounted to conviction of a relevant offence, as set out in the response to the notice of referral dated 25 April 2022 and in the statement of agreed facts signed by Dr Green on 8 August 2022.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

- Section 1: Chronology and list of key people – pages 1 to 2
- Section 2: Notice of referral, response and notice of meeting – pages 3 to 19
- Section 3: Statement of agreed facts and presenting officer representations – pages 20 to 24
- Section 4: TRA documents – pages 25 to 171

The panel members confirmed that they had read all of the documents within the bundle, in advance of the meeting.

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Dr Green and the presenting officer on 8 August 2022.

Decision and reasons

The panel carefully considered the case and reached the following decision and reasons:

In advance of the meeting, the TRA agreed to a request from Dr Green for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

Dr Green was employed at Haberdashers' Aske's Boy's School ('the School') as a teacher of Theology and Philosophy from 1 September 2007.

On 1 September 2013, Dr Green took on the role of Senior Tutor – Sixth Form, in addition to his primary teaching role.

On 2 January 2020, Bedfordshire Police attended Dr Green's address after receiving information that an IP address connected to his address had been used on 30 May 2019 to access online child sexual abuse and exploitation material.

A number of devices were seized by the police; Dr Green's laptop was triaged on scene and discovered to have the TOR network (also known as "the dark web") downloaded. Dr Green was asked why he had this downloaded and he replied that he used it to see what could be accessed and whether it was possible to download child abuse on there. The total number of indecent images found were as follows: a) Category B – 2 images; and b) Category C – 3 images.

Dr Green attended a police interview on 21 February 2020 and answered "no comment" to all questions.

Dr Green's employment at the School ended on 13 July 2020. The matter was referred to the TRA on 16 October 2020.

Dr Green was convicted of two counts of making an indecent photograph or pseudo-photograph of children on 2 January 2020, contrary to the Protection of Children Act 1978 s.1(a).

Findings of fact

The findings of fact are as follows:

The panel found the following particulars of the allegations against you proved, for these reasons:

- 1. On 14 December 2020, you were convicted of two offences of making an indecent photograph or pseudo-photograph of children on 02 January 2020, contrary to the Protection of Children Act 1978 s.1(a).**

The panel noted that Dr Green admitted the allegation as set out in the response to the notice of referral dated 25 April 2022, a letter from Dr Green dated 25 April 2022 and in the statement of agreed facts signed by Dr Green on 8 August 2022.

The panel noted page 8 of the Teacher misconduct: The prohibition of teachers ('the Advice') which states that where there has been a conviction at any time, of a criminal offence, the panel will accept the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction, unless exceptional circumstances apply.

The panel had been provided with a copy of the certificate of conviction from St Albans Crown Court, which detailed that Dr Green had been convicted of two counts of making indecent photographs or pseudo-photographs of children and was ordered to undertake a community order for 12 months including a rehabilitation activity requirement for 20 days. Dr Green was also placed on the sex offenders register for 5 years and ordered to pay a total victim surcharge of £390.

On examination of the documents before the panel, the panel was satisfied that the facts of allegation 1 were proven.

Findings as to conviction of a relevant offence

Having found the allegation proved, the panel went on to consider whether the facts of the proved allegation amounted to a conviction of a relevant offence.

In doing so, the panel had regard to the Advice.

The panel was satisfied that the conduct of Dr Green, in relation to the facts it found proved, involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Dr Green was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
 - showing tolerance of and respect for the rights of others
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel noted that Dr Green's actions took place outside of the education setting, in that he was accessing images online. As far as the panel was aware, the incidents did

not involve pupils from the School. However, the panel noted that Dr Green was convicted of the offence of making indecent photograph or pseudo-photograph of children and that Dr Green was placed on the sex offenders register for a period of five years. The panel was therefore satisfied that Dr Green's actions were relevant to teaching, working with children and/or working in an education setting as it was an offence involving children.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Dr Green's behaviour in committing these offences could undoubtedly affect public confidence in the teaching profession, particularly given the influence that teachers may have on pupils, parents and others in the community. His conduct ran counter to what should have been at the very core of his practice as a teacher with a duty of care towards children.

The panel noted that Dr Green's behaviour did not lead to a sentence of imprisonment, which was indicative that the offence was at the less serious end of the possible spectrum.

However, this was a case involving an offence of any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, or permitting any such activity, including one-off incidents which the Advice states is more likely to be considered a relevant offence.

