

THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Mr Roger Griffin
Teacher ref no: 69/10263
TA Case ref no: 4355
Date of Determination: 1 June 2012
Former Employer: Beechview School, High Wycombe

A. Introduction

A Professional Conduct Panel (“the Panel”) of the Teaching Agency convened from 28 May to 1 June 2012 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Roger Griffin.

The Panel members were Mr William Brown (Lay Panellist– in the Chair), Mr David Longson (Professional Panellist) and Ms Jean Carter (Lay Panellist).

The Legal Adviser to the Panel was Ms Sarah Ellson of Field Fisher Waterhouse LLP Solicitors.

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

Mr Roger Griffin was present but was not represented.

The hearing took place in public and was recorded.

B. Allegations

The Panel considered the allegation set out in the Notice of Proceedings dated 14 March 2012.

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

Whilst working as a teacher at Beechview School, High Wycombe:

1. During the academic year 2007 to 2008, he disregarded directions given to him by Witness A, Headteacher, in that he:
 - a. failed to align his lessons to the national curriculum;
 - b. failed to use the QCA Schemes of Work in planning his lessons;
 - c. attended school during an OFSTED visit and played piano in the hall all day;

- d. allowed the school orchestra to perform during assembly during an OFSTED visit;
 - e. on 19 May he ignored a request that he should return to his class;
2. On 21 May 2008 he:
 - a. repeatedly ignored requests by Witness A and Witness C for him to go to the Headteacher's office;
 - b. refused requests by Witness A and Witness C for him to leave the school premises, such that the Police had to be called;
 3. He demonstrated inappropriate conduct towards Witness A, Headteacher, in that he:
 - a. tape-recorded a meeting in December 2007 without her consent;
 - b. later refused to provide her with a copy of the tape when she requested it;
 4. He displayed inappropriate conduct towards pupils, in particular in that:
 - a. on 19 May 2008, in respect of Pupil A, he:
 - i. reprimanded her in a public place;
 - ii. spoke to her with a very raised voice;
 - iii. he leaned over her, with his head very close to hers.
 - b. he was unduly punitive in managing pupils' behaviour in that on 19 May 2008 he issued detentions to Pupil A, Pupil B and Pupil C without due cause;
 - c. on 20 May 2008 in respect of Pupil B he:
 - i. shouted loudly at him whilst walking towards him and called him stupid.
 - d. on various dates during 2008 he referred to pupils in derogatory manner namely "pests", "idiots", "fools", "clowns" and "buffoons".

At the outset of the hearing Mr Griffin admitted particulars 1b, 1c, 1d, 2b, 3a and 4a(ii) and denied the other particulars. He later indicated that he preferred only to "acknowledge" the previously admitted particulars since he did not want to suggest he was guilty of anything.

Mr Griffin denied unacceptable professional conduct.

C. Summary of Evidence

Documents

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

- Section 1: Anonymised Pupil List, pages 1-2
- Section 2: Notice of Proceedings and response, with page numbers 3-19
- Section 3: Witness statements with page numbers 20-38

- Section 4: Teaching Agency documents, with page numbers 39-302
- Section 5: Teacher documents, with page numbers from 303-723
- Section 6: Case Management Hearing documents, with page numbers from 724 to 734

In addition, the Panel agreed to accept the following:

- A complete version of the document which appeared at pages 256-258 which previously had alternate pages missing
- A transcript of the CD recording of assembly music and the Ofsted assembly which the Panel paginated as pages 735-737
- An introduction and commentary to the CD prepared by the teacher which the Panel paginated as pages 738
- An extract of a letter from Buckinghamshire County Council dated 24 March 2010 which the Panel paginated as 739
- Memos received by Mr Griffin (and annotated by him) which the Panel paginated as pages 740 and 741
- The Teacher's letter to the Teaching Agency dated 15 May 2012 with enclosure which the Panel paginated as pages 742 and 743

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

Brief summary of evidence given

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

The Panel heard evidence from Witness A who had been the Associate Headteacher at the school at the relevant time. She gave evidence about the role she and Mr Millington had taken in supporting Beechview School as part of the national school support programme. She described the school as being vulnerable at the time they went in and that their role was to raise standards at Beechview and demonstrate progression to Ofsted when they inspected.

Witness A described her involvement on 19 May when she had seen that Mr Griffin had recorded detentions in the detention book for some pupils who had (according to the book) been fidgeting. She described also that day, seeing Pupil A very upset and frightened during the incident when Mr Griffin was shouting at her in the foyer. Witness A said she had to ask Mr Griffin to return to the Hall several times. In relation to the pupils' statements Witness A told the Panel the pupils had gone into the office and been asked to write down what happened; she did not influence them or tell them what to write.

She gave evidence about 20 May when she said she had seen Pupil B distraught and in tears and told the Panel that during her subsequent meeting with Mr Griffin she had felt intimidated.

