

THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Mr Steven John Laverty
Teacher ref no: 99/55538
Teacher date of birth: 29 June 1975
TA Case ref no: 7432
Date of Determination: Wednesday 27 March 2013
Former Employer: Harrop Fold, Specialist Arts College, Manchester

A. Introduction

A Professional Conduct Panel ("the Panel") of the Teaching Agency convened on Wednesday 27 March 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Steven John Laverty.

The Panel members were Mr Mark Tweedle (Teacher Panellist in the Chair), Ms Nicolé Jackson (Lay Panellist), Ms Sharon Gimson (Lay Panellist).

The Legal Adviser to the Panel was Mr Paddy Roche of Morgan Cole LLP Solicitors.

The Presenting Officer for the Teaching Agency was Ms Louisa Atkin of Browne Jacobson Solicitors.

Mr Steven John Laverty was not present but was represented by Mr Michael Fenton, 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 11 January 2013.

It was alleged that Mr Steven John Laverty was guilty of Unacceptable Professional Conduct/Conduct which may bring the profession into disrepute, in that:-

1. Whilst employed on a temporary fixed term contract as an Arts Teacher by Salford City Council at Harrop Fold Specialist Arts College ("the College"), Manchester from January 2010 to April 2010 he:-
 - a. Pushed a twelve year old male student, Student A, out of a classroom and into a corridor in or around 22 April 2010;

- b. Pulled Student B by the top of his blazer and pulled him across the floor on or around 22 April 2010;
 - c. Ignored the School's instructions regarding discipline of the students as explained by Individual A on 23 and 24 March 2010.
 2. Whilst employed at Bootle High School, Netherton, Merseyside by Sefton Council as a Teacher of Physical Education and Art from September 2000 to December 2006 he:-
 - a. Made inappropriate physical contact with Student C, by grabbing him in the groin area on or around 30 October 2006;
 - b. Had sexual intercourse with a vulnerable 16 year old former student, Student D, on or around 28 July 2005.

C. Preliminary Applications

Application for Case to be dealt without a hearing

Mr Fenton made an application to the Panel for the case to be considered at a meeting in private and took the Panel through the history of the case which had commenced before the General Teaching Council. He said that there had been a meeting of a Teaching Agency Panel convened on 1 June 2012 when the Panel had directed that in the interests of justice/public interest the case should be remitted to a hearing before a Disciplinary Panel.

He said that this was an admitted case. He was instructed by Mr Laverty that the allegation particulars were accepted and the Teacher also accepted that this was a case of Unacceptable Professional Conduct/Conduct that may bring the profession into disrepute.

The Presenting Officer opposed the application and questioned whether the Panel had power to order that the case should go to a meeting.

Legal Advice

The Legal Adviser referred the Panel to Regulations 4.85 and 4.89 of the Teacher Misconduct Disciplinary Procedures. He said that the case had come before a meeting of a Professional Conduct Panel on 1 June 2012 and that Panel had directed that in the public interest/in the interests of justice the allegations should be considered at a hearing.

He advised that there was no power to re-visit that decision and that in accordance with Rule 4.85 it was only in circumstances where the Teaching Agency itself agreed any request to consider the allegation without a hearing that the matter could be heard at a meeting. Accordingly as the Panel had no power to accede to the Teacher's application it must be refused.

The Panel accordingly refused the application for the matter to be heard at a meeting.

Application for private hearing /Application for witnesses and name of Teacher to be anonymised in the Announced Decision

The Teacher's representative made a further preliminary application for the hearing to take place in private/for the witnesses and name of the teacher to be anonymised in the Announced decision.

The Panel retired to give its decision and made the following announcement:-

"We are asked by the Teacher's representative to direct that this case should be heard in private session, in accordance with the discretion set out at Rule 4.56 which allows a Professional Conduct Panel to exclude the public from the hearing or part of a hearing where:-

- It appears necessary in the interests of justice;
- The Teacher makes a request that the hearing should be in private and the Panel does not consider it to be contrary to the public interest; or
- It is necessary to protect the interests of children or vulnerable witnesses.

The reasons advanced by the Teacher's representative are set out in a letter exhibited at Page 27 of the case papers and have been further explained by Mr Fenton before us this morning. We have had regard to his submissions in relation to the human rights of Mr Laverty and others and consider those reasons are potentially relevant only to allegation 2b.

