



National College for  
Teaching & Leadership

# **Mr Robert Juniper: Professional conduct panel outcome**

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

**August 2016**

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

<b>Teacher:</b>	Mr Robert Juniper
<b>Teacher ref number:</b>	8152728
<b>Teacher date of birth:</b>	4 September 1959
<b>NCTL case reference:</b>	12124
<b>Date of determination:</b>	23 August 2016
<b>Former employer:</b>	Phoenix Community Primary School, Kent

### **A. Introduction**

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 23 August 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Robert Juniper at a meeting.

The panel members were Mrs Mary Speakman (teacher panellist – in the chair), Ms Nicolé Jackson (lay panellist) and Mr Ryan Wilson (teacher panellist).

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

The meeting took place in private, save for the announcement of the panel’s decision, which was announced in public and recorded.

### **B. Allegations**

The panel considered the allegation set out in the Notice of Meeting dated 28 July 2016.

It was alleged that Mr Robert Juniper was guilty of a conviction, at any time, of a relevant offence in that:

1. On 28 July 2015 at Canterbury Crown Court he was convicted of fraud contrary to Section 4 of the Fraud Act 2006. In February 2016, he was sentenced to 30 weeks imprisonment, suspended for two years. He was also ordered to complete 150 hours of unpaid work before 18 February 2017, to pay a victim surcharge of £80 and a forfeiture of £4,228.70.

Mr Juniper admitted that he was convicted of the above offence. Mr Juniper further admitted that the conviction was for a relevant offence.

## **C. Preliminary applications**

There were no preliminary applications.

## **D. Summary of evidence**

### **Documents**

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

Section 1: Chronology – pages 2 to 4

Section 2: Notice of Referral, Response and Notice of Meeting – pages 6 to 12b

Section 3: Statement of Agreed Facts and presenting officer representations – pages 13 to 18

Section 4: NCTL documents – pages 21 to 631

Section 5: Teacher documents – pages 633 to 642

### **Statement of Agreed Facts**

The panel considered a Statement of Agreed Facts signed by Mr Juniper on 8 June 2016.

## **E. Decision and reasons**

The panel announced its decision and reasons as follows:

The panel has carefully considered the case and has reached a decision.

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing.

On 1 September 2006, Mr Robert Juniper was appointed as the headteacher of Phoenix Community Primary School (“the School”), Kent. Whilst employed as the headteacher of the School, he had a school purchasing card and also had overall responsibility for arrangements for the use of the School's purchasing cards. Mr Juniper's employment at the School ended on 31 December 2012 and he took up the post of headteacher at Knockall Primary School on 1 January 2013. Later in 2013, an investigation into the conduct of an office manager at Phoenix Community Primary School was conducted, which resulted in Mr Juniper being implicated in the fraudulent use of purchasing cards

during his time at that school. An investigation was conducted by Kent County Council, which resulted in Mr Juniper being suspended from his employment at Knockall Primary School. Following a disciplinary hearing, Mr Juniper was dismissed on 17 June 2014.

On 28 July 2015, at Canterbury Crown Court, Mr Juniper pleaded guilty to the offence of fraud contrary to section 4 of the Fraud Act 2006. On 19 February 2016, Mr Juniper appeared again at the same court when he was sentenced to 30 weeks' imprisonment suspended for two years. He was also ordered to complete 150 hours of unpaid work before 18 February 2017 and to pay a victim surcharge of £80 and a forfeiture of £4,228.70.

## **Findings of fact**

The panel's findings of fact are as follows:

- 1. On 28 July 2015 at Canterbury Crown Court you were convicted of fraud contrary to Section 4 of the Fraud Act 2006. In February 2016, you were sentenced to 30 weeks imprisonment, suspended for two years. You were also ordered to complete 150 hours of unpaid work before 18 February 2017, to pay a victim surcharge of £80 and a forfeiture of £4,228.70.**

The panel finds the facts proved, based on Mr Juniper's admission, the Statement of Agreed Facts and the certificate of conviction from Canterbury Crown Court.

## **Findings as to conviction of a relevant offence**

Having found the allegation to have been proven, the panel has gone on to consider whether the facts of the proven allegation amount to conviction of a relevant offence.

Mr Juniper admits that the conviction was for a relevant offence. The panel has taken this admission into account, but made its own determination.

The panel noted that the offence under section 4 of the Fraud Act 2006 is committed where a person:

- (a) Occupies a position in which he is expected to safeguard, or not to act against, the financial interests of another person,
- (b) Dishonestly abuses that position, and
- (c) Intends, by means of the abuse of that position;
  - (i) to make a gain for himself or another, or
  - (ii) to cause loss to another or to expose another to a risk of loss.

The panel notes that Mr Juniper's conduct involved both his own misuse of funds and allowing another member of staff to misuse those funds. The panel notes that the

sentencing remarks of the judge refer to the dishonesty taking place over a noticeable period of time.

The panel has had regard to the document Teacher Misconduct: The Prohibition of Teachers, which the panel refers to as “the Advice”.