In relation to the planning documents Witness A's evidence was that although she agreed there had been an exchange of memos, what Mr Griffin had submitted did

not meet her requirements. Witness A later outlined what she had expected and why it was required. She confirmed that Mr Griffin had played the piano during the assembly and stated that the assembly overran and that this impacted on the afternoon lessons. She told the Panel that the suspension on 21 May related to safeguarding concerns which mean she and Witness C were unable to go into any details about the allegations.

The Panel next heard evidence from Witness B who was the independent investigator appointed by the Chair of Interim Executive Board to investigate the concerns. He confirmed his view that he had been able to be independent and objective during his investigation. He described how he interviewed Witness A and Witness C before extending the remit of his investigation (with agreement) and subsequently interviewing Mr Griffin. He confirmed that he recorded all the evidence he had received and expressed the view that, in his opinion, there was an arguable case, or a case to answer, for a disciplinary hearing. He said that Mr Griffin had been candid and straight forward when interviewed.

The Panel heard next from Witness C, a national leader of education, who had been the Executive Headteacher at Beechview from January 2007 to Summer 2008. He explained that Mr Griffin always saw himself as a member of staff at the school although he was actually on a supply contract. He explained that Mr Griffin's responsibilities included being the subject lead for music in the school. He recalled receiving twelve or more calls from Witness A on 20 May 2008 about things at the school (involving Mr Griffin) which were causing her concern. Witness C said that he had given advice at this point about the need to investigate what appeared to be safeguarding concerns and asking Mr Griffin not to attend school. He described calling in at the school on 21 May and seeing Mr Griffin entering the school. He said that Witness A's request for Mr Griffin to go into the Headteacher's office as falling on deaf ears. Witness C had to make his own request. He described in detail the meeting on 21 May and Mr Griffin's refusal to leave school without a more detailed explanation. He confirmed that the police had to be called and attended before Mr Griffin was prepared to leave. He confirmed that no additional explanation could be given because the concerns including safe-guarding and child protection issues.

Witness C indicated that he did not think it was reasonable for Mr Griffin to refuse to teach music in accordance with the QCA scheme of work and the national curriculum. He explained that there was a view that specialist teaching at Beechview would not meet future requirements; hence the comment about working towards not needing Mr Griffin in school. Witness C indicated that he had always said pupils were fortunate to have such expert instruction in musicianship from Mr Griffin.

Mr Griffin gave evidence to the Panel. He outlined and demonstrated some of his teaching techniques and approach involving pupils' natural mental instincts. He explained that when he thought pupils were ready he would introduce the next thing. He told the Panel that everything he was doing complied with the national curriculum. Mr Griffin explained the difficulties in teaching differentiated abilities. He explained that he did not teach the QCA scheme of work because it did not use natural mental instincts.

In relation to the detentions he explained he did not have the option of reducing golden time and explained he considered them to be appropriate in the circumstances of trying to conduct a test. He stated that he thought it was appropriate to give Pupil A a good old rollicking as a last resort. He said his focus was on that and Witness A may have spoken to him in the foyer but his focus was elsewhere.

He described the events of 20 May, when the pupils turned up in the library, and how Pupil B's behaviour had led him to bellow at the pupil at quite close quarters. He explained how the pupil left with Individual A and that Witness A could not have witnessed the boy crying.

In relation to 21 May Mr Griffin said he had only received a message asking him to contact Witness A at school. He said he had wanted to know what it was all about which was why he would not leave when Witness C and Witness A asked him to.

Mr Griffin could not recall using the words "fool" "clown" or "buffoon" directly to pupils. He said he might have used the word "idiot" but preferred the words "pest" or "miscreant".

Mr Griffin indicated that he would take the same approach again in similar circumstances. He gave the Panel a description of his relationship with Witness A and additional information about his length of time as a teacher and experience and there was discussion about the difficulties of teaching mixed ability classes.

D. Decision and Reasons

The Panel announced its decision and reasons as follows:

We have now carefully considered the case before us and have reached a decision.

We confirm that we have read all the documents provided in the bundle in advance of the hearing.

This case involves the alleged behaviour of Mr Roger Griffin whilst working at Beechview School in High Wycombe, during the academic year 2007 to 2008. Mr Griffin was a supply teacher and the music co-ordinator at the school and had worked there since September 1999.

The particulars include a number of occasions when it is alleged Mr Griffin disregarded directions given to him by Witness A who was the Associate Headteacher at the school. At the relevant time the primary school was being run by an Interim Executive Board ("IEB"), an Executive Headteacher Witness C and Witness A was the Associate Headteacher responsible for day to day management at the school. The directions given related to aligning schemes of work with the National Curriculum and QCA schemes of work, and also other matters such as activities during an Ofsted inspection on 7 May 2008. There is also an allegation about the events of 21 May when Mr Griffin was asked to leave the school.

There are further allegations concerning Mr Griffin's conduct towards pupils and Witness A, which it is suggested may have been inappropriate. The conduct in relation to pupils (who were aged 8 at the relevant time) includes allegedly reprimanding a pupil with a raised voice and shouting at another pupil. A final allegation refers to the words apparently used by Mr Griffin to refer to certain pupils.

