

## THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

**Teacher:** Mr Christopher Raymond Hood

**Teacher ref no:** 7645530

**Teacher date of birth:** 23/02/1958

**TA Case ref no:** 0008834

**Date of Determination:** 15 March 2013

**Former Employer:** Hillside First School

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### **A. Introduction**

A Professional Conduct Panel (“the Panel”) of the Teaching Agency convened on 11 March 2013 until 15 March 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Christopher Hood.

The Panel members were Mrs Kathy Thomson (Teacher Panellist– in the Chair), Professor Ian Hughes (Lay Panellist) and Ms Jean Carter (Lay Panellist).

The Legal Adviser to the Panel was Ms Eve Piffaretti of Morgan Cole LLP Solicitors.

The Presenting Officer for the Teaching Agency was Ms Melinka Berridge of Kingley Napley Solicitors.

Mr Christopher Hood was present and was represented by Mr Richard Harris, Peripatetic Officer 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 17 December 2012.

It was alleged that Mr Christopher Hood was guilty of unacceptable professional conduct in that:

Whilst employed as Head Teacher at Hillside First School, Somerset (the School) between April 2004 and December 2010 you:

- 1. Failed to fulfil management responsibilities in relation to the conduct of Individual A, a teacher at the School, in that you:**

- a. **Did not take appropriate action on safeguarding incidents brought to your attention relating to the conduct of Individual A;**
  - b. **Allowed Individual A, to behave in a manner which was incompatible with safeguarding guidance;**
  - c. **Did not keep accurate records of all safeguarding incidents brought to your attention in connection;**
  - d. **Did not raise concerns about Individual A with the Senior Education Officer or the Local Authority Designated Officer (LADO);**
  - e. **Did not support staff to raise concerns with you about Individual A;**
2. **Did not adequately meet your responsibilities as Head Teacher in that you failed to secure a safe environment for children who came into contact with Individual A at the School.**

The facts of the allegations were not admitted. Unacceptable professional conduct was also denied.

### **C. Preliminary Applications**

#### Submission of Late/Additional Documents

The Presenting Officer requested that three documents, being the School Safeguarding Policy and two safeguarding guidances issued by Government departments, should be placed before the Panel. Ms Berridge referred the Panel to the requirements of the Disciplinary Procedures, in particular paragraphs 4.16 and 4.17, and said that all three documents were relevant to the proceedings and that it fair to admit them, by virtue that Mr Hood must have knowledge of and be familiar with their content. Mr Harris had no objection to the late addition of these documents. Mr Harris submitted statements from Mr Christopher Hood, Individual B and Ms Individual C. Ms Berridge confirmed that she had no objection to the late addition of these statements.

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

The Disciplinary Procedures for the Regulation of the Teaching Profession paragraph 4.24 provides that where the teacher or the Presenting Officer wishes to rely on a document which is not served in accordance with service and inspection of documents, then that document may only be admitted at the discretion of the Panel. In exercising this discretion, the Panel should have regard to Mr Harris's agreement to the late addition of Safeguarding Policy documents and Ms Berridge's agreement to the late addition of Mr Hood, Individual B and Individual C's statements.

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

“We have decided to exercise our discretion to admit the statements and the additional documents relied on by Ms Berridge and Mr Harris. We have accepted the legal advice and noted that neither party objected to the late additions of these documents. We have concluded that the documents are relevant to our decision-making and that in the interest of fairness these should be added to the case papers before the Panel.”

The documents were added to the bundle of documents before the Panel.

There were no other preliminary applications.

## **D. Summary of Evidence**

### Documents

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

- *Section 1: Guidance Documents with page numbers from Page 1A to 1E.*
- *Section 2: Notice of Proceedings and Response with page numbers from 3 to 11.*
- *Section 3: Teaching Agency Witness Statements, with page numbers from 12 to 45B.*
- *Section 4: Teaching Agency Documents, with page numbers from 46 to 465.*
- *Section 5: Teacher’s Documents, with page numbers 465 to 491.*

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

In addition, the Panel agreed to accept the following:

- *Hillside First School Child Protection Policy with page numbers from 492 to 513.*
- *Extracts from “What to do if you’re worried a child is being abused” with page numbers from 513a to 525.*
- *DfES “Guidance for Safe Working Practice for the Protection of Children and Staff in Education Settings dated February 2005 with page numbers from 526 to 545.*
- *Mr Christopher Hood’s statement dated 8 March 2013 with page numbers from 546 to 552.*
- *Individual B’s statement dated 6 March 2013 with page numbers from 553 to 554 and Individual C’s statement dated 6 March 2013 with page numbers 555 to 557.*

## Opening statements

### **The Presenting Officer**

The Presenting Officer provided a detailed opening submission which covered the background to Mr Hood's appointment as Head Teacher at Hillside First School and the period for which he was the Designated Teacher for Child Protection. She outlined the background to Individual A's employment at the School and the matters which gave rise to his arrest and subsequent conviction (on 10 June 2011) for 36 sexual offences on 10 June 2011.

In opening, the Presenting Officer set out the investigation that took place in relation to Mr Hood as a consequence of concerns raised that a number of potential safeguarding incidents had been brought to his attention but that he had failed to take appropriate action or seek specialist advice. The Presenting Officer provided further and more detailed particulars of the allegations which included ten incidents relied upon in support of allegation 1a and further information in relation to allegations 1b to 1e and allegation 2 (at pages 1c to 1e of the case papers).

### **Teacher's Representation**

Mr Harris indicated that this was a very serious and distressing case. Individual A had been convicted of crimes against children and he alone was responsible for those. Mr Hood was unaware of the serious and depraved conduct of Individual A and unaware that he posed a safeguarding problem. Any member of staff who were aware, including Witness B, grossly failed to report their concerns to Mr Hood, the Designated Teacher for Child Protection or the Police. Mr Harris referred to allegation 1e which set out a failure by Mr Hood to support staff to raise concerns with him about Individual A. Mr Harris emphasised the fact that the allegation did not relate to all staff, though it was clear from the evidence that staff had raised concerns with Mr Hood. Mr Hood was not responsible for the failures of other adults. Mr Hood dealt with the matters brought to his attention as he saw fit and in isolation, as he will say they were. In relation to incidents 1(a), 1, 4 and 5 Mr Hood considers that they fall below the threshold criteria for the reporting of safeguarding incidents as set out in the documentation.

### Brief summary of evidence given

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

### **Witness A**

Witness A's statement at pages 12 to 21 of the case papers was taken as read.

In answer to questions from the Presenting Officer he stated:

- The role of the LADO is detailed in the document entitled "Working Together to Safeguard Children" (2006). He had responsibility across the Local Authority area, being North Somerset, for all organisations involving people working with

children (both employees and volunteers). The post of LADO began on 1<sup>st</sup> October 2006. Allegations from that date should have been reported in a written record.

- From 2008 an electronic system was started on a secure section of the Council's computer server, with limited access. Witness A had examined the electronic server from 2008-2010 and the paper records from 2006-2008. He had also looked the former Senior Education Officer's records prior to 2006. Their records only went back to 2002. He found no evidence of any discussion between the School and the Senior Education Officer or the LADO in relation to Mr Leat.
- He did not have documentary evidence in relation to training attended by Mr Hood prior to 2009.
- DfES guidance such as "Safeguarding Children in Education" was disseminated by the Local Safeguarding Children's Board. The Independent Chairperson of the Board issued the document, together with a letter urging the adoption of the practice set out in it and stressing the need for all staff to be made aware of it.
- The guidance was also issued to the Head of Service and to Schools direct.

