



National College for
Teaching & Leadership

Dr David Mansfield: Professional Conduct Panel outcome

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

November 2014

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

Teacher:	Dr David Mansfield
Teacher ref no:	
Teacher date of birth:	
NCTL Case ref no:	10443
Date of Determination:	17,18 and 19 November 2014
Former employer:	Kelvin Hall School, Kingston upon Hull

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 17, 18 and 19 November 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Dr David Mansfield.

The Panel members were Mr Keith Jackson-Horner, (Teacher Panellist, in the Chair), Ms Jean Carter, (Lay Panellist) and Ms Nicolé Jackson, (Lay Panellist).

The Legal Adviser to the Panel was Mrs Eve Piffaretti of Blake Morgan LLP.

The Presenting Officer for the National College was Laura Hackney of Browne Jacobson Solicitors.

Dr David Mansfield was present and was represented by Mr Ivan Cartwright of Counsel.

The hearing took place in public and was recorded.

B. Allegations

The Panel considered the allegations set out in the Notice of Proceedings dated 21 July 2014.

It was alleged that Dr David Mansfield was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed at the Kelvin Hall School, Kingston upon Hull:

1. On or around 15th October 2012, he:
 - a. left his class unattended whilst radio-active isotopes were present in the room; and
 - b. identified a radio-active isotope as missing but did not inform anyone immediately in accordance with welfare, health and safety guidance.
2. On or around 18th October 2012 he asked Individual A and/or Witness C to change their statements submitted to the Head Teacher in relation to the above allegations.
3. He entered into inappropriate conversations with pupils about his personal and private life.

The facts of the allegations 1a and 1b were admitted. Allegation 2 was denied. The facts of allegation 3 were admitted in part, in so far as Dr Mansfield admitted that he had entered into conversations with pupils about his personal and private life but denied that these conversations were inappropriate. No admissions were made as to whether the facts amounted to unacceptable professional conduct and/or conduct that brings the profession into disrepute.

C. Preliminary applications

The Presenting Officer requested that the Panel agree to the admission of a page missing from the case bundle sent to Panel members. There was no objection and the Panel exercised its discretion to admit the additional page.

D. Summary of evidence

Documents

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

1. Section 1: Chronology and Anonymised Pupil List and List of Key People – pages 2-3
2. Section 2: Notice of Proceedings and Response – pages 4-12

3. Section 3: NCTL Witness Statements –pages 14–32 (including page 15A)
4. Section 4: NCTL Documents, pages 34 – 145
5. Section 5: Teacher Documents, pages 147– 309

The Panel Members confirmed that they had read all of the documents in advance of the hearing, including the additional document admitted at the discretion of the Panel.

Statement of Agreed Facts

The Panel considered a Statement of Agreed Facts signed by Dr Mansfield dated 17 November 2014.

Witnesses

The Panel heard oral evidence from Witness B, Head Teacher and Witness C, former Laboratory Technician at the Kelvin Hall School, Kingston upon Hull, called by the Presenting Officer.

The Panel also heard oral evidence from Dr David Mansfield called by Mr Cartwright.

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, in particular we have read very carefully the Statement of Agreed Facts.

Dr Mansfield was employed as an Assistant Head of Science teacher at Kelvin Hall School, Kingston upon Hull, (the School), on 1 January 2001. He remained employed by the School until his dismissal on 1 February 2013. During his employment at the School he was promoted to the role of Head of Science and Director of Science College.

Following an incident which took place on 15 October 2012 and subsequent events that week, Dr Mansfield was suspended from duty pending a Disciplinary Investigation. Dr Mansfield was alleged to have left a Year 11 class unattended whilst radio-active isotopes were present in the classroom and to have failed to immediately report that a radio-active isotope was missing. It was also alleged that on or around 18 October 2012, Dr Mansfield asked witnesses to change their statements submitted to the Deputy Head Teacher. As part of the investigation, it was further alleged that he inappropriately discussed personal and private issues with pupils. The School's Disciplinary Hearing took place on 11 January and 1 February 2013 and an Appeal Hearing took place on 18 April

2013. The School referred allegations of serious misconduct relating to Dr Mansfield to NCTL on 7 May 2013.

Findings of Fact

Our findings of fact are as follows:

1. **On or around 15th October 2012, he:**
 - a. **left his class unattended whilst radio-active isotopes were present in the room; and**
 - b. **identified a radio-active isotope as missing but did not inform anyone immediately in accordance with welfare, health and safety guidance**

We find the facts of allegation 1 a and 1 b proven based on the admissions made by Dr Mansfield in the Statement of Agreed Facts signed by him and dated 17 November 2014. We also had regard to the contents of the case papers and Dr Mansfield's statement dated 17 October 2012; his interview during the School's Disciplinary Investigation dated 13 November 2012; the evidence Dr Mansfield provided to the School's Disciplinary Hearing on 11 January 2013; his letter to NCTL dated 23 August 2013, and his statement prepared in the course of these proceedings dated 27 October 2014. Dr Mansfield admits that he could not see all the children whilst he was in the Preparation Room and the CLEAPSS guidance, paragraph 2.4.4 dated September 2008 states that:

"All sources, whatever their activity must never be left unattended by the teacher in charge."