Mr Griffin was suspended by the school in May 2008. There was subsequently an independent investigation commissioned by the Chair of the IEB and Mr Griffin was subject to disciplinary procedures. Following an appeal in July 2009 the original decision of the Staff Dismissal Panel was upheld and Mr Griffin was dismissed from the school.

Mr Griffin also taught at Speen Church of England School but has now indicated he has retired from teaching after over 30 years.

Findings of fact

Our findings of fact are as follows:

We have found the following particulars of the allegation against Mr Griffin **proven**, for these reasons:

Whilst working as a teacher at Beechview School, High Wycombe:

5. During the academic year 2007 to 2008, he disregarded directions given to him by Witness A, Headteacher, in that he:
 - a. failed to align his lessons to the national curriculum;

The Panel finds this particular proved and that Mr Griffin did disregard the direction give to him and failed to appropriately align his lessons.

The Panel notes in relation to this particular and particular 1b Witness A had sent an internal memo to Mr Griffin on 25 February 2008 requesting submission of his Planning Files by the end of February 2008. Subsequently a meeting was held on 12 March between Witness A and Mr Griffin to discuss planning for the music curriculum at the school. Witness A told us that during this meeting she gave Mr Griffin examples of what she required in terms of planning for the music curriculum. She followed up the meeting with an internal memo of the same date, this referred to the need for planning to be linked to the National Curriculum, have learning objectives, differentiated activities and assessments made against the learning objectives. The memo stated that it was agreed that the QCA scheme of work would be used to aid the plan.

There were a series of subsequent memos between Mr Griffin and Witness A. Mr Griffin has indicated that his "Structured Approach to Teaching General Musicianship", together with his memos, including one headed "Planning for Musicianship" and example lesson plans and tests explicitly detail his approach.

Whilst Mr Griffin claims that his approach supported and enhanced the National Curriculum the Panel is satisfied that he did not draw his approach into line with the

National Curriculum. Witness A was clear in her evidence that what Mr Griffin provided did not align with what she required or what was expected by her and the school at that time.

The Panel has carefully considered whether, in the circumstances, Mr Griffin should have done what he was being asked to do and are satisfied that he ought to have complied with this direction from Witness A.

The Panel is satisfied that Witness A gave a very clear and important instruction as to what she required. This direction was given at a very important time for the school which was coming up to an Ofsted inspection. Witness A explained to the Panel that she needed Mr Griffin to align his approach in this way so that she could accurately review and evaluate performance across the school and so that Ofsted inspectors could likewise see evidence of compliance with the National Curriculum.

For Beechview School in 2008 successful getting through the Ofsted inspection was very important and each subject leader's materials needed to demonstrate clearly how the school would deliver the national curriculum.

1b. failed to use the QCA Schemes of Work in planning his lessons;

The Panel finds this allegation proved. Mr Griffin has stated repeatedly that he is pleased to confirm that he will never use QCA materials in his teaching. He has highlighted an error in the materials and claims that it uses primitive methods of delivery. Mr Griffin has insisted that his approach is superior to the QCA schemes of work.

Whilst the Panel recognises that use of the QCA material is not statutory, for the same reasons as set out above, it considers that Witness A's direction that the planning materials should use the QCA schemes of work was entirely reasonable in the circumstances that the school was facing.

The Panel notes that the QCA scheme was the tool chosen by the school, which needed to be able to demonstrate compliance and coverage to Ofsted within a short period of time, and therefore Mr Griffin ought to have complied with this direction.

The Panel has repeatedly emphasised that this case is not about Mr Griffin's ability as a music teacher and considers that his response to the case demonstrates a failure to understand that, whilst he personally might have delivered some excellent music lessons, this is not the same as preparing a scheme of work that would successfully work across a term or a year. Mr Griffin's talents as a teacher and his own approach to teaching did not excuse him from the need to comply with this requirement imposed by his Headteacher.

Mr Griffin's responses on this issue have consistently shown a lack of flexibility. The Panel do not believe he made any genuine attempt to align his practises or to demonstrate any flexibility on this issue. Mr Griffin's lesson plan examples were not in the format required by Witness A and he accepted that a stand-in teacher would be unlikely to have the necessary specialised techniques for delivering such lessons.

His inability or unwillingness to provide aligned materials which other teachers could pick up and use, fails to reflect his role as a music co-ordinator.

- 1d. allowed the school orchestra to perform during assembly during an OFSTED visit;

It was not disputed that Mr Griffin allowed the school orchestra to perform on the day the Ofsted inspectors were in school. Prior to the inspection, Witness A had met with Mr Griffin and informed him that he was not required to come into school during the Ofsted visit. Mr Griffin had wanted the orchestra to play but Witness A had said to him that she wanted the assembly to go smoothly, and she was concerned that the orchestra performing may have complicated the day. The Panel is satisfied that there was a clear direction that the school orchestra were not to play during assembly.

The Panel finds this particular proved and that Mr Griffin failed to do what he had been asked to do by the Associate Headteacher. Instead, in defiance of this direction, he arranged for the orchestra to play and the Panel is concerned that he used the children for his own purposes in this way, because he was frustrated that he had been asked not to teach during the Ofsted visit.