On cross-examination by Mr Harris, Witness A said:

- He had not heard members of staff or adults expressing concerns to Christopher Hood. Staff had not expressed concerns to him. He would expect staff to report to the Head Teacher, the Head Teacher would then approach the LADO.
- He knew the School well because his son was a pupil there. As a parent he did not have safeguarding concerns about the School.
- He did not interview Mr Hood as part of the Serious Case Review process. The Police were involved in the management of the Serious Case Review and they had interviewed Mr Hood. Witness A did not interview the Deputy Head Teacher or members of staff.
- In relation to the training attended by Mr Hood, set out at page 119 of case papers, days one and two involved a fair amount of content on process management. Scenarios were discussed on day one and those included case examples; these were usually presented at the milder end of concerns and were worked through as a group around a table. The trainer would extrapolate from the initial information what might be happening and how participants there could develop their learning.
- Training scenarios referred to would cover a range of examples, one, for instance, being a teacher making out of school contact with students via Facebook. Probably 6-10 examples were worked through and each table worked through different examples, sharing the learning at the end.

- Witness A stated that the three stage test for raising safeguarding concerns was set out in the School's policy and included a third point which is often debated.
- He agreed that isolated minor incidents may not be reported but that, increasingly since 2006, people have been more and more willing to speak to LADOs in a preventative way and not wait for an incident to take place.
- Hillside School did not stand out from other Schools of a similar size in terms of the number of referrals. A lack of referrals would not make the School stand out. The Deputy Head Teacher could also report allegations through to the LADO and the Head Teacher. Prior to Individual A's arrest there were no records from any other agency, including the School in relation to concerns that had been raised about him.

On questioning by the Panel, Witness A stated that:

- It would not be common in a School of the size of Hillside for the Head Teacher to delegate the role of Designated Teacher Child Protection (DTCP) to the Deputy. There were a couple of examples, but it was rare. If the Head Teacher was not sure if something should be reported through to the LADO then he could contact the LADO, "for a chat".
- He would record all such "informal" contact in relation to matters and tag that as advice. Sometimes that's all that he does but those kinds of conversations were recorded. He would also expect the person contacting him to record this and this is set out in the guidance.
- In answer to whether any concern, however trivial, should be reported and whether the threshold would be met, Witness A referred to the allegation of favouritism. He said that he would expect that where there is alteration to the make-up of the class, at some point someone in authority within the School should have been considering suitability.

On re-examination by Mr Harris, Witness A was asked again about the third bullet point and whether the threshold would be met for minor contact or low level interaction. Witness A stated that there were examples of physical contact and reference to favourites. In his view this triggered the third bullet of the threshold criteria.

On re-examination by the Presenting Officer Witness A confirmed that in terms of division of responsibility, the DfES Guidance of 2007 indicated that the role of a Head Teacher was to be responsible for child protection and that this would include Schools where a separate person had been delegated that function.

His role in the Serious Case Review was as outlined in "Working Together (2006)". The process was managed by the Local Safeguarding Children's Board and his role was that of the Local Authority's Officer supporting that Board. The review was conducted by parties across the area including Health, Education, Social Care and the Police. He helped manage the process of getting these agencies to produce

their individual management reports and those were then drawn together so that the review could be conducted.

### **Witness B**

Witness B's statements (at pages 45a and pages 164 to 169 of the case papers were taken as read.

In answer to questions from the Presenting Officer she stated:

- She felt that no-one challenged Individual A's behaviour even though they knew he was acting inappropriately.
- She raised concerns about the appropriateness of Individual A's behaviour with Individual D.
- She did not raise her concerns with Mr Hood as she felt he wouldn't believe her over an existing member of staff. She also felt that she couldn't approach Mr Hood to tell him, as she did not feel that she would be believed.

On cross-examination by Mr Harris, Witness B said:

- She started a training course to become a Learning Support Assistant in September 2007. This course included safeguarding of children. This was after the event that she witnessed with Individual A.
- She did not know who the designated Child Protection Officer was at the school at that time as she hadn't done any training on this.
- She did not report her concerns about Individual A to Mr Hood.

On questioning by the Panel, Witness B stated that:

- She did not have a close working relationship with Mr Hood. He was the Head Teacher and she was a volunteer at the school.
- She would now act differently in reporting what she had seen to the DCPT or Head Teacher.
- She had no induction on safeguarding when she started working as a volunteer at the school. She was not aware of the school policy on safeguarding.
- There may have been posters up but she wouldn't have known what they were and would not have taken any notice of them.
- Two Teaching Assistants at the school either took her under their wing or were told to look after her.

### **Witness C**

Witness C's statements at pages 40 to 41 and 143 to 149 of the case papers were taken as read.

In answer to questions from the Presenting Officer she stated:

- Witness C said that she was aware of safeguarding responsibilities at the School.

- When she handed in her letter of resignation to Mr Hood, she said she could explain why but he said that she didn't need to say anything.
- Mr Hood was approachable in all other matters but she felt it more appropriate to go to a female member of staff and approached her line manager, Individual E about what she had seen.
- After this, she had assumed that Individual E had informed Mr Hood because Individual E was the Deputy Head Teacher.
- She thought she had done the right thing in informing Individual E.

On cross-examination by Mr Harris, Witness C said that:

- She was aware of safeguarding responsibilities at the School.
- Individual E was the DTCP at the school at the time of the incident she had witnessed with Mr Leat.
- She left the school because she was dissatisfied with Individual A's teaching qualities.
- She went to speak to Mr Hood in the office on the day she resigned. Mr Hood could have meant anything by saying that she didn't need to say anything.
- A few people said to her that they knew what she was referring to. She could not recall 100% who that was.

On questioning by the Panel, Witness C stated that:

- All staff attended the inset training day. She thought Mr Hood was present but was not sure.
- A Teaching Assistant, Individual F, had told her that she had spoken to Mr Hood about the situation with Individual A.
- She assumed that Mr Hood was aware of what Individual A was like as it was general gossip in the staff room and playground.

On re-examination by Mr Harris she agreed that if there was widespread concern about Individual A this should have been brought to the attention of Mr Hood.

### **Witness D**

Witness D's statement (at pages 152 to 154) of the case papers was taken as read.

In answer to questions from the Presenting Officer she stated that:

- At the relevant time she was a relief dinner lady, which meant that on occasions when the School was short staffed she was called in at short notice and provided cover over dinner time.

- What concerned her most was that children had been told not to disclose to their parents the image they had seen projected onto the wall.
- After this had been reported to her she went to see the Head Teacher. He was involved in an assembly so she spoke to Individual E, the Deputy Head Teacher.
- She had initially gone to see the Head Teacher as there was an accumulation of the inappropriate behaviour and she was concerned that children had been told not to disclose what they had seen to their parents.
- Individual E said that she would raise her concerns with Christopher Hood and she did not get clarification as to what was meant by that.
- Her one stipulation to Individual E was that she did not want her daughter to go into Individual A's class as she wanted to avoid her daughter having him as a teacher. She later found out that her daughter had been placed with Individual A and she went to see Individual D about this.
- She went to Individual D because she felt that she would be sympathetic and did not think that Individual E or Christopher Hood were sympathetic she had felt rather brushed away, as if there was something wrong with her for reporting her concerns.

On cross-examination by Mr Harris she stated that:

- Individual E did listen to her concerns and said she would investigate it further. She did not follow this up with Individual E.
- She had not seen the image that had been projected on the wall. She had been told that it was something anatomical. This had been reported to her by somebody who was in turn reporting what had been told to them by a child, Pupil L.
- She knew Pupil L quite well because he used to go to her for music lessons. She had not mentioned her concerns to Pupil L's mum. It was not appropriate for her to have done so. She was occasionally asked to play piano in the school and knew where Mr Hood's office was. He often had his door open.