He further admitted in oral evidence that on 15 October 2012 he thought that the beta source was missing. We noted that Dr Mansfield accepted that the loss of a beta source would have required reporting to external enforcement agencies. There was some dispute as to when, on the 16 October 2012, Dr Mansfield did report that an radio-active isotope was missing. Dr Mansfield admits that he was aware during the afternoon on 15 October 2012, from approximately 1.30pm, that a radio-active isotope was missing and that he did not report the source missing at any point that day. The Panel was satisfied that Dr Mansfield should have reported the radio-active isotope as missing immediately and failed to do so despite having ample opportunity.

2. **On or around 18th October 2012 he asked Individual A and/or Witness C to change their statements submitted to the Head Teacher in relation to the above allegations.**

We do not find the facts of this allegation proven. We noted the oral evidence provided by Witness C and Dr Mansfield. We are satisfied that Witness C and Individual A's handwritten joint statement was written and submitted on 18 October 2012 and Dr Mansfield's statement was also submitted on that date, prior to him leaving School for a medical appointment. This was Dr Mansfield's first statement about the allegations referred to in allegations 1a and 1b and he accepted in this statement that he had left pupils in his Year 11 GCSE class unattended and had forgotten to inform the technicians that the radio-active isotope was missing. Witness C told us that Dr Mansfield had asked them to say that he had not left the classroom. She accepted in her oral evidence that there was "no statement in existence to change" at that time. Witness B also told us that, with hindsight, the laboratory technicians did not complain that Dr Mansfield had asked them to change their statements but that he had asked them to say he had not left the classroom.

3. He entered into inappropriate conversations with pupils about his personal and private life.

We noted that Dr Mansfield partially admits the facts of this allegation, as set out in the Statement of Agreed Facts, in that he admits that he entered into three conversations that were personal and private with pupils in a classroom environment. He denied that these were inappropriate in the circumstances present at the time. In particular, he stated that rumours were circulating amongst pupils in relation to his private and personal life and he wished to put the record straight.

Witness C told us that it was known that Dr Mansfield had told pupils that he had been banned for drink-driving. The Panel did not receive direct oral evidence in relation to this conversation and Dr Mansfield denied this. We are not therefore, satisfied that on the balance of probabilities Dr Mansfield had this conversation with pupils.

We carefully considered the three occasions that Dr Mansfield does admit, namely:

- July 2012: a conversation with a Year 10 class that he had left his wife and met another lady whom he hoped to marry when his divorce came through. He also informed the class that he had three children.
- September 2012: showing a Year 11 class, on the interactive whiteboard, a picture of an engagement ring that he intended to present to his partner.
- 15 October 2012: walking around the Year 11 class showing them the engagement ring that had been delivered to him during the lesson.

Dr Mansfield told us that his statement to pupils in July 2012 was made in response to a question asked by a pupil, in front of the class, about whether he had left his wife and was intended to quash rumours at the School. He now acknowledges that his statement to the pupils could be seen as going beyond what was necessary but that he was under a great deal of pressure due to the rumours circulating. He acknowledged in his oral evidence that he would now adopt a different approach

and seek advice from senior colleagues. We agree that Dr Mansfield went beyond what was necessary. We note that he subsequently showed a picture of the engagement ring to his class and on another occasion he walked around his classroom showing the purchased engagement ring to individual pupils as he was *“unable to suppress my excitement at the ring arriving and the class has expressed curiosity as to the contents of the package that had been delivered”*.

We consider that these three conversations were inappropriate because the discussions went beyond appropriate professional boundaries with pupils and represented an unnecessary disclosure of personal and private information on Dr Mansfield’s part. The Panel also had regard to the fact that the conversations took place during lesson time and did not further his pupils’ learning.

We therefore find the facts of allegation 3 proven.

Findings as to unacceptable professional conduct and/or Conduct that may bring the profession into disrepute

We are satisfied that Dr Mansfield is guilty of unacceptable professional conduct and conduct that may bring the profession into disrepute in relation to the facts proved in allegations 1 a and 1 b. We consider the facts proved to be of a serious nature which fall significantly short of the standard of behaviour expected of a teacher. To leave pupils unattended in a classroom with radio-active isotopes and to fail to report that a radio-active isotope was missing immediately is a serious matter. Dr Mansfield was an experienced science teacher who was Head of Science and a member of the Senior Leadership Team at the time. There is a strong public interest in ensuring the safe use and security of radio-active isotopes. We are also satisfied that the conduct displayed would be likely to have a negative impact on his status as a teacher, potentially damaging the public’s perception of teachers.