There is legitimate public interest in the openness of the Teaching Agency's disciplinary procedures and we recognise that the hearing should be held in public unless there is good reason for all or part of the hearing being in private. The Panel has a discretion as to whether all or part of the hearing should be in private.

We are advised that we should weigh up any potential damage to the private life of the Teacher and/or any third parties were the hearing to be held in public as against the extent of any prejudice to the legitimate public interest in the proceedings, were the hearing to be held in private.

We bear in mind the fact that the Rules require the decision of the Panel to be given in public and we have no discretion in relation to this. Accordingly, it is inevitable that Mr Laverty's identity will be made public. We are advised we have no power to anonymise the teacher's identity nor do we consider there are any grounds whatsoever for doing so.

We are, however, anxious to ensure that the interests of others are protected. Accordingly we direct that any reference to allegation 2b is limited to the specific allegation namely that an act of sexual intercourse occurred with Student D

We think it is very important that these sorts of hearings are held in public. In the interests of fairness and transparency the public are entitled to know how these hearings are conducted unless there is a very good reason for the Panel to go into private session.

We have considered the proposal that the school mentioned in allegation 2 should be anonymised. We do not judge that it would be in the interests of justice to do so.

Subject to the safeguards we have set out above we are not persuaded that any good reason exists in this case to go into private session but will keep this issue under review during the course of the hearing.

We will of course approach with care our formulation of the reasons for any decision we may make at this hearing.”

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 5 to 10.
Section 3	Witness Statements.	Pages 12 to 14.
Section 4	Teaching Agency Documents.	Pages 16 to 100.

In addition the Panel accepted further documents submitted by the Teacher's representative with the consent of the Presenting Officer as follows:-

- Correspondence and Notice of Referral Form. Pages 100 to 108.
- Admission form of Steven John Laverty. Page 109.
- Medical Note. Page 110.

Through his representative Mr Laverty entered an admission to the particulars and accepted that this was a case of Unacceptable Professional Conduct/Conduct which may bring the Profession into disrepute. Mr Fenton confirmed that Mr Laverty had been fully advised as to the possible consequences of the admissions he had made and he was satisfied that Mr Laverty therefore understood the potential effect of his admissions. He confirmed that Mr Laverty was clear that he wished to admit the case.

The Panel was therefore satisfied that it could accept Mr Laverty's plea and treat the case as admitted.

Brief Summary of Evidence Given

The Panel was referred to the Statement of Agreed Facts in the case papers at Pages 21 to 23 and other documents in the case papers in support of the Statement

of Agreed Facts. At page 109 the Panel was shown an admission signed by Mr Laverty on about 21/22 March 2013 confirming that he admitted the particulars.

No evidence was called by either party.

The Panel heard final submissions on the issue of Unacceptable Professional Conduct/Conduct which may bring the profession into disrepute from both the Presenting Officer and the Teacher's representative and the Panel was referred to various documents in the case papers. Mr Fenton said that he did not intend to advance any mitigating features if the Panel was to find that Unacceptable Professional Conduct/Conduct which may bring the profession into disrepute was made out.

E. Panel's 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 Case

The case concerns allegations against Steven John Laverty in relation to periods of employment at Bootle High School, Netherton, Merseyside as a Teacher of Physical Education in 2005/6 and later when employed on a temporary fixed term contract at Harrop Fold Specialist Arts College, Manchester between January to April 2010.

In July or August 2005 it is alleged that Mr Laverty met Student D in a Nightclub. Student D was a former pupil who had by that date completed her schooling and was 16 years old. It is alleged that Student D and Mr Laverty were both drunk. They had sexual intercourse later that evening which was consensual and the only occasion on which sexual intercourse between the two of them occurred.

It is further alleged that on 30 October 2006 in the course of a PE lesson Mr Laverty became involved in a confrontation with Student C and that Mr Laverty and the student made contact with each other. In the course of the confrontation Mr Laverty grabbed Student C in the groin area. Student C put his head towards Mr Laverty and became aggressive and then head butted Mr Laverty in the nose.

Mr Laverty was interviewed by the Police in relation to the incident and explained in detail what had occurred. The Police took no further action against him.

