

## NATIONAL COLLEGE FOR TEACHING AND LEADERSHIP

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

**Teacher:** Mr Gregory Hallam

**Teacher ref no:** 0648322

**Teacher date of birth:** 25 August 1972

**TA Case ref no:** 8152

**Date of Determination:** 7 June 2013

**Former Employer:** Oriel High School/Ormiston Venture Academy, Norfolk

### **A. Introduction**

A Professional Conduct Panel (“the Panel”) of the National College convened on 1 March & 6 June 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Gregory Hallam.

The Panel members were Mr Michael Sanderson (Lay Panellist– in the Chair), Mr Andrew Potts (Lay Panellist) and Ms Judith Barton (Teacher Panellist).

The Legal Adviser to the Panel was Mr Paul Owston of Berrymans Lace Mawer LLP Solicitors.

The Presenting Officer for the Teaching Agency was Ms Laura Hackney of Browne Jacobson LLP Solicitors.

Mr Hallam was present on 1 March but not on 6 June and was represented on both days by Mr Des Hart of the NUT.

The hearing took place in public and was recorded.

### **B. Allegations**

The Panel considered the allegations set out in the Notice of Proceedings dated 18 December 2012 (as amended – see below).

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

Whilst employed at Oriel High School, Gorleston, between September 2007 and September 2010 and whilst employed at Ormiston Venture Academy, Gorleston, between September 2010 and February 2011, he;

- a. failed to maintain appropriate professional boundaries in his relationships with students, in that he;
  - i. made comments to students about his sex life on more than one occasion.
  - ii. made comments of a sexual nature on more than one occasion.
- b. failed to maintain appropriate professional boundaries in his relationship with a 14 year old student, Student A, in that he;
  - i. accepted her as a friend on the social networking site 'Facebook' despite recognising that it was not appropriate for him to do so;
  - ii. communicated with her via 'Facebook' on four occasions;
  - iii. made an inappropriate comment to her via 'Facebook', including a comment that he was "watching porn".
- c. failed to maintain appropriate professional boundaries in his relationship with a 14 year old student, Student B, in that he accepted her as a friend on the social networking site, 'Facebook', despite recognising that it was not appropriate for him to do so;
- d. used School ICT equipment to access pornographic material.

Mr Hallam agreed a number of aspects of the allegations by way of a Statement of Agreed Facts (see below).

### **C. Preliminary Applications**

#### Application to Amend Allegations (1 March 2013)

In light of the Statement of Agreed Facts (see below) Ms Hackney and Mr Hart invited the Panel to amend the allegations in the Notice of Proceedings in order to narrow the issues.

That involved deleting the word 'inappropriate' from 'inappropriate comments' in allegation a ii., substituting the word 'numerous' with the word 'four' in allegation b ii. and changing 'inappropriate comments' to 'an inappropriate comment' in allegation b iii.

Before the Panel considered its decision, the Legal Adviser declared the following advice:

Further to Rule 4.55 of The Disciplinary Procedures for the regulation of the teaching profession the Panel may, in the interests of justice, amend an allegation or the particulars of an allegation, at any stage prior to making its findings of fact.

Before making an amendment the Panel should consider any representations from the Presenting Officer and the teacher's representative. The Panel

need in particular to consider whether the proposed amendments raise any concerns about the fairness of the hearing.

The Panel confirmed that they would agree to the amendments requested and any future reference to the allegations would be to the allegations as amended.

#### Proceeding in the Absence of the Teacher (6 June 2013)

Mr Hallam did not attend on the second day of the hearing. Mr Hart confirmed that he had spoken to Mr Hallam on 4 June and Mr Hallam had confirmed that he was happy for the hearing to go ahead in his absence. Ms Hackney submitted that in the circumstances the hearing should proceed in Mr Hallam's absence.

Before the Panel considered its decision, the Legal Adviser declared the following advice:

The Panel first needs to be satisfied that the Notice of Proceedings has been served in accordance with Rule 4.10 of The Disciplinary Procedures for the regulation of the teaching profession. In particular, the Notice must be served at least eight weeks before the hearing date, unless otherwise agreed with the teacher.