The panel found that the seriousness of the offending behaviour that led to the conviction was relevant to Dr Green's ongoing suitability to teach. The panel considered that a finding that this conviction was for a relevant offence was necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of a conviction of a relevant offence, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely: the safeguarding and wellbeing of pupils and the protection of other members of the public;

the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In light of the nature of the offences for which Dr Green was convicted, there was an extremely strong public interest consideration in respect of the protection of pupils and other members of the public. His actions raised obvious and significant public and child protection concerns.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Dr Green were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel decided that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Dr Green was outside that which could reasonably be tolerated.

Notwithstanding the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Dr Green. The panel was mindful of the need to strike the right balance between the rights of the teacher and the public interest.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Dr Green. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures;
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position; and
- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting such activity, including one-off incidents.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors.

Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

The panel noted Dr Green's letter to the TRA, dated 25 April 2022, in which he stated that it was with deepest regret that he admitted to the allegation and wanted to take the opportunity to apologise for his behaviour. Dr Green submitted that it was thoughtlessness, intellectual arrogance and a lack of empathy which led him to explore what illicit material could be accessed on the internet. Dr Green further submitted that he did not do so for any deviant reasons, and did not appreciate the severe consequences it could have had on his family, place of work, or for himself.

There was no evidence that Dr Green's actions were not deliberate.

There was no evidence to suggest that Dr Green was acting under extreme duress.

No evidence was submitted to attest to Dr Green's history or ability as a teacher. Nor was any evidence submitted which demonstrates exceptionally high standards in both personal and professional conduct or that Dr Green had contributed significantly to the education sector.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Dr Green of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Dr Green. The seriousness of the offence was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate to recommend that a review period of the order should be considered. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours includes any activity

involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child. The panel found that Dr Green was responsible for a conviction of two counts of making an indecent photograph or pseudo-photograph of children.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provision for a review period.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of both sanction and review period.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found the allegation proven and found that those proven facts amount to a relevant conviction.

The panel has made a recommendation to the Secretary of State that Dr Jonas Green should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Dr Green is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
 - showing tolerance of and respect for the rights of others
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

In this case I have considered the seriousness of the finding and the panel's comments, "The panel noted that Dr Green's actions took place outside of the education setting, in that he was accessing images online. As far as the panel was aware, the incidents did not involve pupils from the School. However, the panel noted that Dr Green was convicted of the offence of making indecent photograph or pseudo-photograph of children and that Dr Green was placed on the sex offenders register for a period of five years. The panel was therefore satisfied that Dr Green's actions were relevant to teaching, working

with children and/or working in an education setting as it was an offence involving children.”

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of a relevant conviction, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Dr Green, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children/safeguard pupils. The panel has observed, “In light of the nature of the offences for which Dr Green was convicted, there was an extremely strong public interest consideration in respect of the protection of pupils and other members of the public. His actions raised obvious and significant public and child protection concerns.” A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “The panel noted Dr Green’s letter to the TRA, dated 25 April 2022, in which he stated that it was with deepest regret that he admitted to the allegation and wanted to take the opportunity to apologise for his behaviour. Dr Green submitted that it was thoughtlessness, intellectual arrogance and a lack of empathy which lead him to explore what illicit material could be accessed on the internet. Dr Green further submitted that he did not do so for any deviant reasons, and did not appreciate the severe consequences it could have had on his family, place of work, or for himself.”

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Dr Green were not treated with the utmost seriousness when regulating the conduct of the profession.”

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of a relevant offence, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Dr Green himself, the panel comment "No evidence was submitted to attest to Dr Green's history or ability as a teacher. Nor was any evidence submitted which demonstrates exceptionally high standards in both personal and professional conduct or that Dr Green had contributed significantly to the education sector." A prohibition order would prevent Dr Green from teaching and clearly deprive the public of his contribution to the profession for the period that it is in force.

I have given less weight in my consideration of sanction to the contribution that Dr Green has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended that no provision should be made for a review period.

I have considered the panel's comments "The panel went on to consider whether or not it would be appropriate to recommend that a review period of the order should be considered. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years."

"The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours includes any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child. The panel found that Dr Green was responsible for a conviction of two counts of making an indecent photograph or pseudo-photograph of children."

I have considered whether allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the findings and the extremely strong public interest consideration in respect of the protection of pupils and other members of the public.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

This means that Dr Jonas Green 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 Dr Green 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.

Dr Jonas Green has a right of appeal to the King's Bench Division of the High Court

A handwritten signature in black ink, appearing to read "John Knowles". The signature is written in a cursive style with a large initial 'J'.

Decision maker: John Knowles

Date: 28 April 2023

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