On re-examination, Ms Burrige took Witness D to a note of meetings that had taken place with Individual E at pages 239 and 240 of the case papers. She had reported that Individual A was too tactile with pupils. She had an accumulative feeling about this at the time and when she saw a pupil in her son's class was being singled out, this was a catalyst.

### **Witness E**

Witness E's statement (at pages 22 to 35) of the case papers was taken as read. In answer to questions from the Presenting Officer, Witness E stated that:

- He was initially involved to consider whether or not suspension of the Head Teacher was appropriate in the circumstances. The initial investigation was undertaken by Individual F. Witness E became involved in June 2011.
- There was a delay in the investigation because of the Police investigation that was being carried out. In May/June they provided the information that they had collated. He wrote to Christopher Hood setting out a list of issues that needed to be addressed; this list of issues formed the questioning set out in the disciplinary investigation interview with Mr Hood at pages 91 to 100 of the case papers. The notes were sent to Mr Hood and he included his comments in the third column.
- The documents at pages 197, 198, 239 to 240 were records of Child Protection Incidents. These were the only records of incidents reported that had been provided by the School or by Mr Hood in relation to records of Individual A's conduct. He did not have any direct or personal knowledge of the matters referred to in this case.
- When he conducted his investigation he went through a number of witness statements provided by the Police and identified a number of incidents where there was knowledge within the School and/or with Mr Hood, in relation to Individual A's behaviour (these were set out on pages 7 and 8 of the Serious Case Review report).
- The Local Authority view was that Individual E's conduct was gross misconduct and the Local Authority recommended dismissal. That firm advice was given to the School Governors but they decided to deal with Individual E by way of a final written warning.

[On clarification by the Panel Mr Morris confirmed that Individual E had been found guilty of misconduct but a that final written warning had been issued for a period of two years.]

- Mr Morris had seen the documents "Working Together" (2006) but was not familiar with the detail of its contents. It was correct that the School felt that none of the issues raised fell within the threshold criteria for referral to Social Services or to the Police for investigation. In his opinion, although it was not an expert opinion, some of the incidents may not have warranted an immediate referral but should still have warranted follow up with the LADO.
- He took advice from Witness A, the LADO, who advised that a number of the incidents of which Mr Hood had been informed, should have been reported to the LADO but Mr Hood had failed to do so. He understood from Witness A that the concerns raised were of a nature that he would expect to have been referred to the LADO. Mr Hood was the DTCP for a significant period but in any event remained the Head Teacher responsible for Child Protection and Safeguarding in the School. This was not an organisation where the Head had infrequent contact with the Local Authority as it was a reasonably small primary

school in regular communication with the Local Authority. There was ample opportunity for him to raise issues if he was unsure.

- The School had safeguarding policies and he was aware of national guidance that had been issued on a regular basis to the School. All Schools in the Local Authority area were aware that there was a LADO who could be accessed for regular advice. In relation to an image projected in class, he did not know what the Prometheus package was. He did not investigate the image itself. There was evidence of three or more incidents that Mr Hood dealt with himself. However, no concerns were raised about Individual A until shortly prior to his arrest.

On re-examination he stated that:

- He noted that Mr Hood's response to the incident described at page 239 related to the image, and not about the over tactileness of a teacher.

### **Witness F**

Witness F's statement (at pages 160 to 161) of the case papers was taken as read.

In answer to questions from the Presenting Officer, Witness F stated that:

- The pupil specifically said that she was missing having cuddles. This was an unusual word to use so she went to see the DTCP and was asked to record what had been said, and this was reported to Mr Hood who said he would look into the matter and deal with it. He did not take the written recording. She no longer had the written recording as she had passed the information on to what she thought was the appropriate place.
- The DTCP at the time was Individual E.
- It was known to her and other teachers in the School that Individual A had favourites who he asked to do little jobs for him around the School.
- She had seen Individual A with a female pupil on his lap and reported her concern the DTCP, Individual E. She thought she had gone to the right person and done the right thing and was under the impression that it had been reported on to Mr Hood but was not sure.
- She was of this impression by speaking to other members of staff; they had mentioned a similar thing and she thought her concerns about favouritism shown by Individual A to female pupils had been passed onto the Head of the School.
- Other colleagues who were aware of Individual A having favourites were Individual D, Individual G, Individual E, Individual H and Individual I.

On cross-examination by Mr Harris she stated that:

- She had a big concern about Individual A's behaviour with pupils. He was tactile with the children and should not behave that way as a teacher. Children do miss a teacher if they move on but it was unusual to for a child to say that they, 'miss cuddles' and it would not be something to which they would normally make reference. For a child to make this bold statement it stuck in her head and she felt it necessary to report it on.
- She felt strongly enough about it to report it to the DTCP and had understood it was to be taken to the Head Teacher.
- A teacher should be aware of the vulnerable position that they are in and by having a child sit on their lap they would be opening themselves up to all sorts of speculation.
- She was anxious enough to raise this as a concern as it was not isolated and she did not realise that Individual A was capable of what he did do.

In response to Panel questions she confirmed that:

- Mr Hood and she had been on a Child Protection Course. She did not feel comfortable about approaching Mr Hood in relation to this issue, hence she went to Individual E. She did go to him on other matters. She did not feel comfortable because he did not seem entirely interested in everything that had to be said. She gained that impression because he would sit there and take it in but would not ensure that anything was done about it.
- She witnessed a few other pupils on Individual A's lap on a number of occasions. She reported it because she thought Individual A was putting himself in a vulnerable position and she felt that it wasn't appropriate. She told Individual E that she had seen this on a number of occasions.
- She had been under the impression that Individual E spoke to the Head Teacher about this concern but did not have an acknowledgement of that from Individual E. She did not see the pupils sitting on Individual A's lap afterwards.
- She thought Mr Hood was aware of Individual A's having favourites as a few of the teachers had made that claim. Children were highlighted to do certain jobs around the School and also to progress academically.
- She spoke to Mr Hood about the academic side of attainment and about students falling behind the class; The School was a community and a few teachers had found it noticeable. A couple of children were noticeably given roles around the School, for example, asked to take the Register all the time and other staff had spoken about this and Mr Hood was aware of it too.

## **Attendance of witnesses**

### **Witness G**

#### **Presenting Officer Submissions**

Witness G had been due to attend to provide video evidence but had submitted a statement to indicate that she was not able to attend due to ill health. The Presenting Officer addressed the Panel and submitted that Witness G's evidence was relevant and as such her statement should be admitted as hearsay evidence. She stated that Witness G had indicated that she was unable to attend and that the video conferencing facilities would not be available beyond today. Miss Berridge outlined the efforts that had been made to ensure Witness G's attendance that day and described the contact that had been made by Individual J to obtain clarification of Witness G's attendance. She confirmed that Witness G had been due to attend by video conference at 3.30pm but had eventually made contact to say that her child had been unwell and she had been called to pick the child up from School. Miss Berridge asked the Panel to use its discretion to accept the evidence of Witness G that is within the case papers.

Mr Harris confirmed that he did not object to the hearsay evidence being relied upon by the Teaching Agency. He noted that reasonable efforts had been made to secure the witness's attendance and that the direction had been issued. He also noted that she was not the sole witness in relation to the allegation and that there was no history of bad blood between Witness G and Mr Hood.

The Panel announced its decision as follows:

"Having considered the legal advice and the submissions made by both parties the Panel notes that Mr Harris now has no objections to the Teaching Agency's relying on the written statement of Witness G signed and dated 9 January 2013 at pages 42 and 43, of the case and papers and the Avon and Somerset Constabulary notes dated 20 January 2011 at page 163 of the case papers.

