



National College for
Teaching & Leadership

Mr George Moore: Professional Conduct Panel outcome

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

November 2013

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

Teacher: Mr George Moore

Teacher date of birth:

NCTL Case ref no: 9825

Date of Determination: 19 November 2013

Former employer: The Abbey School, Berkshire

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 18 and 19 November 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr George Moore.

The Panel members were Mark Tweedle (Teacher Panellist– in the Chair), Fiona Tankard (Teacher Panellist) and Tapan Debnath (Lay Panellist).

The Legal Adviser to the Panel was Isabelle Mitchell of Eversheds Solicitors.

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

Mr George Moore was present and was represented by Ms Anna Berry of NASUWT.

The hearing took place in public and was recorded.

B. Allegations

The Panel considered the allegations set out in the Notice of Proceedings dated 2 September 2013.

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

1. Between January and October 2012 he formed an inappropriate relationship with Pupil A which included the following:-
 - a. Exchanged a series of emails, which were not exclusively related to school business, with Pupil A including in excess of 20 emails on 25th May 2012.
 - b. Met up with Pupil A on a number of occasions.
 - c. During August 2012 he went on a date with Pupil A in which he kissed her.
2. Between April and September 2012 he attended a meal with a group of students which was not sanctioned by the school.

In response to the Notice of Proceedings, Mr George Moore has admitted the facts of the allegations and admitted that those facts amount to unacceptable professional conduct.

C. Preliminary applications

There were no preliminary applications made by either party.

The Panel proposed to amend particular 1c of the allegations, to refer to “September 2012” rather than “August 2012”.

Under paragraph 4.55 of the Teacher Misconduct – Disciplinary Procedures for the Regulation of the Teaching Profession, the Panel has the power to, in the interests of justice, amend an allegation or the particulars of an allegation, at any stage before making its decision about whether the facts of the case have been proved. The Panel invited representations from both parties. The Presenting Officer and Ms Berry confirmed they had no objections to the Panel’s proposed amendment.

The Panel made the amendment to particular 1c of the allegations, which now reads: “During September 2012 he went on a date with Pupil A in which he kissed her.”

D. Summary of evidence

Documents

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

Section 1: Anonymised Pupil List and Chronology (Pages 2 to 3)

Section 2: Notice of Proceedings and Response (Pages 4 to 13)

Section 3: National College for Teaching and Leadership Witness Statements (Page 14 to 23)

Section 4: National College for Teaching and Leadership Documents (Pages 24 to 144)

Section 5: Teacher's Documents (Pages 146 to 151)

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

Witnesses

The Presenting Officer made an opening statement by reading the agreed statement of facts.

The Presenting Officer called Pupil A's father to give oral evidence. The Panel heard evidence from Pupil A's father concerning the characteristics of Pupil A, and the impact that the allegations have had on her.

Following the Panel's decision on the findings of fact and the findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute, Ms Anna Berry called Mr George Moore on issues of mitigation.

Ms Anna Berry then called Witness A, the Head of School at the school by whom Mr George Moore is currently employed, on issues of mitigation.

Both the Presenting Officer and Ms Berry made closing statements.

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.

Summary of Evidence

Mr George Moore was employed at The Abbey School from September 2010 to September 2012 as Subject Leader in the Philosophy of Religion department.

Mr Moore admits that between 31 January 2012 and 18 June 2012 he exchanged emails with Pupil A. The majority of these emails consisted of a few words, and there was no sexual content or innuendo in any of the emails exchanged.

In April 2012, Mr Moore approached the Director of Sixth Form at the Abbey School, Individual A, to seek advice on whether he should join some of his tutor group who had invited him to a meal in August 2012 to celebrate leaving school. Individual A sought advice from the Deputy Head, Individual B, who advised that Mr Moore should not attend or that he should attend with his wife and child, and this was communicated to Mr Moore by Individual A. It is agreed that Mr Moore then attended the meal alone.

Mr Moore admits to meeting with Pupil A outside of school on several occasions between 25 July and 8 or 9 September 2012. On a number of these occasions, others were present, including Pupil A's father, Pupil A's mother, and friends. Mr Moore also admits that on 8 or 9 September, he kissed Pupil A outside the cinema.