The Notice of Proceedings is dated 18 December 2012 and has therefore been properly served more than 8 weeks prior to the hearing. Further, Mr Hallam attended at the first hearing in respect of this matter and was represented by Mr Hart.

On that basis the Panel can be satisfied that the Notice has been sent in accordance with Rule 4.10.

If so satisfied, the Panel has discretion to proceed with the hearing in the absence of Mr Hallam or adjourn. They should take into consideration any representations by the Presenting Officer and Mr Hart. In exercising its discretion the Panel has to proceed with great care and caution and with close regard to the overall fairness of the proceedings. The Panel should have regard to the guidance contained in the cases of R v Jones and Tait v Royal College of Veterinary Surgeons. In particular the Panel should take into account the following:-

1. The risk of reaching the wrong conclusion as a result of not being able to hear from Mr Hallam;

The Panel can take account of the fact that Mr Hallam was in attendance at the first hearing, at which oral evidence, including his own, was given and cross examination and questioning took place, and continues to be represented by Mr Hart.

2. The nature and circumstances of the behaviour of Mr Hallam in absenting himself and whether the behaviour was voluntary and if so whether he had plainly waived his right to be present.

The Panel can take into account the representations from Mr Hart confirming that Mr Hallam is aware of today's hearing and has decided not to attend.

3. Whether an adjournment would resolve the matter and if so the likely length of such an adjournment.

There is no request for an adjournment by Mr Hallam and Mr Hart has indicated that he wishes the matter to proceed in his absence.

4. The Panel can also take into account the general public interest and the proper regulation of the profession and the protection of the public and the need for a hearing to take place in a reasonable time.

The Panel should give reasons for its decision.

The Panel announced its decision and reasons for that decision as follows:

On the basis of the submissions made and the advice that we have received we consider that it is in the interests of justice to proceed. We have taken account of the guidance in the cases of R v Jones and Tait v Royal College of Veterinary Surgeons and taken account of the fact that Mr Hallam attended the previous day of the hearing and has instructed Mr Hart to represent him. The hearing has previously been adjourned and there is a clear interest to proceed today in the public interest and to provide legal certainty to Mr Hallam.

## **D. Summary of Evidence**

### Documents

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

Anonymised Pupil list & chronology – on pages 1 -3

Notice of Proceedings & Teacher's Response – on pages 4 – 10

Witness statements – on pages 11 – 15

National College documents – on pages 16 - 163

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

A transcript of the first day of the hearing was supplied in advance of the second day of the hearing.

### Statement of Agreed Facts

The parties prepared a Statement of Agreed Facts on the first day of the hearing.

That stated that:

Allegation (a)

1. I admit that at lunchtime, Pupil B came into my classroom with Pupils A, D and H. I had been teaching sex education classes all morning so there was a sex education kit behind my desk which the pupils accessed without my permission (condom and baby oil). Pupil C blew up one of these and I told her that if you put baby oil on a condom it will pop. I put baby oil on the condom, Pupil C rubbed it and it popped.
2. I admit that when Pupil B was involved in a conversation talking about her aunty being a lesbian, I interrupted this conversation and said that there is nothing wrong with that. From my knowledge of Pupil B I felt it was essential to diffuse the situation.
3. I do not admit that these comments are inappropriate.
4. I do not admit any of the other comments.

Allegation (b) & (c)

5. I admit adding Pupil B as a friend on Facebook and communicating with her four times.
6. I also admit that I told Pupil A that I was watching porn.
7. In terms of recognising that it was inappropriate to do so I admit that it was however I do not admit that I was told specifically about befriending students.
8. I also admit accepting Pupil B on Facebook.

Allegation (d)

9. I admit watching pornography on school ICT equipment.

Brief summary of evidence given (1 March 2013)

Please note that this is intended to be a summary – it does not reflect the complete evidence given.

