



National College for
Teaching & Leadership

Mr Nicholas Grimshaw: Professional conduct panel outcome

**Panel decision and reasons on behalf of the
Secretary of State for Education**

October 2016

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Professional conduct panel decision and recommendations, and decision on behalf of the Secretary of State

Teacher:	Mr Nicholas (Nick) Marc Grimshaw
Teacher ref number:	0364964
Teacher date of birth:	2 December 1981
NCTL case reference:	14528
Date of determination:	26 October 2016
Former employer:	St Michael's Primary School, Reading

A. Introduction

A professional conduct panel ("the panel") of the National College for Teaching and Leadership ("the National College") convened on 26 October 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Nicholas (Nick) Marc Grimshaw.

The panel members were Ms Alison Robb-Webb (teacher panellist – in the chair), Mr Mike Carter (teacher panellist) and Ms Susan Netherton (lay panellist).

The legal adviser to the panel was Victoria Callicott of Eversheds LLP.

The presenting officer for the National College was Mr Ben Chapman of Browne Jacobson LLP.

Mr Nicholas (Nick) Marc Grimshaw was present and was represented by Ms Elaine Abbs, a solicitor of the National Union of Teachers.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 27 September 2016.

It was alleged that you, Mr Nicholas (Nick) Marc Grimshaw, are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as a teacher at St Michael's Primary School, Reading you;

- 1. Accessed pornography websites on one or more occasions whilst connected to a school network, in particular:**

- a. **Gayteenvideo.net;**
- b. **Gayboystube.com;**
2. **Made searches for pornography and/or other inappropriate material on one or more occasions whilst connected to a school network, in particular he used the following or similar keywords:**
 - a. **'skipped school to fuck';**
 - b. **'gayboystube';**
 - c. **'very gay boys';**
 - d. **'twink sex';**
 - e. **'hot tube videos with nude teen boys';**
 - f. **'gayteen videos';**
 - g. **'fitlads dating';**
 - h. **'ladsforlads'.**

In the Statement of Agreed Facts signed by Mr Grimshaw on 27 July 2016, Mr Grimshaw admitted the facts giving rise to both allegations 1 and 2 and that such actions amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute (p.24). Mr Grimshaw admitted the facts of the allegations at the hearing and wished to give mitigation evidence in person to the panel. This hearing is therefore proceeding as an admitted case.

C. Preliminary applications

The panel considered an application by Mr Grimshaw's representative to admit the following additional documents:

1. A completed Notice of Proceedings Form, signed by Mr Grimshaw on 2 October 2016;
2. A signed copy of Mr Grimshaw's witness statement dated 18 October 2016 (an unsigned copy of which appeared at p.450 to p.452); and
3. A personal reference letter from Mr Grimshaw's line manager dated 25 October 2016.

The panel considered whether to exercise its discretion under paragraph 4.18 to admit the documents previously mentioned which had not been submitted to the panel and the National College at least 4 weeks prior to the hearing. The panel noted that it may admit

any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

The panel decided to admit the documents. The panel considered the matters raised in all documents to be relevant to the allegations. The panel is able to take into account issues relating to the provenance of documentation and the inability to cross-examine the authors of such evidence when assessing the weight to be attached to the documents. In respect of document 2, the panel notes that this is simply a signed copy of the witness statement it had already reviewed in the bundle.

Further, when determining whether to admit the additional documents, the panel noted that there was no objection to the documents being submitted by the National College. On that basis, the panel considers it fair to admit the documents.

The panel decided to:

1. replace the unsigned witness statement with the signed copy, which appears in the bundle at p.450 to p.454;
2. add the character reference dated 25 October 2016 at p.456 of the bundle; and
3. add the completed Notice of Proceedings Form dated 2 October 2016 at p.458 to p.464 of the bundle.

D. Summary of evidence

Documents

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

Section 1: Chronology and a list of key people – pages 2 to 4

Section 2: Notice of Proceedings and Response – pages 6 to 21

Section 3: A Statement of Agreed Facts – pages 23 to 25

Section 4: NCTL documents – pages 27 to 430

Section 5: Teacher documents – pages 432 to 454

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 documents submitted by Mr Grimshaw's representative at the hearing:

1. the signed witness statement of Mr Grimshaw dated 18 October 2016. The panel has replaced the unsigned copy which originally appeared in the bundle at p.450 to p.454;

2. a character reference dated 25 October 2016 from Mr Grimshaw's current line manager which now appears at p.456 of the bundle; and
3. the completed Notice of Proceedings Form signed by Mr Grimshaw on 2 October 2016 at p.458 to p.464 of the bundle.