The panel is satisfied that the conduct of Mr Juniper in relation to the facts it has found proved, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Juniper 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
  - not undermining .....the rule of law;
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.
- 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 Mr Juniper's actions were relevant to teaching, working with children and working in an education setting. Headteachers are accountable for significant budget expenditure on behalf of the taxpayer and funds are allocated to schools to secure the best outcomes for children in that school. In his position as headteacher, Mr Juniper was expected to safeguard, and not act against, the financial interests of the School. Mr Juniper dishonestly abused that position.

The panel has also taken account of how the teaching profession is viewed by others. The panel considered that Mr Juniper's behaviour in committing the offence could affect the public confidence in the teaching profession given the influence that teachers may have on pupils, parents and others in the community.

The panel has noted that Mr Juniper's behaviour has ultimately led to him receiving a sentence of imprisonment, albeit that it is suspended, which is indicative of the seriousness of the offences committed.

This conviction was for an offence involving fraud or serious dishonesty, which the Advice states is likely to be considered a relevant offence.

The panel has taken into account Mr Juniper's account of his role in bringing about school improvement at the School. The panel also noted that Mr Juniper subsequently made a payment in reimbursement of funds to the School. The transcript of the sentencing hearing in the Crown Court confirms that Mr Juniper was of previous good character and that he pleaded guilty to the offence.

However, the panel has found the seriousness of the offending behaviour that led to the conviction is relevant to his ongoing suitability to teach. The panel considers that a

finding that this conviction is a relevant offence is 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 conviction of a relevant offence, it is 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 has to consider whether it is an appropriate and proportionate measure, and whether it is 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 has considered the particular public interest considerations set out in the Advice and having done so has found a number of them to be relevant in this case, namely the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Juniper, which involved an offence of dishonesty involving school funds, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Juniper were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel considered that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Juniper 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 Mr Juniper.

In carrying out the balancing exercise the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Juniper. 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 proven. 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;
- Actions or behaviours that undermine.....the rule of law;
- Abuse of position of trust;

- Dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up;
- The commission of a serious criminal offence, including those that resulted in a conviction.

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case.

The panel is satisfied that Mr Juniper's actions were deliberate and, therefore, does not accept Mr Juniper's assertion that, at no time did he intentionally set out to make any financial gain through his use of the card.

There was no evidence to suggest that Mr Juniper was acting under duress, and in fact the panel found the teacher's actions to be calculated and motivated.

Mr Juniper has stated that he was fully co-operative and open with the county council investigation and this was 'probably to his detriment.' However, the panel noted that Mr Juniper's assertions as to reimbursing the costs of any personal purchases and what he described as 'the salary sacrifice scheme' (i.e. not to backdate any salary increase due to performance reviews), were not supported by the evidence. The panel felt that this indicated a lack of openness and honesty on Mr Juniper's part. The panel noted that Mr Juniper stated to the auditors that he knew he had 'blown his boundaries'. The panel notes that, despite this, Mr Juniper continued to misuse funds. Mr Juniper's explanation was that the end of the month was difficult financially and using the School's purchasing card was convenient. The panel considered that this indicated a lack of insight and understanding of his responsibilities concerning financial safeguarding procedures, particularly in relation to public monies.

The panel noted that Mr Juniper had repaid a sum of money requested by the local authority. The sentencing transcript confirms Mr Juniper did have a previously good character. However, the panel has not had the benefit of any character references or testimonials.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mr Juniper. Accordingly, the panel makes 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 for them to decide to recommend that a review period of the order should be considered. The panel were mindful that the Advice advises 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 proven, would militate against a review period being recommended. These behaviours include fraud or serious dishonesty. The panel has found that Mr Juniper has been responsible for an offence of this nature.

Mr Juniper has shown minimal insight into his actions and little remorse.

The panel felt 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 considered very carefully the findings and recommendations of the panel in this case. The panel has found the allegation proven, given Mr Juniper has been convicted as alleged of a relevant offence.

Mr Juniper has been convicted of fraud contrary to Section 4 of the Fraud Act 2016.

The panel noted that Mr Juniper's actions were relevant to teaching, working with children in an education setting. In his position as headteacher, Mr Juniper was expected to safeguard, and not act against, the financial interests of the School. Mr Juniper dishonestly abused that position.

The panel is satisfied that Mr Juniper's conduct, in relation to the facts found proved involved breaches of the Teachers' Standards.

I agree with the panel's view, that the seriousness of the offending behaviour that led to the conviction is relevant to Mr Juniper's ongoing suitability to teach.

I have considered the public interest in this case. I agree with the panel that the findings against Mr Juniper, which involved an offence of dishonestly involving school funds, could seriously weaken public confidence in the profession, should such conduct not be treated with the utmost seriousness.

I note that the panel found that Mr Juniper has shown minimal insight into his actions and little remorse.

Due to the serious nature of this case and for the reasons set out above, I agree with the panel's recommendation. Prohibition is both appropriate and proportionate. I agree with the panel that a prohibition order should be imposed and that no review period should be allowed.

**This means that Mr Robert Juniper 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 Juniper 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 Juniper 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 'J. Millions', with a small dot at the end of the signature.

**Decision maker: Jayne Millions**

**Date: 30 August 2016**

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