Witness A, Senior Vice Principal of Ormiston Venture Academy and previously Acting Headteacher of Oriel High School, confirmed the procedures that the school followed in relation to the allegations against Mr Hallam, which were documented in the bundle. She did not have any concerns that the students involved were not being truthful but she had not been present when they were interviewed. The interviews had been conducted by a police constable who worked in the school but had left at the end of the last half term and would not be attending the hearing. Although he had been a police officer for more than 25 years he was a sensitive and mild mannered man who she thought was very concerned about attending the hearing.

She had advised staff at briefings not to have students as friends on Facebook and asked them to withdraw their profiles for their own protection. If staff had not been at these briefings they would have received notes on the issues and there were postings on the school intranet.

Mr Hallam confirmed his training and career until the events in question and that since his dismissal from the school he had been unemployed. He confirmed his recollection of the procedures followed by the school and explained how the situations had arisen in respect of the condom and the reference to Student B's aunty being a lesbian. He confirmed his denial in relation to the allegations about the comments he made about his sex life and confirmed the admissions in the Statement of Agreed Facts.

In relation to the school's advice about Facebook he stated that there was a lot of information being passed around, in particular when the High School transferred to an Academy. Initially he did not have access to a laptop, did not receive any documents and had no recollection of any briefings on the issue. He had consulted colleagues about the issue and had never received a definitive answer but some said that they had accepted students as friends so he had done so. In hindsight that was a bad move.

### Closing statements

Ms Hackney and Mr Hart made closing submissions on the facts and unacceptable professional conduct and/or conduct which may bring the profession into disrepute. That concluded the first day of the hearing. After the Panel had announced its decision on the second day of the hearing they made further submissions on sanction.

## **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.

It is alleged that Mr Hallam failed to maintain appropriate professional boundaries with younger female students in relation to comments he made at school and in his contact with them via social media. He also used school ICT equipment to access pornographic material.

### Findings of fact

Our findings of fact are as follows:

We have found the following particulars of the allegations against Mr Hallam proven, for these reasons:

Whilst employed at Oriel High School, Gorleston, between September 2007 and September 2010 and whilst employed at Ormiston Venture Academy, Gorleston, between September 2010 and February 2011, he;

- a. failed to maintain appropriate professional boundaries in his relationships with students, in that he;
  - ii. made comments of a sexual nature on more than one occasion.

Mr Hallam has admitted saying to a student that if you put baby oil on a condom it would burst and after that put baby oil on a blown up condom and the pupil rubbed it until it burst. We accept this admission, which is supported by documentary evidence, and consider that Mr Hallam's comments in relation to this subject were inappropriate given that he was not conducting a sex and relationship education class and there were younger pupils in the classroom. For very good reasons there are strict guidelines on teaching sex and relationship education and Mr Hallam's ad hoc behaviour paid no heed to these. Accordingly, he failed to maintain appropriate professional boundaries in this regard.

Mr Hallam has denied making any other comments that have been alleged by students. We have not had the opportunity of testing their evidence and do not consider that we have sufficient evidence to conclude that such conversations took place. Nevertheless the comments in relation to the condom in themselves support the main part of the allegation in the absence of any further comment or comments.

We have also considered the comments that Mr Hallam has admitted making in relation to a pupil's Aunt who was apparently a lesbian. Again, we accept this admission but have concerns that it forms the basis of an allegation. There is no evidence that the conversation took place in a salacious context and we would expect a teacher to correct any derogatory comments or head those off in relation to the issue of homosexuality. We have not therefore considered that these comments tend to prove or are relevant to this allegation.

- b. failed to maintain appropriate professional boundaries in his relationship with a 14 year old student, Student A, in that he;
  - i. accepted her as a friend on the social networking site 'Facebook' despite recognising that it was not appropriate for him to do so;
  - ii. communicated with her via 'Facebook' on four occasions;
  - iii. made an inappropriate comment to her via 'Facebook', including a comment that he was "watching porn".