It is agreed that Pupil A was 18 in May 2012, did not attend school from June 2012 onwards as she had completed her exams, and was not on the school roll from 1 September 2012.

Findings of Fact

Our findings of fact are as follows:

We have found the following allegations against Mr Moore proven:

- 1. Between January and October 2012 he formed an inappropriate relationship with Pupil A which included the following:-**
 - a. Exchanged a series of emails, which were not exclusively related to school business, with Pupil A including in excess of 20 emails on 25th May 2012.**
 - b. Met up with Pupil A on a number of occasions.**
 - c. During September 2012 he went on a date with Pupil A in which he kissed her.**
- 2. Between April and September 2012 he attended a meal with a group of students which was not sanctioned by the school.**

We have found each of these allegations proven for the following reasons:

Mr George Moore has admitted the particulars of the allegations in the agreed statement of facts. The Panel accepts this admission and therefore the allegations are found proved.

Findings as to Unacceptable Professional Conduct and/or Conduct that may bring the profession into disrepute

Mr George Moore admits that his conduct amounts to unacceptable professional conduct. However, we as the Panel must make our own determination. In considering the allegations, we have had regard to the definitions in The Teacher Misconduct – Prohibition of Teachers Advice, which we refer to as the ‘Guidance’.

The Guidance states that unacceptable professional conduct and conduct that may bring the profession into disrepute is misconduct of a serious nature, falling significantly short of the standard of behaviour expected of a teacher and that this should be judged with reference to the latest standards published by the Secretary of State in June 2013.

We have considered the relevant standards, and in particular we consider that the following standards are relevant:

“A teacher is expected to demonstrate consistently high standards of personal and professional conduct. Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by... at all times observing proper boundaries appropriate to a teacher’s professional position... and

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

We have used our knowledge and experience of the teaching profession to assess Mr George Moore’s fitness and suitability to be a teacher and have taken into account how the teaching profession is viewed by others, and the influence that teachers may have on pupils, parents and others in the community.

We consider that the offence was contrary to the Teaching Standards.

Observing proper and appropriate boundaries with pupils is a fundamental duty of a teacher. Mr Moore was in a position of trust and a position of relative power, as Pupil A’s form tutor. As such, Mr Moore was in a position where his actions would be influential on students, such as Pupil A.

The roots of the relationship between Pupil A and Mr Moore began from January 2012, when they began to exchange emails, the frequency of which increased over time. This was during a period when Mr Moore had pastoral responsibility for Pupil A, although we

recognise that there was no sexual content or innuendo in the emails exchanged. However, shortly after Pupil A's exams finished, the relationship between Pupil A and Mr Moore became formal; Mr Moore expressed to Pupil A's father that he loved Pupil A, and Pupil A told her parents that she was unwilling to break her contact with Mr Moore. The intensity of this relationship leads us to conclude that Mr Moore failed to establish appropriate boundaries with Pupil A whilst at school, which led to the establishment of a formal relationship shortly thereafter.

Mr Moore did seek guidance from the school in respect of his attendance at a meal with a group of students, including Pupil A. Despite being told that he should not attend alone, Mr Moore disregarded this guidance and attended the meal. We consider this to fall short of the teaching standard which states that teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.

Mr Moore has several years of experience as a teacher and we consider that he would be well aware of the professional standards expected of a teacher. This is evidenced both from the fact that Mr Moore sought guidance from the school in relation to his attendance at a meal with students and the fact that when he resigned he recognised that the relationship he had formed with Pupil A was wrong.

We are satisfied that Mr Moore's conduct fell short of the standards expected of a teacher.

We therefore find that Mr George Moore's actions in failing to observe proper boundaries with Pupil A and failing to have regard to the ethos and practices of the school amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the Panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, 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 a 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 Teacher Misconduct – Prohibition of Teachers 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. The Panel did not consider that the protection of children and other members of the public was a relevant public interest consideration in these circumstances. The Panel was satisfied that Mr Moore's conduct did not display the existence of a deep-seated attitude that leads to harmful behaviour.

The Panel has been mindful of its findings that Mr Moore's behaviour was found to be unacceptable professional conduct and conduct that may bring the profession into disrepute. Mr Moore's conduct was a departure from the Teaching Standards, although the Panel considers that Mr Moore's conduct was at the lower end of the scale. Mr Moore's relationship with Pupil A took place over a relatively short period of time, was not of a sexual nature, and happened at a time when Pupil A was 18 and had left school following the end of her A-level exams. However, the Panel has been mindful of the public confidence in the profession, and the need to treat any departure from the standards with the utmost care.