Miss Berridge confirmed that she would not require the witness to attend to provide oral evidence to the Panel.

The Panel has decided to admit this evidence as hearsay evidence. We note Mr Harris' comment that Witness G is not the sole and critical witness in relation to any of the allegations against Mr Hood, that there is no history of bad blood between Witness G and Mr Hood and that the conflict of factual evidence is no greater with her than between Mr Hood and other witnesses. Mr Harris also accepted that reasonable efforts had been made by the Teaching Agency to secure Witness G's attendance today. He referenced the case of Bonhoeffer.

The Panel is concerned to note that Witness G has failed to follow a direction issued by the Panel at a Case Management Hearing on 27 February 2013. This is a serious matter but we note that in the circumstances of this case as outlined above, together with the personal issues relating to Witness G attendance today, we will not be recommending that this matter be pursued further through the courts.

### **Individual E**

The Teacher's representative made an application to consider the attendance issues relating to Individual E in private. The Panel determined that they would consider the matter of Individual E's attendance in private due to the need to refer to health issues.

### **Individual D**

The Presenting Officer placed before the Committee a letter from Individual D's GP's surgery and a letter provided by Individual D (and the Panel accepted these papers). The Panel agreed to hear this evidence in private. No objection to the matter being heard in private was put forward by Mr Harris.

### **Mr Christopher Hood**

Mr Christopher Hood's statement (at pages 546-552) of the case papers was taken as read.

In answer to questions from Mr Harris he stated that:

- He could not comment on Individual D's account of an incident reported to him (as set out at page 130 and pages 253 and 254).
- He was aware of the three stage test which set the thresholds for reporting allegations of safeguarding concerns (at page 121 of the case papers).
- He had not referred any staff to an external agency because safeguarding thresholds had not been breached.
- The third stage of the threshold test refers to allegations against staff that indicate that they may have "*behaved towards a child or children in a way that indicates that s/he is unsuitable to work with children*". He understood unsuitability to work with children to mean total incompetence.

On cross examination by the Presenting Officer he stated that:

- A teacher who breached professional boundaries may be unsuitable to work with children.
- He could not now recollect that Individual D had reported concerns to him regarding photographs she had seen on the class camera of Individual A with a female pupil, (as set out in allegation 1(a)1). However, he did not disagree with her account. He suffered from post traumatic stress disorder and could not recollect what matters were reported to him at the time. He was not able to comment about the content of the photographs and /or whether they would raise concern about Individual A's conduct. He did not see the photographs. He accepted that there was no record of the discussion that took place between him and Individual D. He stated that he would have made a record in his

personal/professional journal at the time. He did not report the incident to external agencies.

- He did recollect the incident set out in allegation 1(a) 2. This incident was brought to his attention and investigated at the time. He did not consider that there was sufficient evidence to trigger a safeguarding referral. He issued Individual A with a verbal warning in respect of the incident. This verbal warning was recorded on Individual A's personnel file for a six month period.
- He accepted that allegation 1(a) 3 might have given rise to safeguarding concerns. At that time, he believed in Individual A's integrity and that he was innocent of the allegation. He took action to address the concern raised by speaking to Individual A. He did not recall the details of that discussion. He incorporated this incident in the verbal warning given to Individual A.
- In relation allegation 1 (a) 4, he did not recall a meeting with Witness F but had no reason to doubt her account. He would have reported the incident in his personal journals. He does recall speaking to Individual A about the incident but did not report the concern to external agencies.
- He did not reflect on the totality of the matters reported to him up to 2004 or reconsider his view of Individual A's integrity or professionalism at that point. He dealt with the matters reported to him as separate incidents.
- In relation to allegation 1 (a) 5 he did not perceive that Individual A had favourites in the School at that time. He agreed that if a teacher was alleged to favour a particular female pupil in the class then that could be a safeguarding concern which would need to be investigated. He did not consider a child sitting on the lap, to be, of itself a potential safeguarding issue.
- In relation to allegation 1(a) 6, he saw Individual A arrive at school on his bike. He had a conversation with Individual A about changing in the classroom and told Individual A that that he should not do so in future. He did not keep a record of that discussion or refer the incident to the LADO.
- In relation to allegation 1(a) 7, he was present observing Individual A's literacy lesson on that day. Individual A tried to brush the pupil away and explained afterwards that he had been concentrating so hard on delivering a good lesson to get a good grade that he did not act as he should have in dealing with the child's behaviour. Mr Hood spoke to Individual A as part of the formal feedback following the observation. There is no written record of the discussion, other than the observation record. He accepted that where inappropriate behaviour is instigated by a child it is still a teacher's responsibility to stop the pupil overstepping appropriate boundaries. He did not see anything in Individual A's behaviour at this point to demonstrate that he was unsuitable to work with children and did not raise this incident with the LADO.
- In relation to allegation 1 (a) 8, he agreed that this matter was brought to his attention and that the Child Protection Record at page 197 and 198 of the case papers was an accurate recording of that incident. His comments were in the

large type on page 198. Mr Hood spoke to Individual A and issued a verbal warning. Individual A stated that his actions were innocent and had been interpreted in the wrong way. He did not refer the incident to external agencies due to his assessment that the incident did not meet the safeguarding threshold. He was particularly cross with Individual A and said that he would be monitoring him.

- He could not recall if he reflected on the totality of the matters reported to him up to May 2008
- In relation to allegation 1 (a) 9, he recalled Witness C speaking to him and saying to her that she did not need to say anything. This comment was not intended to stop her talking about Individual A. It was an act of kindness, intended to provide her with comfort.
- In relation to allegation 1 (a) 10, he stated that Individual E initially dealt with the incident reported and told him about it. With the involvement of the pupil's parent, advice was sought from an Educational Psychologist. Individual B was asked to report any occasion when she witnessed the pupil rocking. At the time the pupil's parents were particularly supportive of Individual A.
- He did not consider the totality of incidents relating to Individual A to be suggestive that he was grooming pupils for sexual abuse. With the benefit of hindsight, it was clear that such activity had taken place but Mr Hood did not have evidence of this at the time. He had not noted a pattern in Individual A's behaviour.
- He had been involved in the review of safeguarding policies in force at the School. The policies had been based on North Somerset Council templates.
- Staff were made aware of the contents of policies via training delivered by the Local Authority, and by Inset training.
- The three stage test for safeguarding referrals to external agencies was included in the School Policy for the first time at page 501. He had overall responsibility for the School's safeguarding policies and for ensuring that safeguarding incidents were recorded.
- He accepted that where safeguarding concerns were raised staff needed to be treated with respectful uncertainty. He did not accept that he was dismissive with staff or unapproachable when they had concerns to raise.
- He was satisfied that he did his best, based on the evidence presented at the time, to deal with matters appropriately.

In response to Panel questions he stated that:

- He was familiar with the document "*Guidance for Safer Working Practice for Adults who work with Children and Young People*". With reference to page

431, at this time there was a heightening of awareness of all aspects of safeguarding.

- A child sitting on a teacher's lap would not necessarily be a safeguarding issue. It could be an issue of professional conduct. He stated that it would depend if there was good reason for the child to be sitting on the teacher's lap and what the circumstances were.
- Individual A was issued with two verbal warnings. On the first occasion, in May 2004, the warning related to his professional conduct and was issued under the School's disciplinary procedure. The second verbal warning, in May 2008, was in relation to the safeguarding matters (as recorded at pages 197 and 198) but there was a cross-over with professional conduct aspects.
- He did not contact the LADO in relation to the incidents reported to him. This was a matter of judgment not a matter of protocol. The School was a happy place where staff got on well. He had a door open at all times and dropped in and out of class rooms. He would walk about the school about twice a day.
- In relation to allegation 1(a) 7, he agreed that Individual A should have been aware that behavioural management issues were part of the observation.