Mr Hallam has admitted this allegation with the provision that he was not specifically told he should not 'friend' students on Facebook. We accept this admission that is supported by the documentary evidence. Whilst at the time of the events in question guidelines in relation to contact via social media may have been more fluid it clearly amounted to a failure to maintain appropriate professional boundaries with Student A. There was no good reason why Mr Hallam needed to befriend Student A and the dangers of doing so are clearly illustrated by the comment about pornography. It is perhaps fortunate that matters went no further than that. In any event it is a striking example of the erosion of professional boundaries and the serious consequence of that given the obvious conclusions that can be drawn about that subject arising in a conversation between a teacher and a 14 year old student.

We conclude that Mr Hallam was given guidance to the effect that he should not 'friend' students via Facebook. Witness A, the Senior Vice Principal of Ormiston Venture Academy (then Acting Headteacher of the Oriel High School), gave clear oral evidence that Mr Hallam would have been given this guidance. This is

supported by the fact that Mr Hallam initially told the Student that he could not accept her as a friend.

- c. failed to maintain appropriate professional boundaries in his relationship with a 14 year old student, Student B, in that he accepted her as a friend on the social networking site, 'Facebook', despite recognising that it was not appropriate for him to do so;

Mr Hallam has admitted to accepting Student B as a friend on Facebook. We find the whole allegation proven for the same reasons given in relation to allegation b. and repeat our conclusions in that regard.

- d. used School ICT equipment to access pornographic material.

Mr Hallam has admitted this allegation and we accept this admission which is supported by the documentary evidence.

We have found the following particulars of the allegations against Mr Hallam not proven, for these reasons:

Whilst employed at Oriel High School, Gorleston, between September 2007 and September 2010 and whilst employed at Ormiston Venture Academy, Gorleston, between September 2010 and February 2011, he;

- a. failed to maintain appropriate professional boundaries in his relationships with students, in that he;
  - i. made comments to students about his sex life on more than one occasion.

Mr Hallam has denied this allegation throughout and clearly did so in his oral evidence. The evidence to the contrary is only in the form of hearsay and Witness A in her oral evidence was not able to assist us on how credible the students' evidence might be. We are therefore not able to conclude on the balance of probabilities that any of the alleged comments were made.

#### Findings as to Unacceptable Professional Conduct

Having found the facts of the allegations a. ii. , b, c and d proved we further find that those amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

This is because:

Mr Hallam's actions constituted misconduct of a serious nature, falling significantly short of behaviour expected of a teacher.

Mr Hallam's actions breached the latest teachers' standards published by the DfE. Specifically, he failed to:

Demonstrate consistently high standards of personal and professional conduct by failing to uphold public trust and confidence in the profession and maintain high standards, ethics and behaviour, within and outside the school. In particular he failed to treat students with dignity, build relationships rooted in mutual respect, and at all times observe proper boundaries appropriate to a teacher's professional



position. He also failed to safeguard students' well-being and failed to have proper and professional regard for the policies and practices of the school in which he taught.

Mr Hallam's behaviour was simply not consistent with the standards that are expected of a teacher. No teacher should use school equipment to access pornography and it is of the utmost importance that a teacher at all times maintains a proper and professional relationship with students. Failure to do so undermines the authority that is essential to delivering good quality education and opens the door to potentially more serious consequences.

### **Panel's Recommendation to the Secretary of State**

When considering what sanction, if any, to recommend we have had regard to "The Prohibition of Teachers – DfE advice on factors relating to decisions leading to the prohibition of teachers from the teaching profession". In particular we have had regard to the protection of children and members of the public, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct. We have sought to approach the issue bearing in mind the principle of proportionality.

We have concluded that in this instance it is not appropriate to recommend that a Prohibition Order be made.

We have carefully considered the documents that we have been provided with and the submissions made by Mr Hart on behalf of Mr Hallam.

Mr Hallam's failure to maintain professional boundaries was particularly serious and we have found a number of instances of similar improper behaviour. There is also a general theme of sexual issues running through the allegations. These matters would rightly concern the public in light of the central role of a teacher in safeguarding students.