In making this determination, we find that Dr Mansfield has breached the personal and professional conduct elements of the latest Teachers’ Standards. In particular:

“Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside the school, by:

- having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions

Teachers must have proper and professional regard for the policies and practices of the school in which they teach.”

We are also satisfied that Dr Mansfield is guilty of unacceptable professional conduct and conduct that may bring the profession into disrepute in relation to the facts proved in allegation 3. We are satisfied that this was conduct of a serious nature, falling

significantly short of the standard of behaviour expected of a teacher. Witness B, the Head Teacher, told us about the training provided to staff at the beginning of each academic year regarding what is and is not appropriate information to share with pupils. We noted that Witness B's evidence to the Governors during the Disciplinary Hearing confirmed that teachers "*should always approach, with huge caution, the sharing of personal information*", irrespective of the age of pupils (at page 164 of the case papers). Dr Mansfield blurred the boundaries appropriate to a teacher's professional position. In addition, the conduct displayed would be likely to have a negative impact on his status as a teacher, potentially damaging the public's perception of teachers.

Dr Mansfield breached the Personal and Professional Conduct elements of the Teachers' Standards in that he failed to uphold public trust in the profession and maintain high standards of ethics and behaviour in that he failed to:

- build relationships rooted in mutual respect and trust and at all times observe proper boundaries appropriate to a teacher's professional position.

In addition, Dr Mansfield failed to have proper and professional regard for the ethos, policies and practices of the School in that he failed to have regard for the training provided as highlighted by Witness B's oral evidence.

Panel's recommendation to the Secretary of State

The Panel has given very careful consideration to the guidance on the issuing of prohibition orders, but recognised that, ultimately, we were obliged to exercise our own judgement.

The Panel was mindful that the aim of a Prohibition Order is to protect the public interest rather than to be punitive. The public interest includes protection of children and other members of the public, the maintenance of public confidence in the teaching profession and the declaration and upholding of proper standards of conduct.

The Panel has applied the principle of proportionality. In doing so the Panel had regard to the teacher's right to practise his profession and whether it was necessary to restrict those rights in order to protect the public interest.

The Panel considered factors which may be incompatible with being a teacher. The Panel then went on to consider mitigating factors relevant to the appropriateness of prohibition.

The Panel recommends to the Secretary of State that a Prohibition Order is neither appropriate nor proportionate in this case.

Without condoning the conduct, the Panel has concluded that there are a number of mitigating factors in this case that are relevant to the seriousness of the behaviour, including :

- Dr Mansfield has a previous good history as a teacher and had been promoted within the School, to include a Senior Leadership Team role from May 2012.
- Although Dr Mansfield breached the CLEAPSS policy there is no evidence that the Year 11 pupils were harmed during the lesson on 15 October 2012.
- He admitted that his judgement had been poor on 15 October 2012 and that he should have reported the radio-active isotope as missing earlier.
- Dr Mansfield has indicated that he would refrain from having such discussions about his personal and private life with pupils in the future.
- We are satisfied that Dr Mansfield has learnt his lesson and does not have a deep-seated attitude that leads to harmful behaviour.
- Dr Mansfield has expressed regret in relation to his actions. He told us that he would act differently in the future.
- We noted Dr Mansfield's difficult private and personal circumstances during the period July to October 2012.

There is a public interest in declaring and upholding proper standards of conduct. The Panel is conscious that this public hearing has resulted in a finding of unacceptable professional conduct and conduct that may bring the profession into disrepute. This is a significant finding and, in the Panel's view, satisfies the need to publicly declare and uphold proper standards of conduct.

The Panel is also conscious of the need to maintain public confidence in the teaching profession. However, in view of the mitigating circumstances that we have identified it is not necessary, in the public interest, to impose a Prohibition Order. Furthermore, it would be disproportionate to do so.

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 panel have found some allegations proven and have judged that those facts amount to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel have considered whether the recommendation of a prohibition order would be appropriate and proportionate in this case. They have properly considered both the public interest elements of the case and the interests of Dr Mansfield. The recommendations include a clear and concise summary of a range of mitigating factors together with an

acknowledgement that the findings of unacceptable professional conduct and conduct that may bring the profession into disrepute are both significant and in themselves a public declaration of the need to uphold proper standards of conduct.

I agree with their recommendation that it is not necessary in the public interest, and would be disproportionate, to impose a prohibition order in this case.

NAME OF DECISION MAKER: Paul Heathcote

A handwritten signature in black ink, appearing to read 'P Heathcote', with a large, sweeping flourish extending to the right.

Date: 20 November 2014

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