The panel confirmed that it had read all of the additional documents listed above once it had determined to admit such documents

Witnesses

The panel heard oral evidence from Mr Grimshaw at the hearing.

E. Decision and reasons

The panel announced its decision and reasons as follows:

The panel has carefully considered the case before it and has reached a decision.

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing and the documents submitted at the hearing once the panel had determined to admit the documents.

Mr Nicholas (Nick) Marc Grimshaw began working at St Michael's Primary School (the "School") on 21 February 2005.

On 27 January 2014, a concern was raised by a member of staff of the School about images found on School equipment belonging to year 6 pupils. The School had concerns about its internet filter settings which allowed the images to be obtained and undertook an internal investigation with the assistance of its IT provider. The School was subsequently made aware that, unrelated to the original concern raised, two web addresses "Gayteenvideos" and "Gayboytubes" had been accessed on School equipment repeatedly between November 2010 and January 2014. The School's IT provider advised that the websites had been accessed remotely through the School's network. According to the times that the websites were accessed, and the nature of other non-contentious searches undertaken around the same time, the School suspected that it was Mr Grimshaw who was accessing these websites on the School's network.

On 29 January 2014, the School contacted the CEOP who reviewed the websites and found that they contained images of young looking males. Mr Grimshaw's School's laptop was then searched but no inappropriate material was found. On 31 January 2014, the School held a strategy meeting with the LADO. The police were subsequently advised of the situation and they undertook an investigation.

During February 2014, police seized electronic equipment (including laptops and mobiles) from Mr Grimshaw's apartment and on 24 February 2014, he was suspended from his position at the School. The police investigation concluded on 11 September

2014 and a further LADO Strategy Meeting took place on 12 September 2014. Mr Grimshaw was informed by letter of the allegations being investigated by the School on 26 September 2014 and he was invited to attend an interview as part of that investigation.

The School's internal investigation took place between 6 October 2014 and 28 November 2014, with Mr Grimshaw's interview taking place on 10 October 2014. A disciplinary hearing took place on 4 March 2015 and Mr Grimshaw was dismissed for misconduct on 30 April 2015.

Findings of fact

The panel's findings of fact are as follows:

The panel has found the following particulars of the allegations against you, Mr Grimshaw, proven, for these reasons:

- 1. Accessed pornography websites on one or more occasions whilst connected to a school network, in particular:**
 - a. Gayteenvideo.net;**
 - b. Gayboystube.com;**

In respect of allegation 1, the panel notes that Mr Grimshaw admits in the undated Notice of Referral Form that he accessed the websites referred to in allegation 1(a) and (1b) whilst unknowingly logged into the School's gmail account (p.20).

Mr Grimshaw also admits to viewing the websites in his oral evidence given to the panel at the hearing, in the Statement of Agreed Facts signed by Mr Grimshaw on 27 July 2016 (p. 24), in his contemporaneous replies to the Schools' disciplinary process (p.383) and in his witness statement (p.450). In his witness statement, Mr Grimshaw again noted however that he did not intend to use the School's gmail account to view the websites (p.450).

The panel also notes that the DBS referral document records that the websites were accessed 675 times between November 2010 and January 2014 (p.35) and that Mr Grimshaw had admitted to the School that he had accessed several websites of a sexual nature featuring young men via the School's gmail web address (p.36).

The panel also notes from the legible parts of the School's web history print out of searches (provided at p.38 to p.320) that:

1. "Gayboystube" was searched on various dates between 29 November 2013 and 28 January 2014. The School's web history print out shows that the website had been viewed 646 times.

2. "Gayteenvideo" was searched on various dates between 29 November 2013 and 28 January 2014. The School's web history print out shows that the website had been viewed 35 times.

The panel also notes that Mr Grimshaw confirms in his contemporaneous interview with the independent investigator during the School's investigation that he had accessed the websites from his home laptop whilst connected to the School's gmail account (p.338).

The panel is therefore satisfied that facts giving rise to allegation 1 are proven.