In due course Mr Laverty left the employment of Bootle High School and in January 2010 began work on a temporary fixed term contract at Harrop Fold Specialist Arts College. He was advised – while awaiting receipt of his enhanced CRB Certificate – that he should not be involved in disciplining students especially on a one to one basis. He was given further detailed advice as to the procedure to be followed if

students were misbehaving. He was particularly advised that he should not take students out into the corridor or deal with any behaviour issue himself.

On 22 April 2010 two incidents concerning Mr Lavery were reported to Individual B, a member of the Student Development Team, at Harrop Fold. It is alleged that Mr Lavery had pushed Student A, who had been involved in an altercation with another student, back outside his classroom into the corridor.

A further incident is said to have occurred shortly after the alleged pushing of Student A in that two students were fighting in a class room and Mr Lavery involved himself by separating the students and pulling Student B by his blazer and jumper across the floor. Both a teacher and a student witness suggest it was a play fight. Mr Lavery's action in respect of the incidents involving Student A and Student B are said to have been in breach of the advice that he had previously received as to the proper procedure he should follow.

It is said by the Teaching Agency that his conduct in relation to the above incidents constitute Unacceptable Professional Conduct/Conduct which may bring the profession into disrepute.

Findings of fact

Our findings of fact are as follows:-

We have found the following particulars of the allegations against Steven John Lavery proven:-

1. Whilst employed on a temporary fixed term contract as an Arts Teacher by Salford City Council at Harrop Fold Specialist Arts College ("the College"), Manchester from January 2010 to April 2010 he:-
 - a. Pushed a twelve year old male student, Student A, out of a class room and into a corridor on or around 22 April 2010;
 - b. Pulled Student B by the top of his blazer and pulled him across the floor on or around 22 April 2010;
 - c. Ignored the School's instructions regarding discipline of the students as explained by Individual A on 23 and 24 March 2010.
2. Whilst employed at Bootle High School, Netherton, Merseyside by Sefton Council as a Teacher of Physical Education and Art from September 2000 to December 2006, he:-
 - a. Made inappropriate physical contact with Student C, by grabbing him in the groin area on or around 30 October 2006;
 - b. Had sexual intercourse with a vulnerable 16 year old former student, Student D, on or around 28 July 2005.

We have considered each particular separately. In each case we feel able to rely upon the Statement of Agreed Facts at pp 21-23 of the case papers and the admissions made to all the particulars by Mr Laverty through his Union representative, Mr Fenton, at the hearing. We have seen a further schedule of admissions of allegations produced by the teacher's representative today which, although undated, we were told had been signed by Mr Laverty within the last week. The Statement of Agreed Facts and the admissions made by Mr Laverty are supported by other evidence in the case papers which provide corroboration of each admission made. We were asked by Mr Fenton to disregard the teacher's supporting statement at pp 28 -30 in which the teacher had qualified some of the admissions made. Mr Fenton was clear in his submissions that Mr Laverty's instructions in this case had changed since the preparation of that document over 2 years ago and the statement had been submitted in error.

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

We take the view that Particulars 1a, b, and c together with 2a could constitute Unacceptable Professional Conduct as these incidents occurred within the school environment.

We have considered the impact and gravity of each admitted behaviour separately. We do not feel that particular 1b constitutes conduct which can contribute to a finding of Unacceptable Professional Conduct. The evidence does not suggest to us that Mr Laverty's actions in pulling Student B away as described in the particular was disproportionate to the situation which he perceived to be developing.

Particular 2a concerns an incident in 2006 of grabbing a 14 year old boy in the groin in the course of a confrontation. In our judgement such conduct is entirely inappropriate and falls significantly short of the standards of behaviour expected of a teacher. It breaches the requirement of every teacher to treat pupils with respect and dignity and displays a failure to observe proper boundaries and to safeguard the pupil's well-being.

Particulars 1a and 1c concern events in 2010 at another school that Mr Laverty had joined on a temporary fixed term contract. While waiting for his enhanced CRB check to come through the evidence of Individual A establishes that he was given careful and detailed verbal instructions as to the procedure he should follow in dealing with any student disciplinary issues that might arise within the school.

That instruction was reaffirmed in an Email (p 54) sent to Mr Laverty on 26 March 2010 which included the following :- " It is not your responsibility to take a student outside class and instruct the student on their behaviour. If you find yourself in this position please discuss with the teacher or cover supervisor overseeing the class and they will deal with the matter appropriately."