The Panel thinks it was reasonable for Witness A to want to manage the inspection process and want the day to go like clockwork. The orchestra, involving children with all their musical instruments, was considerably more complex than just having Mr Griffin play the piano. The Panel can understand Witness A's surprise and concern when she discovered the orchestra had been assembled to play that morning. This action by Mr Griffin, contrary to specific instructions, could have been potentially very disruptive and disconcerting for the school and Witness A.

- 1e. on 19 May he ignored a request that he should return to his class;

In relation to this direction the Panel accepts the account of Witness A who describes how, when she saw how Mr Griffin was speaking to Pupil A, she went and stood by the pupil and told Mr Griffin to go back into the hall where he had left the rest of the class. The Panel considers that in taking this action Witness A acted to protect the pupil and, based on their understanding of the incident, commend her brave action in standing next to the child.

Witness A states that she repeated her request that Mr Griffin should return to his class, twice.

Mr Griffin has told the Panel that he did not hear the request because he was completely oblivious to anything else because he was reprimanding the child. He said Witness A could have "stood on her head and he would not have noticed". In evidence to the Panel he said he was not in the best frame of mind at that moment and that he had nearly, but not quite, lost control.

The Panel finds this particular proved on the basis that Mr Griffin either deliberately ignored the request or was in such a state that he was incapable of appropriately responding to the direction. The Panel found it alarming that Mr Griffin was apparently not in a position to follow instructions.

In relation to all of particular 1 the Panel has noted that Mr Griffin seemed to indicate that he would only obey an instruction if he accepted its reasonableness. Mr Griffin appeared not to accept the authority of Witness A, who was his line manager and appeared not to understand that when she gave him a reasonable instruction he should have had regard to it. His willingness to follow directions seemed to be conditional on his own very subjective, internal assessment of what was reasonable and his personal view that he knew best. The Panel believes Mr Griffin understood the directions and that the directions were reasonable and accorded with what others in Witness A's position might have required. At no stage did Mr Griffin raise concerns about the instructions with the Executive Headteacher or any member of the IEB. Instead Mr Griffin's responses suggested that his view was that, if he did not like management instructions, he thought he did not have to comply.

2. On 21 May 2008 he:

- a. repeatedly ignored requests by Witness A and Witness C for him to go to the Headteacher's office;

The Panel is satisfied that, on the balance of probabilities, Mr Griffin ignored these requests. The Panel is mindful that Mr Griffin claims that he did not ignore the requests, and he suggested that he probably would have said something in response to being asked to go to the Headteacher's office.

The Panel has heard the apparently agreed account of events; that Mr Griffin entered the school that day and initially went to the photocopier to copy his memo about events on 20 May. The Panel accepts that Mr Griffin may not have realised that he was about to be asked to leave the school premises. It is likely, in the Panel's view, that the messages left by Witness A the night before may not have been sufficiently detailed for him to understand precisely why she needed to speak to him. It was accepted that Witness A had left a message on Mr Griffin's answer phone. The Panel believes the message may only have indicated a need for Mr Griffin to contact Witness A at the school and may not have made it clear that he was not to attend the school.

Accordingly, the Panel makes no criticism of Mr Griffin initially attending the school that day. However the Panel considers that Mr Griffin must have suspected that there were issues of concern that Witness A wanted to discuss and had some idea of this. In support of this the Panel notes that Mr Griffin considered the copying of his account of the events of 20 May to be very important and more important than immediately going into the Headteacher's office when requested to do so.

The Panel found Witness A to be a very credible witness and accepts her account, that her request was ignored. The Panel has heard from Witness C as to how he attended the school by chance and saw Mr Griffin entering the school. The Panel found Witness C to be a very clear and reliable witness.

The Panel considers that it is more likely than not that Mr Griffin was asked more than once by Witness A and Witness C to go to the Headteacher's office and that Mr Griffin ignored this straightforward instruction from his line manager and from the

Executive Headteacher. The panel does not accept that there was any reason to ignore these requests.

- 2b. refused requests by Witness A and Witness C for him to leave the school premises, such that the Police had to be called;

The Panel has heard the accounts of the three witnesses present at the meeting on 21 May and finds this particular proved. Mr Griffin has acknowledged that he did not leave the school premises and has told the Panel that he thought he was justified in not leaving because he was waiting for an explanation as to what the request to leave was about.

The witnesses have described how Mr Griffin was asked to leave voluntarily and in the Panel's view, noting again that these instructions were coming from the Associate and Executive Headteachers, Mr Griffin should have left in compliance with this request. Witness C described how it was then necessary to hand Mr Griffin a letter suspending him and requiring him to leave the premises. Mr Griffin still refused to leave at this point.

The Panel accepts that Witness A and Witness C had reasonable operational reasons for asking Mr Griffin to leave and note that, under the procedures which apply for safeguarding incidents, it is not possible to give the individual concerned the details about any child protection concerns.

