

THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Mr Nigel Read
Teacher ref no: 8154368
Teacher date of birth: 04/11/1959
TA Case ref no: 7786
Date of Determination: 11 December 2012

A. Introduction

A Professional Conduct Panel (“the Panel”) of the Teaching Agency convened on 11th December 2012 at Novotel, Coventry, to consider the case of Mr Nigel Read.

The Panel members were Ms Dena Coleman (Teacher Panellist – in the Chair), Mr Aftab Zia (Teacher Panellist) and Prof Ian Hughes (Lay Panellist).

The Legal Adviser to the Panel was Mr Nick Leale of Blake Laphorn Solicitors.

The Presenting Officer for the Teaching Agency was Ms Laura Hackney of Browne Jacobson Solicitors.

Mr Nigel Read was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The Panel considered the allegations set out in the Notice of Proceedings dated 25th July 2012.

It was alleged that Mr Nigel Read was guilty of unacceptable professional conduct, in that :

Whilst employed at Roseland Community College, Tregony, Cornwall between 2008 and 2010, he :

1. Stroked the leg of a female pupil, Pupil A, on 5 November 2009;
2. Sent an inappropriate text message of a sexual nature regarding school business to a student's parent, Individual A in 2009;
3. Allowed his college laptop to be used by other people contrary to the Acceptable Use Policy he had signed about its use;
4. Stored inappropriate material on his college laptop.

C. 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 1-4
- Section 2 – Notice of Proceedings and Response – pages 5-12
- Section 3 – Teaching Agency Statements – pages 13-20
- Section 4 – Teaching Agency documents – pages 21-141
- Section 5 – Teacher Document – pages 142-144.

The Panel Members confirmed that they had read all of the documents in advance of the hearing. The Panel were provided with transcribed versions of part or all of pages 46, 60, 61, 63, 69 and 72 of the bundle by the Presenting Officer, These documents became pages 46a, 60a, 61a, 63a, 69a and 72a of the bundle respectively.

Evidence

The Presenting Officer called two witnesses to give verbal evidence to the Panel under oath :

- i) Witness A – Deputy Head Teacher at Roseland Community College at the relevant time. Witness A investigated factual allegations 1 and 2 above on behalf of the school, following which Mr Read was issued with a final written warning to remain on his file for a period of 2 years.
- ii) Witness B – currently First Deputy Head Teacher at Roseland Community College. Witness B investigated factual allegations 3 and 4 above on behalf of the school, following which Mr Read was summarily dismissed from his employment at the school.

The panel made their decisions on the basis of the papers, the evidence provided by the witness and the submissions of the Presenting Officer.

D. Decision and Reasons

The panel announced their decisions 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.

This case concerns a teacher who has been accused of sending an inappropriate text message of an explicit nature to a student's mother; stroking a student's leg; allowing his college laptop to be used by others contrary to the Acceptable Use Policy of the college and storing inappropriate material on the laptop.

Findings of fact

Our findings of fact are as follows:

(1) We find this allegation proved. We found Witness A's evidence to be compelling and the evidence contained within the written documents confirms to us on the balance of probabilities that such stroking of the leg took place. We are unable to, and indeed are not asked to, attribute a motive to this behaviour. Due to insufficient evidence, in any event we were not able to conclude that this was a deliberate act by Mr Read. Mr Read accepts that such touching took place.

(2) We find this allegation proved. We found Witness A's evidence to be compelling. She confirmed that pupil B is not a student who would ordinarily make a fuss about such incidents. The evidence of and content of the text message has been corroborated by pupil B's mother and pupil B. This was a communication between two adults but the content was inappropriate as the text related to a professional matter and should have been drafted on a professional level not a personal one.

(3) We find this allegation proved. We accept the evidence of Witness B. It is clear that Mr Read was aware of, and signed, the relevant school policy. Mr Read has admitted that his family used the laptop (including his daughters) as well as his friend Individual B. The policy clearly states that the laptop was for work use only and not even family members were allowed to use it. The Policy was revisited every 2 years by way of refresher training.

(4) We find this allegation proved. We have viewed within our papers screenshots showing inappropriate material of a pornographic nature.

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

We are satisfied that the factual allegations found proved amount to unacceptable professional conduct. In our judgment the behaviour demonstrated is misconduct of a serious nature that falls significantly short of the standard of behaviour expected of a teacher. Mr Read has clearly breached the following elements of the Department's published Teaching Standards.

In breach of part 2 of those Standards, Mr Read has failed to demonstrate consistently high standards of personal and professional conduct. The proved facts demonstrate behaviour which fails to uphold public trust in the profession and fails to demonstrate high standards of ethics and behaviour. Mr Read has failed to observe proper boundaries in his relationship and communications with pupil B's mother. He has failed to have regard for the need to safeguard pupils' well-being as pupils could have viewed the inappropriate images and other content on his laptop. His text to pupil B's mother was seen by a pupil. The use by others of his laptop indicates a failure to have proper and professional regard for the policies and practices of the school.

Panel's Recommendation to the Secretary of State

In this case we recommend the imposition of a Prohibition Order by the Secretary of State.

We form the view that a Prohibition Order would be a proportionate measure in the circumstances of the case. The factual allegations which have been proved form serious and deliberate departures from the personal conduct elements of the Teachers' Standards. They demonstrate misconduct which affected the well-being of pupils.

The panel is concerned that Mr Read has not engaged in these proceedings and shown no real insight into his behaviour. He has indicated no remorse either at the disciplinary interview at the school and through the course of the Teaching Agency's proceedings. This assists the panel in reaching the view that there is an ongoing possibility of behaviour of this kind recurring which would put children at risk and the reputation of the profession at risk. We have formed the view that prohibition is a proportionate outcome in this case and the only outcome that ensures that public confidence in the profession is maintained and proper standards of conduct are declared and upheld.

These were deliberate acts and did not happen under any form of duress. Mr Read is clearly an excellent and experienced teacher but he has not put forward any compelling mitigation or explanations for his behaviour. We believe that there is evidence of deep seated attitudinal problems demonstrated. The matters relating to the laptop came after the final written warning given in December 2009. We have noted that there is reference in Witness A's statement (at paragraph 11) to previous matters of concern. We have not explored the detail of this and it has not influenced any of our decisions in this case.

We recommend that Mr Read should not at any time in the future be allowed to apply for the Prohibition Order to be reviewed.

Secretary of State's Decision and Reasons

I have given careful consideration to this case and to the recommendations of the panel both in respect of sanction and also in terms of review period.

This case concerns a number of findings of deliberate misconduct. Mr Read's behaviour fell significantly short of that expected of a teacher not just once but over a series of incidents.

Mr Read's behaviour had the potential to affect the well-being of pupils and it was behaviour that had the potential to bring the profession into disrepute.

I support the recommendation of the panel to impose a prohibition order.

I have also given careful consideration to the matter of review and to the recommendation of the panel. The panel have given very careful consideration

to their recommendation. They have found no evidence of insight and indeed they believe that there are deep-seated attitudinal problems.

I support the recommendation that there be no review period.

This means that Mr Nigel Read 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 Nigel Read 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 Nigel Read 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: Alan Meyrick
Date : 12 December 2012