Mr Laverty admits that he disregarded this clear instruction when , on 22 April 2010, as detailed in particular 1a he pushed a 12 year old student, Student A, out of the classroom and into the corridor. A cover supervisor describes Mr Laverty shouting and pushing the year 7 student very forcefully (p56).

Again in our judgement the conduct described in 1a falls significantly short of the standards of behaviour expected of a teacher by breaching the requirement of every teacher to treat pupils with respect and dignity and safeguard their well-being. Furthermore it breaches the requirement for teachers to manage behaviour effectively and ensure a safe learning environment. The gravity of these actions is exacerbated by the breach of the instructions he had been given only four weeks earlier. This breach constitutes a failure to pay proper regard to the policies and practices of the school

Therefore in our judgement particulars 1a,1c and 2a do constitute Unacceptable Professional Conduct.

In relation to particular 2b this incident occurred outside the school environment – it involved a former student who is accepted by Mr Laverty as being vulnerable and who had only just left school. We need to consider whether this is a case of conduct which may bring the profession into disrepute. In our judgement it is.

Mr Laverty's conduct in having sexual intercourse with this former student showed a failure to observe proper boundaries in relation to his professional position and was a clear abuse of trust. He showed a disregard for the well-being of a vulnerable pupil. Teachers are role models for pupils, parents and other members of the community. Mr Laverty's actions represent a serious departure from the personal and professional standards expected of a teacher. We consider this to be the most serious of the particulars admitted by the Teacher."

Panel's Recommendation to the Secretary of State

In this case Mr Laverty has admitted various incidents of unacceptable conduct over the period of 2006 - 2010. Of most significance in our view is the fact that Mr Laverty accepts engaging in sexual intercourse with a vulnerable former pupil. That conduct causes the panel much concern given the potential for it to have resulted in emotional damage to Student D.

In relation to other particulars and especially the inappropriate physical involvement with students A and C specified in particulars 1a and 2a there is further potential for harm (physical or emotional) to have been caused to the students concerned. This case exposes both an abuse of the position of trust Mr Laverty held in his role as a teacher and a repeated failure to observe the professional relationship boundaries which must apply between teachers and pupils. On more than one occasion he has behaved towards pupils in a way that constitutes a serious departure from the standards that the public expect teachers to observe.

We have not had the benefit of seeing Mr Laverty as he has chosen to attend only through his Union representative. We have therefore had no opportunity to see or assess him. We acknowledge that he has made full admissions to the particulars and have considered carefully the written testimonials submitted at pp 96 -100 of the case papers. Unfortunately there are no testimonials at all from any of his professional colleagues to assist us.

We are thus unable to evaluate his attitude to these incidents or to assess whether he has any insight into the seriousness of his admitted conduct. In short we regret we can find no relevant mitigation in this case.

Although we think his failings in 2010 are rather less serious than those admitted in 2006 (some 7 years ago) we have concluded that Mr Laverty's conduct is fundamentally incompatible with being a teacher.

Prohibition Orders are made in the public interest. We recommend in this case that a Prohibition Order is imposed. In our view such a measure would be in the interests of protecting pupils, maintaining public confidence in the teaching profession and declaring and upholding proper standards of conduct. It would be a proportionate response to the facts of this case. Given the seriousness of the conduct in particular 2b we recommend that there should be no minimum review period.

Secretary of State's Decision and Reasons

I have reviewed carefully the panel's findings and recommendations in this case.

The panel have found all the allegations proven in line with Mr Laverty's agreed statement of facts. They have also determined that particulars 1a, 1c and 2a relating to Mr Laverty's handling of pupils fall well short of the standards expected of a teacher and amount to unacceptable professional conduct.

With regard to particular 2b the panel found proven the allegation that Mr Laverty had sexual intercourse with a former student and that he failed to observe proper boundaries commensurate with his professional position. This behaviour was judged to be conduct that might bring the profession into disrepute.

Mr Laverty has abused his position of trust and repeatedly failed to observe the professional relationship boundaries expected between teacher and student. Accordingly I support the panel's recommendation that a Prohibition Order be applied.

Mr Laverty did not attend the hearing in person and the panel were therefore not given the opportunity to evaluate his attitude to these incidents nor whether he has shown any insight into his actions. There were no professional testimonials presented in support of Mr Laverty. I therefore agree that the Order should be without opportunity for future review.

This means that Mr Steven John Laverty 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 Steven John Laverty 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 Steven John Laverty 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: 28 March 2013