On re-examination by Mr Harris, he stated that:

- The lesson observation that he attended was also attended by a Senior Governor. He did not recall the governor raising concerns.
- The personal/ professional journals are no longer available as they had been recycled over the years.
- He did not see a pattern of behaviour in Individual A's actions. The matters referred to him were different and disparate and at a low level.

### **Closing Submission by Presenting Officer**

- The Panel was reminded of a key principle in that it was for the Teaching Agency to bring the case and prove the allegations against Mr Hood. Although Mr Hood had given evidence there is no obligation on his part to disprove the allegations against him.
- The Teaching Agency had always asserted that Individual A and Individual A alone, was responsible for his actions against pupils. The Teaching Agency did not allege that Mr Hood had responsibility to identify the fact that that Individual A was a paedophile of the worst order. However, Mr Hood had not fulfilled his responsibilities as a Head Teacher in relation to a range of matters reported to him and which should have been identified as safeguarding concerns. Ultimately, he had not created a safe environment for children at the school. It was a tragic case for all concerned and emotions clearly ran high.

- In relation to each of the ten specific incidents at allegation 1(a), three questions were relevant to the Panel's consideration. First, was the incident brought to Mr Hood's attention? Secondly, if so, was the incident referred to, a safeguarding incident? Thirdly, if so, did Mr Hood take appropriate action in respect of the incident?
- Mr Hood admitted that a number of incidents had been brought to his attention. He could not recall some incidents but he did not challenge the truthfulness the account of witnesses. Some matters were reported to Individual E in the first instance and Mr Hood stated that he had a varying degree of knowledge of these. Individual E was promoted to the DTCP and Mr Hood agreed that he had a close working relationship with Individual E. As such, he would have been aware of all these issues.
- The Teaching Agency relied on experience of the Panel, in particular that of the Teacher Panellist, to determine whether the incidents were safeguarding incidents in a educational setting. It would not assist the Panel to take an overly technical approach. Safeguarding was about putting the child first and, at its very core, protecting children from harm. There was no dispute by the Teaching Agency that safeguarding processes had been refined and developed. However, the broad principles have remained the same. The ten incidents displayed a range of inappropriate behaviour with pupils. The Teaching Agency said that each and every one, could and should have been the subject of a safeguarding consideration.
- Mr Hood did not take appropriate action in respect of any of the ten incidents. The most important obligation was for him to keep an open mind. He should have conducted meaningful investigations in relation to each incident reported, recording concerns raised and referring concerns to external agencies.
- In relation to allegation 1 (b), the incidents reported demonstrated that Individual A was behaving in a manner which was incompatible with safeguarding guidance. The evidence provided to the Panel showed that Mr Hood must have been aware of Individual A's behaviour and therefore he permitted Individual A to behave in this manner.
- In relation to allegation 1 (c), records were only made in relation to incidents 2,3 and 8 only
- In relation to allegation 1(d), Mr Hood admits that he did not report matters to the Senior Education Officer or the LADO. The Panel's decision on this allegation would depend on whether or not the incidents referred to in 1 (a) had been proved and the extent to which the Panel considers they should have been reported.
- In relation to allegation 1(e), Mr Hood accepted that where safeguarding concerns were raised staff needed to be treated with respectful uncertainty. He agreed that members of staff are entitled to be treated in this way and it followed that staff should feel that comments that they make should be treated in an open-minded way. The Presenting Officer relied on Individual D's,

Witness B's and Witness G's evidence that Mr Hood did not support them to raise concerns.

- In relation to allegation 2, Mr Hood accepted that he was responsible for securing a safe environment for children in this School. Furthermore, he had undertaken training and was familiar with the safeguarding guidance as it was rolled out. He had a key role in the School's safeguarding policies. He failed to consider the cumulative effect of Individual A's behaviour. Mr Hood accepted that he dealt with each incident in isolation. He accepts he was not able to give consideration as to whether Individual A's conduct could be seen as grooming. At all times the School had access to specialist external advice. Mr Hood could have sought advice from an independent view which may have identified a pattern of conduct. He failed as a Head Teacher in that he did not create an environment where staff could raise concerns about poor practice by Individual A.
- In relation to unacceptable professional conduct the Panel should consider this matter as a whole. Mr Hood was the School's Head Teacher and at the time of a number of the incidents Mr Hood was also the DTCP. He had heightened responsibility to appropriately address safeguarding issues and failed to do so.

In closing Mr Harris stated that:

- The Teaching Agency had suggested a three stage process to allegation 1 (a) and this was a sound suggestion.
- Mr Hood had not regarded the issues reported to meet the threshold criteria. He did not dispute the truthfulness of the account of witnesses' evidence put before the Panel but cannot recall conversations.
- Mr Hood kept a detailed log in which he recorded concerns raised. Two recordings are contained within the Teaching Agency bundle relating to concerns raised in 2004 (incidents 2 and 3) and 2008 (incident 8). No teacher had ever said that they considered Individual A to be a risk to the safety of children. Staff could have reported direct to the LADO themselves.
- Mr Hood's evidence was that when he had concerns about Individual A he addressed these at the time as issues of professionalism, not as safeguarding concerns
- In relation to allegation 1 (a) 1, it was not entirely surprising that Mr Hood did not seek out the camera until some days after the incident. Individual D did not write out a report about the incident. Mr Hood's journal is not available.
- In relation to allegation 1(a) 2, there are two aspects to this incident, the image projected and the suggestion that mums and dads should not be told about the image. On the balance of probabilities, the Teaching Agency has not established that such an injunction was given to the class of children. The evidence on this was third-hand hearsay.

- In relation to allegation 1(a) 3, Mr Hood admitted that a report was made that Individual A was being tactile with children. He says that this was a single report and that he raised the issue with Individual A and dealt with by issuing a verbal warning
- In relation to allegation 1(a) 4, Mr Hood could not recall this incident.
- In relation to allegation 1(a) 5, Witness F's account that Individual A had favourites was not brought to Mr Hood's attention.
- In relation to allegation 1(a) 6, Mr Hood had been consistent in his evidence. The timing was significant in relation to the nature of the incident. Mr Hood's evidence was that this incident occurred before the start of school rather than at a time when pupils had access to the class room.
- The evidence in allegation 1(a) 7 had been considered in some detail. Mr Hood was aware of the incident and spoke to Individual A about his management of the child's behaviour. Mr Hood considered that this discussion was effective as he did not see this happen again.
- In relation to allegation 1(a) 8, Mr Hood accepted that this was brought to his attention. He issued Individual A with a verbal warning. He considered the matter to fall below the safeguarding threshold and did not report the concerns raised to external agencies. He dealt with the matter within the School. Between May 2008 and December 2010 no concerns were raised about Individual A's conduct with pupils. Mr Hood considered that his disciplinary intervention had been effective.
- In relation to allegation 1(a) 9, Witness C brought this to Mr Hood's attention but didn't define what she meant by favouritism. He did not consider Mr Hood's actions to be unusual for a teacher.
- The pupil involved in the incident described in allegation 1(a) 10, was referred to an Educational Psychologist as Mr Hood considered the issue to be an emotional and behavioural incident. The pupil subsequently made a disclosure and Individual A was arrested.
- In relation to allegation 1(b), the safeguarding threshold test was such that the incidents reported to Mr Hood were at a lower level, so that threshold criteria for reporting the incidents had not been triggered. At the time of the incidents set out in allegation 1 (a) 1 to 10, Individual A was unknown to Safeguarding or to the Police regarding his interest in children. With hindsight, the incidents reported had taken on a more serious tone. However, Mr Hood had acted appropriately in relation to the incidents that he was aware of at the relevant time.
- In relation to allegation 1(c), Mr Hood was not aware of all the incidents in allegation 1a. Incidents 2, 3 and 8 had been recorded. He was aware of some

incidents and kept records of those in his journal, which had since been destroyed.