Mr Griffin has referred at a number of points to the Disciplinary Procedures. but the Panel agrees with the evidence of Witness C and Witness A, that in cases under the safeguarding procedures it is appropriate to give only the barest details of the reason for asking a member of staff to leave. As a teacher, Mr Griffin ought to have known child protection and safeguarding procedures and also understood why further information could not be made available at that stage and why he was being asked to leave the premises.

The Panel considers that by refusing to leave the school Mr Griffin placed Witness C and Witness A in a position where they had no option but to call the police. The Panel thinks that it was not a threat or intended to be intimidating when they indicated that they might do this; they were going to call the police only as a consequence of Mr Griffin's intransigence. The Panel notes that Witness A said, in answer to a question from Mr Griffin, that he did not want Mr Griffin to be in that position; he wanted him to go voluntarily. The police were called and Mr Griffin then left the premises.

The Panel considers this another example of a failure to demonstrate compliance with reasonable instructions.

3. He demonstrated inappropriate conduct towards Witness A, Headteacher, in that he:

- a. tape-recorded a meeting in December 2007 without her consent;

In Mr Griffin's own account at pages 668 and 669 of the bundle he acknowledges that he started recording the meeting with Witness A on 17 December 2007. The Panel does not think this was an appropriate or reasonable course of action or that it is comparable with the recording of formal proceedings such as disciplinary proceedings at the Teaching Agency.

If Mr Griffin had asked Witness A for her consent and this was given then, whilst unusual, this might have been acceptable, however not seeking her consent, in the context of the meeting, was inappropriate and the Panel finds this particular proved.

4. He displayed inappropriate conduct towards pupils, in particular in that:
 - a. on 19 May 2008, in respect of Pupil A, he:
 - i. reprimanded her in a public place;

The Panel are satisfied that Mr Griffin reprimanded Pupil A on 19 May 2008 and Mr Griffin has acknowledged that he did this. Mr Griffin has disputed that this was done in a public place. The Panel considers that the foyer of a school is a public place, within the context of a school, and has heard of the people who could be moving about in that area and the foyer's proximity to the entrance where visitors would be admitted to the school. This was inappropriate conduct and the Panel therefore finds this particular proved.

- ii. spoke to her with a very raised voice;

Mr Griffin's own evidence is that that he gave Pupil A his words "a good rollicking". The Panel is mindful that this was an eight year old child and considers that she would have been frightened by this. The Panel therefore finds that this was inappropriate conduct. The Panel has noted the pupil's account that she was scared.

The Panel does not accept that, because Mr Griffin knew the pupil's mother, this meant that it was appropriate to treat her differently and does not accept this gave him authority to discipline her in the way that has been described. Irrespective of any relationship, or the events that had occurred in the classroom test earlier, the conduct was not appropriate. Mr Griffin's conduct cannot be justified whatever Mr Griffin's perception of the child's ability to concentrate.

- iii. he leaned over her, with his head very close to hers.

In Mr Griffin's own account, given to the investigating officer, Mr Finn, he describes getting quite close to the pupil for "extra effect". Witness A was concerned, when she witnessed the events, about how close Mr Griffin was to the pupil and the Panel is satisfied that this was more than simply the result of Mr Griffin being taller than the child. The Panel believes, from the account of Witness A that Mr Griffin was very close and was invading the 8 year old child's personal space in a way that was not the appropriate distance when dealing with a girl of her age.

The Panel considers the incident described with Pupil A to be a disproportionate response to the circumstances.

- 4b on 20 May 2008 in respect of Pupil B he;
(i) shouted loudly at him whilst walking towards him and called him stupid.

The Panel spent considerable time trying to understand for itself what may have happened during this incident in the library. They have carefully read Mr Griffin's account and considered his evidence, they have also reviewed the statement of Pupil B and the account given by Witness A who arrived only after the incident had occurred in the library.

Mr Griffin has acknowledged that he shouted loudly at Pupil B and described this as "bellowing" at him. He says that this was an experiment and something he tried for effect; the Panel does not find this acceptable and considers that this was not an appropriate behaviour management strategy to use with an eight year old child.

Whilst Mr Griffin describes the pupil as giggling and smirking the Panel is concerned that this could equally have been the nervous reaction of a frightened child. The Panel do not believe that the pupil, whose statement appears at page 142 has made up the content of his statement and, whilst he may have been assisted with making a statement, they do not believe the pupil was unduly influenced in what he wrote.

On the balance of probabilities the Panel accepts Pupil B's account, which in many respects is accepted by Mr Griffin. The Panel thinks it is more likely than not that the boy was called "stupid" by Mr Griffin and that the boy was moving back while Mr Griffin was walking towards him during this incident. The account of moving closer accords with other evidence the Panel has received during the hearing as to how Mr Griffin may behave.

The Panel notes that it does not have the assistance of statements from Individual A nor Individual B (other members of staff) who it appears also witnessed the aftermath of these events. The Panel has looked very closely at the notes made by Witness A (at pages 259/260). The Panel has considered carefully Mr Griffin's submissions that Witness A should not be considered a reliable or truthful witness. However, having accepted the evidence of Pupil B, the Panel finds her account is corroborated by his. It is also supported by the hearsay evidence of Witness C, to whom Witness A relayed events through a series of up to 12 telephone calls that day. The Panel has already indicated that they found Witness C credible and that they could rely on his evidence.