2. Made searches for pornography and/or other inappropriate material on one or more occasions whilst connected to a school network, in particular you used the following or similar keywords:

- a. 'skipped school to fuck';
- b. 'gayboystube';
- c. 'very gay boys';
- d. 'twink sex';
- e. 'hot tube videos with nude teen boys';
- f. 'gayteen videos';
- g. 'fitlads dating';
- h. 'ladsforlads'.

In respect of allegation 2, the panel notes that Mr Grimshaw admits in the undated Notice of Referral Form that he used the search terms listed in 2(a) to 2(h) above (p.20). The panel does note however Mr Grimshaw's comments that in respect of the searches referred to in allegations 2(b), 2(c), 2(d), 2(f), 2(g) and 2(h), these took place years ago and so it is difficult for Mr Grimshaw to comment but that he accepts he was responsible for the searches that appear in the internet search history (p.20).

Mr Grimshaw admitted to using the search terms at the hearing and in the Statement of Agreed Facts signed by Mr Grimshaw on 27 July 2016 (p. 24). Further, these admissions also appear in a letter to the presenting officer's firm on 12 October 2016 (p.444) and in his witness statement (p.450).

The panel has also seen the School's web history print out of searches (provided at p.38 to p.320) which shows that:

1. "Gayboystube" (allegation 2(b)) was searched on various dates between 29 November 2013 and 28 January 2014; and

2. "Gayteenvideo" (allegation 2(f)) was searched on various dates between 29 November 2013 and 28 January 2014.

The panel notes that the legible parts of the web history print out do not contain a record of the searches carried out on terms referred to under allegation (a), (c), (d), (e), (g) and (h). However, in the extract document detailing search terms used since 12 November 2010, the table refers to the search terms at allegation 2(a) to (f) and (h) being used on the School's gmail account (p.392 to p.396).

The panel notes that the police report dated 11 September 2014 states their investigations indicated that websites with the same names as the search terms listed at allegations 2(b) (c) (f) and (g) had been visited by Mr Grimshaw (p.405).

The panel is satisfied that facts giving rise to allegations 2(a) to 2(h) are proven.

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

Having found the allegations proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel has had regard to the document Teacher Misconduct: The Prohibition of Teachers, which the panel refers to as "the Advice".

The panel notes that unacceptable professional conduct is defined as misconduct of a serious nature, falling significantly short of the standard of behaviour expected of a teacher. In making a judgement as to whether the behaviour demonstrated falls significantly short of the standard expected of a teacher, the panel has drawn on its own knowledge and experience of the teaching profession as well as the Teachers' Standards.

The panel is satisfied that the conduct of Mr Grimshaw in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Grimshaw is in breach of the following standard:

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach

The panel is satisfied that the conduct of Mr Grimshaw fell significantly short of the standards expected of the profession. Mr Grimshaw accessed pornography through the School network, on repeated occasions over a significant period of time. Mr Grimshaw knew, or ought to have known, that this was in breach of the School's IT policy. Mr Grimshaw was responsible for ensuring he understood the School's IT policy and how to correctly use remote access, even if no training was given on the policy or no active discussions took place on the policy. The panel accepts Mr Grimshaw's oral evidence that he was not aware that he was still logged into the School's network but the panel

found Mr Grimshaw had been naïve and reckless in this respect and this did not excuse his actions.

Further, the panel finds it persuasive that Mr Grimshaw admits that his conduct did amount to unacceptable professional conduct in the undated Notice of Referral Form (p. 9) and in the Statement of Agreed Facts (p.24). Mr Grimshaw also accepted this at the hearing before the panel.

The panel has also considered whether Mr Grimshaw's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel has found that on the balance of probabilities, and on Mr Grimshaw's evidence given under oath that he had no intention of viewing images of under 18's, that none of these offences are relevant.

The panel notes that although the activities found proven did not take place on the School premises itself, the websites were accessed using the School's network, which brings the conduct within the education setting.

Accordingly, the panel is satisfied that Mr Grimshaw is guilty of unacceptable professional conduct.

The panel has taken into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

Mr Grimshaw accepts that the facts of allegations 1 and 2 which the panel have found proven amount to conduct that may bring the profession into disrepute.

Mr Grimshaw explained during oral evidence that his actions took place in the privacy of his own home on his own personal equipment and that it was only due to an error that he was still logged into the School's network. He stated that there were no indications or warnings that he was still logged into the system when he undertook the searches or accessed the websites. The panel has found however that Mr Grimshaw was naïve and reckless as to whether he was still logged into the School network when accessing the websites and undertaking the searches which are the subject of allegations 1 and 2.

