

THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Mr Paul James Gozzard

Teacher date of birth:

TA Case ref no: 9004

Date of Determination: 11 January 2013

Former Employer: Painsley Catholic College, Stoke on Trent

A. Introduction

A Professional Conduct Panel (“the Panel”) of the Teaching Agency convened on 11 January 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Paul James Gozzard at a meeting.

The Panel members were Mrs Kathy Thomson (Teacher Panellist– in the Chair), Mr Mark Tweedle (Teacher Panellist) and Mr Stan Szaroleta (Lay Panellist).

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

The meeting took place in private. The decision was announced in public and was recorded.

B. Allegations

The Panel considered the allegations set out in the Notice of Meeting dated 12 December 2012.

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

Whilst employed at Painsley Catholic College, Stoke on Trent between July and November 2010, Mr Gozzard engaged in an inappropriate relationship with Student A in that he:

1. Communicated with her on numerous occasions on his personal mobile phone;
2. Agreed to meet her in a country lane where they kissed.

C. Summary of Evidence

Documents

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

Anonymised Pupil List – on pages 1 & 2

Notice of Proceedings and Response – on pages 3 – 9

Witness statement – on pages 10 – 13

Teaching Agency documents – on pages 14 – 47

Teacher's documents – on pages 48 – 56

Agreed Facts

The Statement of Agreed Facts in the above documents at pages 7 & 8 stated that:

Paul James Gozzard was employed at Painsley Catholic College, Stoke-On-Trent from September 2006 until November 2011.

In the autumn term of 2010 numerous text messages and telephone calls were exchanged between Mr Gozzard and Student A, a female Year 11 student. This contact was initiated by Student A following a period of some difficulty in her life and at a time of significant pressure for Mr Gozzard who had a young family. Mr Gozzard did not solicit the initial contact.

Mr Gozzard acknowledges that the sustaining of such contact was against School policy and recognises that it was a serious breach of his professional duties for him to do so.

The contact between Mr Gozzard and Student A culminated in an agreement to meet; arranged at the instigation of Student A. At the meeting following a short conversation a brief kiss ensued between Mr Gozzard and Student A, also initiated by Student A. Following this encounter Mr Gozzard ceased all communication with Student A. Mr Gozzard acknowledges that this is also a serious breach of his professional duties.

Aside from the brief kiss described above, there were no allegations of any physical relationship between Mr Gozzard and Student A during the period of communication in the autumn term 2010 or at any other point. Neither is there any evidence of a sexual or intimate nature in respect to the contact between Mr Gozzard and Student A.

Matters came to the attention of the Headteacher, Individual A, in November 2011; who immediately suspended Mr Gozzard and investigated the matter further. At the earliest occasion, when the above allegations were put to Mr Gozzard at interview,

he admitted them and accepted that his actions were without excuse (save as to the matters set out in his statement and response). He subsequently resigned from his post.

Mr Gozzard admits the allegations against him and that they amount to unacceptable professional conduct/conduct that may bring the profession into disrepute as set out in Rules 2.3 – 2.4 of the Disciplinary Rules for the regulation of the teaching profession and which may be defined as misconduct of a serious nature, falling significantly short of the standard of behaviour expected of a teacher and which, if proven, may bring the profession into disrepute, in accordance with guidance set out in the Department of Education advice document 'The Prohibition of Teachers'.

Mr Gozzard very much regrets his actions and accepts that they amounted to a serious error of professional judgment on his part.

D. 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 in 2010 whilst Mr Gozzard was employed as a PE teacher at Painsley Catholic College, Stoke on Trent he engaged in an inappropriate relationship with a female pupil in Year 10/11.

Findings of fact

Our findings of fact are as follows:

We have found the following particulars of the allegations against Mr Gozzard proven:

Whilst employed at Painsley Catholic College, Stoke on Trent between July and November 2010, Mr Gozzard engaged in an inappropriate relationship with Student A in that he:

1. Communicated with her on numerous occasions on his personal mobile phone;
2. Agreed to meet her in a country lane where they kissed.

For these reasons:

Mr Gozzard has admitted the allegations in a Statement of Agreed Facts signed by him on 7 December 2012 and we accept that as evidence.

We have also considered the documents in the bundle and accept the evidence in those which supports the allegations.