The Panel considers that, having had the opportunity to see her as a live witness, it stretches belief that Witness A would make up this evidence and are satisfied that it is more likely than not that events were witnessed by her in the way she describes.

Although the Panel is not certain as to whether the Pupil was actually crying the evidence satisfies the Panel that the child was upset and required comforting.

- 4d. on various dates during 2008 he referred to pupils in derogatory manner namely "pests", "idiots", "fools", "clowns" and "buffoons".

The Panel acknowledges Mr Griffin's point that he did not refer to all pupils in these terms and notes that he acknowledged use of at least some of these terms when referring to a subset of children whom he describes as miscreants.

The Panel finds proved that Mr Griffin used these words in relation to pupils and that this was inappropriate conduct. References can be found in Mr Griffin's memorandum of 20 May 2008, in the accounts of pupils which appear between pages 145 and 149 and the notes made by Witness A about her meeting with him on 20 May 2008.

The Panel considers the use of these words, in relation to any children, reveals a set of attitudes which are totally out of step with current acceptable standards of teaching and which were contrary to the ethos of Beechview School in particular. Witness C told the Panel that he and others were uncomfortable with Mr Griffin's choice of words which do not fit with modern schooling. The Panel does not agree that the use of these words can be justified and considers this to be inappropriate conduct.

We have found the following particulars of the allegation against Mr Griffin **not proven**, for these reasons:

- 2c. During the academic year 2007 to 2008, he disregarded directions given to him by Witness A, Headteacher in that he attended school during an OFSTED visit and played piano in the hall all day;

Mr Griffin has acknowledged that he did attend school on the day in question and did play the piano in the hall all day.

Whilst Mr Griffin was initially told not to come in during the school Ofsted inspection it was later decided that he could attend school that day to play the piano for the assembly. The Panel does not accept that there was a direction not to attend school or a direction not to play the piano. On the contrary it seems he had been given permission to come into school and play the piano for assembly.

Given the wording of the charge the Panel cannot be satisfied as to this particular. It recognises that Mr Griffin's conduct may have been unhelpful and disruptive and may have reflected badly on the school but the Panel cannot find that there was a disregard of a direction on this occasion.

- 3b. later refused to provide her with a copy of the tape when she requested it;

This particular relates to the meeting on 17 December 2007. The Panel cannot be satisfied that there ever was a recording of the meeting and therefore are not satisfied that a failure to provide such a recording could be regarded as inappropriate conduct towards Witness A.

The Panel considers that, if Mr Griffin is correct that no recording was ever made, it would have been reasonable for him to tell Witness A this at an earlier stage. He does not appear to have explained this when requests were made. He told Witness

B on 16 October 2008 that he had tried to make a recording but that it had not worked and no recording therefore existed but Witness A gave evidence that she was not given this information when she requested a copy of the recording.

4b. he was unduly punitive in managing pupils' behaviour in that on 19 May 2008 he issued detentions to Pupil A, Pupil B and Pupil C without due cause;

The Panel spent considerable time looking at the evidence in relation to this particular and trying to form a judgment as to what had occurred during the test on 19 May. The Panel cannot be certain as to what actually happened and note that a key document, the detention book, is not available as evidence.

The Panel has looked at the accounts available as to what happened, in particular the statements of the children at pages 138/139 and 144-149, the letter from the parents of pupil B at page 498, and Mr Griffin's memo of 20 May 2008 at page 156. The Panel has also heard Mr Griffin's evidence as to the events that day.

In his memo Mr Griffin refers to Pupil C making rude raspberry noises with his lips, backchat from Pupil A coupled with her stomping around the room and backchat from Pupil B. In his evidence Mr Griffin said the children were ignoring his reasonable instructions and explained the particular need for an orderly environment as he was conducting a test with individual pupils. He told the Presenting Officer that he had never previously seen disruption in the classroom to this extent and the Panel were given the impression the situation had deteriorated to a small riot.

Mr Griffin explained the limited options available to him and that he could not easily revoke "Golden Time" as an option because he was a specialist supply teacher and not the pupils' usual class teacher.

The Panel do not know for sure what was written in the detention book. They note Witness A's account that it referred to fidgeting. The Panel accepts her evidence that she did more than just take the children's word about why they were given detention but note that she did not witness the events in the classroom herself.

The dispute is whether the detention was given without due cause and whether it was unduly punitive. Bearing in mind the burden and standard of proof and the limited sources of evidence as to what exactly happened the Panel is not satisfied that when Mr Griffin issued the detentions they were inappropriate. If events were as he described them, at the point of issuing the detentions, they may not have seemed unduly punitive or without due cause. It is clear from the evidence relating to other particulars that Mr Griffin was near to losing control that day and was exasperated in his attempts to manage the test environment.