Notwithstanding the 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 Moore. In forming a judgement in this respect, the Panel took particular account of the mitigation evidence that was presented to it by both Witness A, the Head of School at Mr Moore's current employer, and Mr Moore himself.

The Panel found Mr Moore to be a credible and honest witness who showed remorse and insight into his behaviour. Mr Moore did not attempt to justify his actions and he expressed very clearly to the Panel that he accepts his conduct was inappropriate, but that he has learnt lessons. Mr Moore was clear in his evidence that he always has the teachers' standards at the back of his mind now. The Panel was mindful of the fact that Mr Moore proactively reported the existence of his relationship with Pupil A. The Panel also accepted Mr Moore's evidence that he was suffering emotional distress at the time of the incident due to difficult personal circumstances.

The Panel found Mr Moore to be open and honest in his evidence, and of greater importance, Mr Moore was very open and honest with his new employer about his previous conduct.

The Panel also heard mitigating evidence from Witness A. The Panel found Witness A to be a very credible witness. Witness A described Mr Moore as a very good teacher, having been with the school since September 2012, and said that the school would be 'devastated' were Mr Moore not able to teach there any longer. Witness A explained that Mr Moore provided full disclosure when applying for a teaching post. Witness A undertook a risk analysis of Mr Moore when employing him, and continues to be stringent about the boundaries that Mr Moore maintains with students. Witness A explained that he is entirely happy with the boundaries that Mr Moore has established in his new role.

The Panel also heard from Witness A that he had spoken to the Head Teacher of the Abbey School, Individual C, on two occasions, once of her own volition, to express her view that Mr Moore was not a threat to children and she was pleased that he had been given a second chance.

The Panel went on to consider whether or not there were sufficient mitigating factors to militate against a Prohibition Order's being an appropriate and proportionate measure to impose. Whilst there was no evidence that the Mr Moore's actions were not deliberate, the Panel considers that Mr Moore does have a previously good history and the Panel accepts that the incident was out of character. The Panel has not seen any evidence that shows Mr Moore was previously subject to disciplinary proceedings/warnings.

Mr Moore is of previously good character and the Panel has taken this into account. Further, in the 12 months that have passed since the incident, Mr Moore has demonstrated that he is a good teacher, who is mindful of the public expectations of his role as a teacher and the importance of appropriate boundaries.

Whilst the Panel does consider that Mr Moore's behaviour was not in accordance with the teachers' standards and should be taken seriously, bearing in mind the circumstances of the conduct, the insight that Mr Moore has shown and the mitigating evidence, the Panel is of the view that Prohibition is not a proportionate sanction in the circumstances.

Accordingly, the Panel makes a recommendation to the Secretary of State that no Prohibition Order should be imposed.

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 have found the allegations proven and that those facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. Mr Moore admitted the particulars of the allegations.

In conclusion the panel found that Mr Moore's conduct fell short of the standards expected of a teacher in that he had failed to observe proper boundaries and failed to have regard to the ethos and practices of the school.

The panel went on to consider whether a prohibition order would be a proportionate measure and in the public interest and they have provided much detail relating to their recommendation.

The panel were satisfied that Mr Moore's conduct did not display the existence of a deep-seated attitude that would lead to harmful behaviour. Additionally they noted that the relationship took place over a short period of time, was not of a sexual nature, and happened at a time when the pupil concerned had left the school.

The Secretary of State's advice on factors that can be taken account of in mitigation when considering the appropriateness of recommending a prohibition order include reference to the teacher's previously good history. The panel heard live evidence from Mr Moore's current headteacher, Witness A, who described him as a very good teacher. Witness A explained that he was entirely happy with the boundaries Mr Moore has established in his new role. He had also spoken to Mr Moore's previous headteacher who expressed her view that Mr Moore was not a threat to children.

The panel were clear that Mr Moore had a previously good history and that this incident was out of character. In the circumstances I agree with the panel's recommendation that a prohibition order would not be a proportionate sanction.

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

NAME OF DECISION MAKER: Paul Heathcote

Date: 20 November 2013

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