- In relation to allegation 1 (d), Mr Hood did not raise concerns with the Senior Education Officer or the LADO because the incidents were not safeguarding matters and fell below the threshold criteria set out on page 501. Mr Hood was not aware that he could contact the LADO in an advisory capacity, as was stated by Witness A.
- In relation to allegation 1(e), Mr Hood was supportive to staff. The evidence of the Serious Case Review, (at page 348), confirmed the view that staff knew what to do if they had a concern to report and had received safeguarding training. Members of staff did raise concerns with Mr Hood about Individual A and say they had no difficulty in doing so. Mr Harris referred to the evidence of Witness C and Witness F.
- In relation to allegation 2, the Ofsted report indicated that the School was making great improvements and did not identify weaknesses in the School's safeguarding processes.
- It was difficult to see what any School could do to protect itself from a predatory paedophile such as Individual A. His conduct could not be linked to any significant failure on the part of Mr Hood.

## **E. Decision and Reasons**

The Panel announced its decision and reasons as follows:

The Panel 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 and all the further documents provided during the course of the hearing and admitted into evidence.

The case concerns Mr Hood's conduct while he was the Head Teacher of Hillside First School (the School). Mr Hood took up his appointment as Head Teacher of the School on 5 November 2001. At the relevant time, the School was a small first School, for mixed gender pupils aged between 4 to 8 years. The number of pupils on the roll fluctuated, but was 128 at the time of the Ofsted inspection in January 2009. Despite significant organisational changes at the School Ofsted commented that *"the fact the School has continued to perform well during this time is a testament to the outstanding leadership of the Head Teacher."* The School's Investor in People review of September 2004 also noted *"Excellent leadership provided by the Head Teacher and his Deputy"*.

Mr Hood was also the School's Designated Teacher for Child Protection (DTCP) between 1 September 2003 to 31 August 2004, 20 April 2005 to mid-July 2005, 16 January 2009 until mid-July 2009 and 31 January 2010 to 31 August 2010.

On 17 January 2011, Mr Hood was suspended from duty pending a disciplinary investigation into concerns relating to his conduct whilst Head Teacher at the School in relation to a teacher, Individual A. Mr Hood was interviewed on three occasions, these being 11 March and 31 March 2011 and 7 September 2011. On 2 and 3 November 2011 a disciplinary hearing was convened to consider that Mr Hood;

- did not adequately fulfil his role and responsibility as a Head Teacher in ensuring effective management of a number of safeguarding incidents brought to his attention relating to Individual A's conduct at the School;
- did not adequately fulfil his role and responsibilities as Head Teacher in ensuring the effective management of the conduct and performance of Individual A;
- as a consequence had allowed Individual A to practice in a manner which was incompatible with safeguarding guidance on acceptable conduct.

The outcome of the disciplinary hearing was that Mr Hood was summarily dismissed on 3 November 2011 on the grounds of gross misconduct. Mr Hood was referred to the GTC on 25 November 2011. His case was outstanding when the GTC was abolished and has since been referred to this Panel.

Individual A was a teacher employed at the School from September 1995 as a mature, newly qualified teacher. When Mr Hood was appointed as Head Teacher, he became Individual A's line manager.

On 13 December 2010 Individual A was arrested by Avon and Somerset Police in relation to a number of sexual offences against pupils at the School. Subsequently in May 2011, Individual A admitted 36 sexual offences at Bristol Crown Court, which included one count of attempted rape, 22 of sexually assaulting a child under 13 and 8 of sexual assault by penetration of a child. He admitted to one charge of voyeurism, one charge of causing or inciting a child under 14 to commit sexual activity and two charges of possessing indecent images of children. Individual A was convicted of these offences and given an indeterminate prison sentence, with eight and half years to be served before he can be considered for parole.

These criminal offences were committed by Individual A and it was not in dispute that he alone is accountable for this behaviour. There is no suggestion that Mr Hood was aware of the criminal offences perpetrated by Individual A.

### Findings of fact

Our findings of fact are as follows:

1. **Failed to fulfil management responsibilities in relation to the conduct of Individual A, a teacher at the School, in that you:**
  - a. **Did not take appropriate action on safeguarding incidents brought to your attention relating to the conduct of Individual A;**

The Panel has considered the ten incidents set out by the Presenting Officer in turn:

1. The Panel is satisfied that this incident occurred in that, on an unknown date in

the period between April 2004 and July 2004, Individual D reported her concerns regarding photographs she had found on the class camera to Mr Hood because she felt uncomfortable about them. The Panel accepted Individual D's evidence set out in her police witness statement (at pages 128 to 133 of the case papers). The Panel also accepts Individual D's evidence that the camera contained 15 to 20 photographs some of which showed Individual A in close physical contact with a female pupil; these photographs were not obviously within a teaching context. Whilst Mr Hood states that he does not remember this incident, he does not challenge the credibility or reliability Individual D's account.

The Panel is satisfied that this was a safeguarding issue because of the presence of a number of photographs on a class camera, including one showing Individual A and a female pupil, "*cheek to cheek*". The Panel's professional view is that this would have been regarded as a potential safeguarding issue at that time. The Panel noted that Mr Hood had responsibility for child protection matters and was the DTCP in 2004.

The Panel is satisfied that Mr Hood did not ask to see the camera, interview the children or contact anyone else for advice, including the Senior Education Officer. Individual D states that she felt that Mr Hood was dismissive of her concerns.

On this basis the Panel is satisfied that Mr Hood did not take appropriate action in relation to this safeguarding incident, which had been brought to his attention.

2. The Panel is satisfied that in April 2004, Witness D raised concerns with Mr Hood that Individual A had shown a naked image to children through a projector in his classroom and had advised the children not to tell their parents about it. Witness D was not a direct witness to this incident; she reported evidence that she had heard from a school dinner lady who in turn had had this reported to her by a child. The Panel accepts the evidence that it heard from Witness D on this. Mr Hood also admitted that the image being projected was reported to him.

The Panel is not satisfied, on the balance of probabilities, that this was a safeguarding incident because the image concerned was part of a school package, and while inappropriate to this age group, this did not represent a risk of harm to children. Whilst we accept it is unprofessional for a teacher to instruct pupils not to tell their parents information, in the circumstances the Panel is not persuaded that this was a safeguarding issue at that time.

The Panel considers that it was reasonable for Mr Hood to regard this as poor lesson planning and that he took appropriate action at the time.

The Panel is satisfied that Witness D raised concerns with Individual E that Individual A was, "*too tactile*" with pupils, in particular girls. Witness D was a mother of pupils at the school and a member of staff. The Panel accepted Witness D's evidence on this and she stated that as a consequence she did not want her children to be placed into Individual A's class. Mr Hood admitted that this incident was brought to his attention and the Panel also took into account the content of the note which Mr Hood said that he had jointly prepared with Individual E (at pages

239 & 240 of the case papers).

The Panel is satisfied that this was a safeguarding incident because a parent and member of staff reported physical contact between Individual A and female pupils in his class, which she regarded as too tactile.

The Panel is not satisfied that Mr Hood took sufficiently rigorous action in response to this concern.