In relation to Particular 1, the accounts given by Mr Gozzard and that of Student A (given to Individual B, a social worker) are consistent. Student A alleges that she either texted or telephoned him frequently and Mr Gozzard has said that he made and received telephone calls on numerous occasions.

In relation to Particular 2, Mr Gozzard and Student A both give accounts of a pre-determined meeting in a country lane in the autumn of 2010. He states that contact between him and Student A culminated in an agreement by him to meet. She states that he had arranged to meet her by telephone following her hospital appointment. They agree that a kiss took place but Mr Gozzard alleges that Student A initiated the kiss while she alleges that it was the other way around. We have not heard any oral evidence from either party. On the basis of the hearsay evidence available to us we cannot determine the precise circumstances of the kiss.

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

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

This is because:

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

We have noted Mr Gozzard's admission that his actions amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

Mr Gozzard's actions breached the GTC Code of Conduct and Practice for registered teachers, effective from 1 October 2009. Specifically he:

Failed to put the wellbeing, development and progress and young people first by failing to establish and maintain appropriate professional boundaries in his relationship with Student A.

His actions also breached the Personal and Professional conduct element of the latest Teacher's Standards published by the DfE. Specifically he:

Failed to uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by failing to treat Student A with dignity, build a relationship rooted in mutual respect and at all times observe proper boundaries appropriate to a teacher's professional position.

And also failed to have regard for the need to safeguard Student A's well-being, in accordance with statutory provisions.

Mr Gozzard displayed poor judgement in entering into and sustaining an inappropriate relationship with Student A and showed disregard for statutory safeguarding procedures. His behaviour was clearly unacceptable.

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, 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 including the documents submitted by Mr Gozzard.

We have noted Mr Gozzard's engagement with the proceedings and credit is due for the admissions that he has made.

Mr Gozzard's initial failure to follow the proper safeguarding procedures and report the approaches by Student A led to the subsequent inappropriate contact. This was a serious error of judgement. Having failed to follow the appropriate procedures Mr Gozzard cannot excuse himself from the consequences of that however much matters may have been initiated by Student A. He was in a position of trust and his contact with Student A was highly inappropriate no matter what his intentions actually were.

As we have already noted, we have had to consider this matter on the basis of hearsay evidence and the evidence of Student A comes from what Individual B relates she was told. We have also noted that there were some inconsistencies in the evidence attributed to Student A. We could not come to a conclusion about the circumstances of the kiss, which although an isolated incident is the most serious aspect of this matter. We note that Individual C, Local Authority Safeguarding Officer, concluded that there appeared to be no sexual contact between the two or evidence of incitement into a sexual relationship. Given her position we consider this is likely to be a credible assessment and one that is consistent with the evidence presented to us.

Individual A confirms Mr Gozzard's previous good history as a teacher and the regret expressed by Mr Gozzard from the outset. Further, he relates that the events in question took place during a period of serious difficulties in Mr Gozzard's personal life. In Individual A's testimonial, provided following Mr Gozzard's resignation, he speaks generously of Mr Gozzard's abilities as a teacher and his excellent commitment to the wider life of the school. We have noted that at the time of events in question Mr Gozzard was a relatively young and inexperienced teacher.

Mr Gozzard's submissions to the Panel express regret and demonstrate significant insight.

Although we have not recommended that a Prohibition Order be made we have made a finding of unacceptable professional conduct and conduct that may bring the profession into disrepute. This in itself is a significant judgement which will remain on the public record throughout Mr Gozzard's career and will have a deterrent effect. Our judgement is that whilst Mr Gozzard's actions fell significantly short of the standard of behaviour expected of a teacher the evidence presented to us does not indicate that he has a deep seated attitude such that there is an appreciable risk of repetition.

Secretary of State's Decision and Reasons

I have given very careful consideration to this case and to the recommendation of the panel.

The panel have found unacceptable professional conduct and conduct that may bring the profession into disrepute. Mr Gozzard's behaviour was unacceptable and was a breach of trust.

Nonetheless the panel have had representations from Mr Gozzard that express insight and regret. A prohibition order should always be a proportionate response and in the public interest.

In this case I support the recommendation of the panel that there should be no prohibition order.

NAME OF DECISION MAKER: Alan Meyrick

DATE: 14 January 2013