Although the Panel has not found this particular proved, it considers that Witness A had the authority and right to cancel the detention once she had enquired into the circumstances. She had to explore what had happened as a result of a parent complaint and the Panel is satisfied that she dealt with matters in a reasonable way. The Panel do not consider Mr Griffin's actions following the revocation can be justified and do not think this finding excuses his later behaviour. On reflection the Panel considers the detentions were probably inappropriate but in context

recognises the limited options available to Mr Griffin and do not find this particular proved.

Findings as to Unacceptable Professional Conduct

Having found particulars 1a, 1b, 1d, 1e, 2, 3a, 4a, 4c and 4d proven the Panel further finds Mr Griffin guilty of unacceptable professional conduct.

The Panel has had regard both to the standards published on behalf of the Secretary of State and the earlier document the General Teaching Council's Code of Conduct and Practice for Registered Teachers. The Panel considers that both documents contain clear indications of how teachers are expected to behave and that Mr Griffin could reasonably have been expected to behave in this way in 2008.

The Department of Education Teachers' Standards make reference to teachers being required to know when and how to differentiate appropriately to use approaches which enable pupils to be taught effectively including having a clear understanding of the needs of all pupils including those with special educational needs and those of high abilities. In the section covering personal and professional conduct it is set out that teachers are expected to have proper and professional regard for the ethos, policies and practices of the school in which they teach. This was not the conduct demonstrated in Mr Griffin's failure to align his lessons and planning to the National Curriculum and his failure to use the QCA Schemes of Work.

It is clear, that in disregarding directions given by the Associate Headteacher, Mr Griffin did not develop effective and professional relationships with colleagues and did not demonstrate that he knew how and when to draw on advice and specialist support.

The events of 21 May, when he ignored and refused requests made by Witness A and Witness C to leave the school, again show a similar failure in professional relationships and a lack of understanding of his responsibilities as a teacher.

In this conduct Mr Griffin failed to demonstrate an understanding of the statutory frameworks which set out his professional duties and responsibilities.

Mr Griffin has made clear his personal beliefs that his teaching methods are superior, and that he only had to comply with management instructions with which he agreed. Throughout the matters found proved, Mr Griffin's personal beliefs were expressed in ways which exploited, or harmed the interests of pupils.

The Panel has found proved inappropriate behaviour towards Mrs Melero and pupils, as set out in allegations 3 and 4. Teachers should establish a safe and stimulating environment for pupils rooted in mutual respect. The facts found proved show that Mr Griffin did not do this. In the incidents the Panel has had to consider Mr Griffin did not manage behaviour effectively to ensure a good and safe learning environment using a range of strategies consistently and fairly. The Panel were left with concerns that Mr Griffin did not demonstrate that he had clear rules and routines for behaviour in classrooms nor that he took responsibility for promoting good and

courteous behaviour in classrooms and around school. His reprimands of Pupils A and B in May 2008 were of particular concern to the Panel and failed to have regard for the need to safeguard pupils' well-being.

Overall the Panel was in no doubt that Mr Griffin has demonstrated misconduct of a serious nature which fell significantly short of the standard of behaviour expected of a teacher.

Panel's Recommendation to the Secretary of State

The Panel has carefully considered the Teaching Agency guidance on the issuing of prohibition orders. It recommends to the Secretary of State that a prohibition order is appropriate in this case.

The Panel is mindful that it must be proportionate in its recommendation and weigh up both the public interest and the interests of Mr Griffin.

In relation to the public interest, in this case, the Panel is particularly concerned with the maintenance of public confidence. The way in which teachers deal with pupils, and the language that they use to pupils, is an important part of maintaining this confidence. The Panel is concerned that public confidence would be significantly undermined if Mr Griffin's misconduct was not subject to a sanction.

The Panel is also mindful of the public interest in declaring and upholding proper standards of conduct.

Mr Griffin is, in his own words, "unique" and he has made it clear that he will not fall into line with appropriate and accepted ways of treating children. The conduct found proved in this case illustrates that Mr Griffin will not work appropriately, other than in an environment that includes children being grouped according to ability. His attitude demonstrates an approach which is inflexible and, as the standards make clear, teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, whatever the teaching arrangements. Mr Griffin suggests that he complies with all of the Teachers' Standards but the Panel considers that this will only be the case when he has been allowed to teach in accordance with his own beliefs and approach.

The Panel has concluded that Mr Griffin will not adhere to the policies of any school in the future unless they happen to coincide with his views and approach.

The facts found proved show that Mr Griffin repeatedly does not follow instructions and the Panel has no confidence he could be managed were he to return to teaching. Given his evidence and conduct during this hearing and since 2008, the Panel considers that there is a very high likelihood that he would behave in this way again. In this case there was a complete breakdown in the relationship of trust and confidence between Mr Griffin and his line managers and Panel think this would be repeated.

Mr Griffin has failed to recognise how his behaviour has impacted on other people and he has demonstrated no remorse at any stage. Even in his mitigation he

maintained that he was right and others were wrong in their judgments and actions. The Panel considers a Prohibition Order would serve to demonstrate to Mr Griffin and to others, the standards which are expected of teachers.