On this basis, the Panel is satisfied that Mr Hood did not take appropriate action in relation to this safeguarding incident which had been brought to his attention.

4. The Panel accepted the oral evidence provided by Witness F. She has provided a credible and consistent account of this incident. The Panel is satisfied that, on an unknown date in 2003/4, Witness F was told directly by a female pupil that the pupil was, "*missing cuddles*" from Individual A. Although he does not now recall the incident, Mr Hood said he had no reason to doubt Witness F's account. The Panel is therefore satisfied, on the balance of probabilities, that Witness F brought this incident to Mr Hood's attention at the time.

The word "cuddles" gives the implication of frequency and indicates potentially inappropriate physical contact between a teacher and a pupil. The Panel considers that this would be a potential safeguarding issue at that time.

The Panel is not satisfied that Mr Hood took appropriate action in relation to this safeguarding incident, of which he was aware, in that he did not record or report it to the Senior Education Officer.

5. The Panel again accepted the oral evidence provided by Witness F. She provided a credible and consistent account of this incident. The Panel is satisfied that, on an unknown date in 2003/4, Witness F also reported that Individual A had, "*favourites*" and that she had observed female pupils sitting on Individual A's lap on more than one occasion. Although he does not now recall the incident, Mr Hood said he had no reason to doubt Witness F's account. Witness F told us that she assumed that Individual E would have discussed such a matter with Mr Hood. The Panel is satisfied that on the balance of probabilities Mr Hood would have been made aware of this incident, in the context of this being a small school, his good relationship with Individual E, the Deputy Head and DTCP and due to his position as Head Teacher.

The Panel is satisfied that Individual A's having, "*favourites*" is a potential safeguarding issue, as it singles out pupils for special attention. The Panel is also satisfied that for a female pupil/s to have been observed sitting on a teacher's lap on more than one occasion, such that other members of staff raise this as a concern with the DTCP, is a potential safeguarding issue because of the physical contact involved. This merited further investigation in the circumstances at that time.

The Panel is not satisfied that Mr Hood took appropriate action in relation to this safeguarding incident, of which he was aware, in that he did not record or report it to the Senior Education Officer.

6. The Panel accepted Individual D's evidence that she had encountered Individual A changing his clothes in the classroom. The Panel noted Mr Hood's admission in his oral evidence, and in his interview in September 2011, that he knew of this incident and took action by discussing the matter with Individual A and advised him to change in the toilet area. The Panel also noted that there is a conflict of evidence as to the time of day at which this occurred.

While the Panel regards this as entirely inappropriate and unprofessional behaviour whatever the time of day, the Panel did not have any evidence presented to it that Individual A was observed by pupils and therefore, the Panel does not consider it to be a safeguarding issue.

7. The Panel accepted Individual D's evidence that on an unknown date in Autumn 2006 she observed Pupil H with her hands up Individual A's trouser legs, stroking the bottom of parts of his legs. Mr Hood admitted that he observed this incident. He was present in Individual A class undertaking an observation at that time. Mr Hood stated that he raised the incident with Individual A after the lesson observation. Individual A explained to him that he had been nervous and focusing too much on delivering a good lesson.

Mr Hood admitted that Individual A's behaviour had been inappropriate but considered it only as an issue of his professional conduct in the management of behaviour. He accepted Individual A's explanation and did not take further action, although he told Individual A that he, "*would be watching him*".

The Panel is satisfied that Mr Leat's behaviour demonstrates inappropriate professional management of an incident on his part.

However, it also raises safeguarding issues due to the physical contact between the female pupil and Individual A. Mr Hood was aware of this incident but did not recognise this as a potential safeguarding incident and did not record or take action on it as such.

8. Mr Hood admitted that on 14 May 2008 a number of matters were brought to his attention and the Panel took account of the School's Child Protection Record (at pages 197 and 198 of the case papers). Mr Hood agreed that Individual E reported that she, Individual B, Individual C, Individual F, and Individual G expressed concerns about the relationship between Individual A and female Pupil I. This included too much physical contact in terms of hugging, tickling, stroking of the pupil's legs and back and sitting on Individual A's lap; it also included one to one time spent with Pupil I during his planning and preparation assessment time (PPA).

The Panel is satisfied that the nature of the concerns raised by staff was a safeguarding issue. In addition, the incidents were reported as safeguarding concerns in the Child Protection Record by Individual E. Mr Hood admitted that, "*I almost was on the cusp of sharing it with others*" (page 77 of the case papers) but he did not do so; he took the action set out in the larger font on page 198 of the case papers which included issuing Individual A with a verbal warning. Mr Hood told the Panel that he did not consider that the matters reported met the

threshold test for safeguarding. The Panel does not agree. The Panel considers that given the nature of the concerns raised as set out above, that this is a safeguarding issue and should have been dealt and as such should have been dealt with accordingly at the time.

9. The Panel accepted the oral evidence of Witness C and considered her to be a credible witness. Mr Hood also admitted that this incident was brought to his attention, although his recollection of the detail is now vague. This incident should have been seen in the light of the previous incident some months before which also involved Pupil I. It should therefore have raised serious safeguarding concerns and have been dealt with appropriately, in accordance with the policies and procedures in place at that time.

The Panel is satisfied that Mr Hood did not take appropriate action in relation to this safeguarding incident, which had been brought to his attention.

10. Mr Hood accepts that this incident was brought to his attention by Individual E in December 2010. Individual E reported that Individual B had noticed that a pupil in Individual A's class had been touching herself repeatedly and had begun to make a rocking motion with her body and hands in class. The child was referred to the Education Psychologist by Individual E with Mr Hood's knowledge and although the Deputy Head and Mr Hood discussed the matter they did not consider the evidence was sufficient to instigate safeguarding procedures immediately. The Panel is satisfied that the behaviour displayed by the pupil was sufficiently serious to warrant the matter being recorded in the Child Protection Register and the instigation of parallel and immediate safeguarding procedures. Further developments were influenced by this pupil subsequently disclosing sexual abuse on the part of Individual A and the police involvement that then ensued.

The Panel is satisfied that Mr Hood did not take appropriate action in relation to this safeguarding incident, which had been brought to his attention, which subsequently was shown to relate to the conduct of Individual A.

The Panel is satisfied that Mr Hood did not take appropriate action on seven safeguarding incidents (1, 3, 4, 5, 7, 8, and 9) brought to his attention relating to Individual A. These seven incidents, taken together, represent a substantial set of safeguarding incidents relating to one member of staff. There are repeated mentions of "favouritism" and inappropriate physical contact with pupils occurring over a period of time. The Panel noted that it has found that there were seven safeguarding incidents over a six year period. The number and nature of these incidents should have been seen in the round and the potential safeguarding issues they represent addressed vigorously.

The Panel is therefore satisfied that the fact of allegation 1(a) is proved.

**b. Allowed Individual A to behave in a manner which was incompatible with safeguarding guidance;**

The Panel recognises that child safeguarding procedures have evolved over a number of years and that Mr Hood had received training in his capacity as Head Teacher, as

DTCP and as Deputy DTCP. He also was familiar with national policies, helped to develop School Policies, chaired his local Primary Head teachers' group and attended safeguarding training. His task was to cascade this training to his staff at compulsory INSET training. Mr Hood's ineffective recognition of fundamental safeguarding principles meant that he failed to recognise the safeguarding issues outlined in the incidents that the Panel has found proven above and this allowed Individual A to behave in a manner which was incompatible with safeguarding guidance. The Panel notes that allegation 1(a) incidents 1, 3, 4, 5, 7, 8 and 9 involve inappropriate physical contact and favouritism which were not addressed effectively, as they continued over a period of time.