The totality of the Mr Hallam's actions tend to indicate a deep-seated attitude that could lead to harmful behaviour but we have had regard to the fact that there is not a lengthy pattern of behaviour that proves that conclusively. In light of that and that in themselves the majority of the allegations could be viewed in a relatively benign light we consider that in this instance Mr Hallam's behaviour is not incompatible with being a teacher. Likewise, it is to Mr Hallam's credit that he has engaged with these proceedings and in large part admitted those facts that we have found proved. He has also shown remorse and apologised, in person and through his representative Mr Hart. We have not though been provided by any references or testimonials in his support.

This case should send out a warning to all teachers about the need to maintain appropriate professional boundaries at all times and to be particularly wary about the dangers inherent in social media. Mr Hallam showed very poor judgement in this regard and we hope that he will reflect very seriously on our conclusions to ensure that there is no repetition in future.

## **Decision and Reasons on behalf of the Secretary of State**

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

The Panel have found a number of allegations proven.

Mr Hallam failed to maintain appropriate professional boundaries in his relationships with students. The Panel found that Mr Hallam's comments in relation to the incident with the condom were inappropriate and that his ad hoc behaviour paid no attention to the strict guidelines on teaching sex and relationship education.

In relation to the allegations relating to his relationship with a 14 year old pupil, student A, the Panel comment that this clearly amounted to a failure to maintain appropriate relationships. They describe the comment that he was "watching porn" as a striking example of the erosion of professional boundaries and the serious consequences of that given the obvious conclusions that can be drawn about that subject arising in a conversation between a teacher and a 14 year old student.

Mr Hallam also used school ICT equipment to access pornographic material.

The Panel find these actions amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

The Panel are clear that Mr Hallam's actions constituted misconduct of a serious nature and that he failed to demonstrate consistently high standards of personal and professional conduct by failing to uphold public trust and confidence in the profession.

The Panel find that Mr Hallam's behaviour "was simply not consistent with the standards that are expected of a teacher". They also say that "it is of the utmost importance that a teacher at all times maintains a proper and professional relationship with students."

In their recommendation to me, the Panel states that "Mr Hallam's failure to maintain professional boundaries was particularly serious and we have found a number of instances of similar improper behaviour. There is also a general theme of sexual issues running through the allegations". These matters, the Panel says, would rightly concern the public in light of the central role of a teacher in safeguarding students.

The Panel also say that Mr Hallam's actions tend to indicate a deep-seated attitude that could lead to harmful behaviour, although they qualify that by saying that there is not a lengthy pattern of behaviour that proves that conclusively.

I do not believe that the Panel has taken sufficient account of what they themselves describe as a number of instances of similar improper behaviour.

It is in part the cumulative impact of his conduct that lies at the heart of this case. Although he has shown remorse, the panel have been shown no evidence in the form of references or testimonials in his support.

The Panel conclude by saying that Mr Hallam showed very poor judgement.

I have given careful attention to the totality of the findings in this case and to the need to be proportionate. I have also given careful attention to the need to balance the rights of the individual with the wider need to protect the reputation of the profession.

In my judgement, this case is one where the outcome should be a Prohibition Order to reflect the serious nature of the findings and the fact that those actions were not a one off event.

I have therefore decided that Mr Hallam should be prohibited from teaching.

I have also to give consideration to the matter of a review period. Prohibition is for life, and therefore in that context any period of review, only represents a minimum period after which the teacher may come back and prove that they are fit to teach again.

In the light of the fact that the Panel did identify some remorse from Mr Hallam I have decided that the review period should be the minimum period set out in the regulations, 2 years.

This means that Mr Gregory Hallam is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the Prohibition Order to be set aside, **but not until 14 June 2015, 2 years from the date of this order at the earliest.** If he does apply, a Panel will meet to consider whether the Prohibition Order should be set aside. Without a successful application, Mr Gregory Hallam remains barred from teaching indefinitely.

This Order takes effect from the date on which it is served on the Teacher.

Mr Gregory Hallam 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.

**NAME OF DECISION MAKER: Alan Meyrick**

**Date: 7 June 2013**

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