The Panel also considers that its recommendation for a Prohibition Order supports the public interest including the protection of children. It is apparent that whilst Mr Griffin may have a good relationship with successful pupils, those in his category of "miscreants" are at risk of inconsistent and inappropriate behaviour management techniques. It is of concern that Mr Griffin thinks it is appropriate to give "rollickings" to primary school children regardless of the suitability of this approach for children who may be vulnerable. He has shown an inability to modify his behaviour management techniques so that they are appropriate for children in his care.

Mr Griffin's conduct also left his colleague Witness A upset and frightened. In her notes of the events on 20 May she referred to being intimidated, scared and quite shaky. She said that she was frightened for the children, given what she had personally experienced.

The Panel has described a number of breaches of the Teachers' Standards. It is not satisfied that Mr Griffin's behaviour with the pupils was just an isolated incident. There were a series of incidents with pupils and staff where relationships had broken down. For example the calling of the police suggests the managers involved thought that it was necessary for the police to attend to protect them and the school environment that day.

The Panel are satisfied actions were almost all deliberate and were founded in Mr Griffin's belief that his approach was always right when compared to the ethos of school.

Mr Griffin has shown a lack of remorse and insight and said he would not do things differently on another occasion. There is therefore a real concern that this inappropriate conduct would be repeated.

Mr Griffin told the Panel he was under stress and duress. Certainly in relation to 19 May the Panel has recognised that he was exasperated. However the Panel does not accept that Mr Griffin was actually under duress and do not think any individual or circumstances were forcing him to behave in this way. The Panel has already found that the directions given by Witness A were reasonable and does not accept that duress contributed to Mr Griffin's disregard of these directions. The Panel does not accept that having to work in mixed ability classes can possibly amount to duress; it is a common situation that teachers will experience in primary schools.

The Panel has noted that the Independent Safeguarding Authority has not pursued matters, which it would have done had there been persisting safeguarding concerns.

Mr Griffin has claimed that his approach protects the better behaved children. However, this does not excuse the way he responded to other children he was teaching. The Panel rejects Mr Griffin's suggestion that his conduct has been perfectly normal; they have found it inappropriate and to have breached the standards expected of teachers.

The Panel has already recognised that Mr Griffin probably delivered some excellent lessons and has no doubt that he is very competent in his musicianship. They accept that he can deliver high quality teaching with the right pupils in an environment where he feels comfortable. Witness C acknowledged the quality of Mr Griffin's musicianship and stated that pupils were fortunate to have such expert instruction. The Panel also noted the praise contained in reference from Speen Church of England School.

The Panel has had to carefully balance Mr Griffin's qualities as a music teacher against the serious misconduct it has found proved and the public interest.

The Panel has concluded that Mr Griffin's behaviour was a serious departure from the personal and professional conduct elements of the latest Teachers' Standards and was conduct which seriously affected the well being of pupils. His unacceptable professional conduct damaged his relationship with colleagues and the Panel views it as deliberate behaviour that undermined the profession, the school and colleagues.

Mr Griffin has demonstrated deliberate intolerance of children who may have misbehaved in class and reacted in a disproportionate manner given the behaviours of the children.

Mr Griffin has an apparently deep-seated attitude which is not in step with current acceptable standards of teaching. He persists in using an archaic term "miscreant" (which can mean evil-doer, depraved, wrong-doer or villain) which the Panel does not consider is appropriate when dealing with 8 year old children.

Overall Mr Griffin's conduct was viewed by the Panel as harmful to the school, colleagues and pupils.

The Panel recommends to Secretary of State that a prohibition order would be appropriate in all the circumstances of the case.

The Panel has not seen any evidence that Mr Griffin will change. His beliefs are so entrenched that they doubt he will ever appropriately comply with the standards expected of teachers, and as a result the Panel recommends that he should not be given the right to apply to have the order set aside at any time.

Secretary of State's Decision and Reasons

I have given careful consideration to the careful and detailed argument set out in the panel's recommendation.

The panel has found a significant number of the facts in this case to be proven. In addition it has found that those facts amount to unacceptable professional conduct. The behaviours and attitudes that Mr Griffin has displayed amount to a serious breach of the professional standards expected

of teachers. The panel have given careful consideration to the views expressed by Mr Griffin and believe that those views are unlikely to change.

For the reasons given by the panel, I accept their findings of fact and accept that those findings amount to unacceptable professional conduct.

I have then considered the panels' recommendation to me in respect of sanction. The panel consider the facts that they have found proven are serious and they recommend a prohibition order is imposed. I support that recommendation, and agree with the panel that it is in the public interest to impose a prohibition order. Mr Griffin's behaviours and attitudes represent a serious departure from the acceptable standards required of teachers. His actions were not isolated incidents and his behaviour impacted significantly on both pupils and colleagues.

I then turn to the panel's recommendation in respect of a review period. The panel have listened carefully to the evidence and to the views expressed by Mr Griffin himself. In the view of the panel, the views held by Mr Griffin are entrenched and unlikely to change. For these reasons I support the recommendation for no review period to be set.

This means that Mr Roger Griffin 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 Roger Griffin 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 Roger Griffin 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: 6 June 2012