The Panel is therefore satisfied that this fact is proved.

**c. Did not keep accurate records of all safeguarding incidents brought to your attention in connection with Individual A;**

The Panel has found seven incidents of safeguarding proved as referred to at 1(a) above. The Panel is satisfied on the basis of the oral evidence of Mr Hood and Witness D that an accurate record was prepared in relation to incidents 2 and 3. The Panel took into account the fact that Individual E completed a safeguarding note in the School Child Protection Register in relation to 1(a) incident 8. Mr Hood told the Panel that he made a record of concerns reported to him in his journals but he stated that these had been recycled. The Panel has not had evidence provided to it of any such records and has therefore no way of determining their accuracy, but notes that in any event, Mr Hood did not consider the incidents referred to at 1(a), 1, 4, 5, 7 and 9 to be safeguarding issues in connection with Individual A.

The Panel is therefore satisfied that this fact is proved.

**d. Did not raise concerns about Individual A with the Senior Education Officer or the Local Authority Designated Officer (LADO);**

The Panel accepts the evidence of Witness A that Mr Hood did not raise any concerns about Individual A's behaviour with the LADO or his predecessor, the Senior Education Officer. Mr Hood accepts that he did not raise concerns with the LADO or his predecessor.

The Panel is therefore satisfied that this fact is proved.

**e. Did not support staff to raise concerns with you about Individual A;**

The Panel recognises that some members of staff felt that Mr Hood did not provide support to them, in particular Witness B and Witness D who provided oral evidence to the Panel, and Witness G in her statement to the Teaching Agency (page 43 of the case papers). However, the Panel also had the benefit of oral evidence from Witness C and Witness F, which confirmed that they did feel able to raise concerns with Mr Hood. The Panel also took account of

the written evidence of Individual D and Individual B and noted that Mr Hood had a good relationship with Individual E. Their evidence is consistent with Mr Hood's.

The Panel considered this range of views and on the balance of probabilities, did not find this fact to have been proved.

Having found the facts in 1(a) 1(b) 1 (c) and 1 (d) proved, the Panel is satisfied that this allegation is proved and that Mr Hood failed to fulfil his management responsibilities in relation to the conduct of Individual A, a teacher at the School.

**2. Did not adequately meet your responsibilities as Head Teacher in that you failed to secure a safe environment for children who came into contact with Individual A at the School.**

The criminal convictions of Individual A included offences against children who were pupils at the School and this is clear evidence that a safe environment for pupils did not exist. It is the responsibility of all teachers, but particularly the Head Teacher, to secure a safe environment for pupils and this is a well-established and fundamental requirement. This responsibility was accepted by Mr Hood. He had undertaken relevant training, was familiar with the national guidelines, had a role in developing the School Policy and also had a role as chair of the local Primary School Head Teachers' group. The Panel is therefore satisfied that he clearly understood his safeguarding responsibilities over time.

The Panel has found that Mr Hood did not keep accurate records of all safeguarding incidents at the School that were brought to his attention and that each incident was dealt with in isolation so that the cumulative pattern of Individual A's behaviour was not recognised over time. Mr Hood did not identify potential or actual safeguarding issues as they arose and the Panel has found that that he did not raise concerns with the Senior Education Officer or the Local Authority Designated Officer, or go to any other external agencies for advice, and for these reasons he failed in his responsibilities. The Panel notes the contents of "*Working Together to Safeguard Children. 2006*" (at page 373 of the case papers) which states that "*However, it is important to ensure that even apparently less serious allegations are seen to be followed up, and that they are examined objectively by someone independent of the organisation concerned.*"

The Panel therefore finds this allegation to have been proved.

Findings as to Unacceptable Professional Conduct

In relation to the allegations which the Panel has found proved it is satisfied that Mr Hood is guilty of unacceptable professional conduct in that his conduct is of a serious nature falling significantly short of the standards of behaviour expected of the teacher for the following reasons:

Mr Hood breached the following parts of the GTC Code of Conduct and Practice for Registered Teachers namely:

Principle 1, *he failed to put the wellbeing of pupils first in particular he failed to:*

- *Take all reasonable steps to ensure the safety and well being of children under his supervision.*
- *Follow the school's child protection policies and procedures.*
- *To demonstrate self awareness and take responsibility for accessing help and support.*
- *Use appropriate channels to raise concerns about the practice of other teachers.*

Principle 8, *he failed to uphold public trust and confidence in the teaching profession, in particular he failed to:*

- *Understand that his duty to safeguard the children comes first.*

The Panel is also satisfied that Mr Hood's conduct in relation to the facts that we have found proved involved a breach of the Teachers' Standards Part Two in that he:

*Did not uphold public trust or maintained high standards of ethics and behaviour, within the School by:*

- *Having regard to the need to safeguard pupils' wellbeing, in accordance with statutory provisions.*

*Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities*

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

**The Panel has considered the mitigating factors in this case, including the fact that Mr Hood was an experienced teacher and a successful Head Teacher at the School, valued by the local community, by Ofsted and Investors in People. He brought about significant and positive changes for the School. The Panel noted the fact that Mr Hood had expressed remorse.**

**In deciding whether to recommend the imposition of a Prohibition Order to the Secretary of State the Panel had to consider the issues of the public interest and of proportionality. The Panel has carefully considered the relevant factors set out in the Guidance on the Prohibition of Teachers.**

**The Panel has decided to recommend that the Secretary of State should make a Prohibition Order in the public interest in this case and is satisfied that this is a proportionate sanction.**

**Mr Hood's behaviour was, and is, incompatible with being a teacher for the following reasons:**

- A grave feature of this case was that Mr Hood has not demonstrated a fundamental change of approach or view as to how to identify safeguarding issues and this presents a continuing risks to pupils. The Panel is concerned that his behaviour is deep-seated. He has failed to recognise the shortcomings in his ability to identify, record and refer safeguarding issues to external agencies. He has not complied with standard and nationally recognised safeguarding procedures which required objective and independent advice to be sought from others outside the school.
- Whilst the Panel accepted that Mr Hood had expressed remorse there was no evidence of his insight as to the need for:
  - A low threshold to be applied in identifying potential safeguarding issues.
  - An on-going culture of vigilance to maintain and environment that deters and prevents abuse and challenges inappropriate behaviour.
  - Formal processes to be followed in order to ensure pupils are provided with a safe environment.

The Panel considers that this case involves a serious departure from the professional standards expected of a teacher and the Panel recommends the imposition of a Prohibition Order in the public interest in this case.

The Panel considered carefully whether to make a recommendation as to the period of time when Mr Hood may apply for the Prohibition Order to be set aside. Having regard to the seriousness of Mr Hood's conduct which the Panel has found proved, together with Mr Hood's lack of insight, it has decided that there should be no review period.

#### **Secretary of State's Decision and Reasons**

I have given very careful consideration to the details of this case and the panel's recommendations.

As Head Teacher Mr Hood was in a position of significant responsibility for the safety and welfare of pupils. The panel have found the facts of the case proven and that those facts amount to unacceptable professional conduct.

Mr Hood has failed to comply with standard and nationally recognised safeguarding procedures and the panel have determined that he presents a continuing risk to pupils. Whilst Mr Hood has expressed remorse the panel found no evidence of insight into the requirements surrounding safeguarding issues.

Having considered carefully the recommendations of the panel in respect of sanction and review period, I agree that it is appropriate and proportionate to impose a Prohibition Order and that there should be no review period in this case.

**This means that Mr Christopher Hood 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 Christopher Hood 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 Christopher Hood 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 Paul Heathcote  
Date 18 March 2013**