The panel also notes that the police report dated 11 September 2014 states that one of the websites Mr Grimshaw admits to viewing contains a disclaimer that all persons featured were over the age of 18 (p.405) but that the site allowed users to upload their own images and so it was difficult (if not impossible) to guarantee the age of the people in the images (p.405). Although Mr Grimshaw submitted in oral evidence that he had no intention of viewing images of under 18's and nor did he believe he had, the panel considers that Mr Grimshaw unreasonably ran the risk of doing so and therefore his

conduct would be viewed negatively by the public particularly in light of the unique role that teachers can hold, potentially damaging the public perception of the profession.

Further, Mr Grimshaw searched terms involving the words “teen”, “boys”, “skipped school to fuck” and similar words. The panel considers that the public perception would be that undertaking these searches on a School network are both inappropriate and unacceptable for a primary school teacher who should be maintaining public confidence in the profession. The panel was not persuaded by Mr Grimshaw’s submissions that the word “teen” commonly referred to people between age 18 and 22 on pornographic websites.

The panel therefore finds that Mr Grimshaw’s actions constitute conduct that may bring the profession into disrepute.

Panel’s recommendation to the Secretary of State

Given the panel’s findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it is necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel has to consider whether it is an appropriate and proportionate measure, and whether it is in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel has considered the particular public interest considerations set out in the Advice and having done so has found two of them to be relevant in this case, namely:

- the maintenance of public confidence in the profession; and
- upholding proper standards of conduct

The panel accepts Mr Grimshaw’s account that he did not intend to use the School’s network to access the websites that were the subject of the allegations.

The panel has however found the search terms Mr Grimshaw used on the School’s network were inappropriate and unacceptable for a teacher for example, “nude teen boys” and “skipped school to fuck”. Further, the panel has also noted that Mr Grimshaw unreasonably ran the risk of viewing images of under 18’s on the School’s network. The panel has found that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Grimshaw was not treated with the utmost seriousness when regulating the conduct of the profession.

The panel also considered that there is a strong public interest consideration as the conduct found proven against Mr Grimshaw is outside that which could reasonably be tolerated, particularly in light of the search terms used which could, in the public perception, indicate a preference for younger males.

Notwithstanding the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order taking into account the effect that this would have on Mr Grimshaw.

In carrying out the balancing exercise, the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Grimshaw. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours, the one that is relevant in this case is the serious departure from the personal and professional conduct elements of the Teachers' Standards.

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case.

There was no evidence to suggest that Mr Grimshaw was acting under duress, and in fact the panel finds Mr Grimshaw's actions to be deliberate as he had accessed the websites on repeated occasions over a long period of time.

Mr Grimshaw has submitted mitigation evidence to the panel of his positive reputation as a teacher amongst parents and pupils both in the evidence submitted to the panel in the bundle and at the hearing. In particular, Mr Grimshaw has supplied a character reference dated 25 October 2016 from his current line manager but the panel did not find this reference relevant as it did not reflect on Mr Grimshaw's ability as a teacher specifically. Further, the panel has seen that there are a number of statements in the hearing bundle which would indicate some doubt as to Mr Grimshaw's ability as a teacher. The panel finds it unfortunate that there were no testimonials from Mr Grimshaw's former colleagues.

The panel has also taken into account that there are references to Mr Grimshaw suffering from mental health issues at the time some of the activities took place but no medical evidence has been submitted to suggest that this may have been a factor.

The panel is therefore of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mr Grimshaw particularly when it comes to the maintenance of public confidence in the profession given that not only, as a primary school teacher, Mr Grimshaw ran the risk of viewing images of under 18's but also that he was doing this on the School's network.

Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to recommend that a review period of the order should be considered. The panel was mindful that the Advice advises that a prohibition order applies for life, but there may be circumstances in any given case that make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. The panel has already found that none of the behaviours are relevant in Mr Grimshaw's case.

The panel notes that Mr Grimshaw has shown remorse for accessing the material via the School network. Mr Grimshaw continues however to rely on the fact that he was unaware that he was logged into the School's network to view the websites rather than accepting the seriousness of how the public may view searching for pornography using words such as "teen" or "boy" for a primary school teacher, thereby showing lack of insight into his behaviour. Mr Grimshaw is a significantly experienced teacher and has been teaching in the profession for around 10 years and is well aware of the proper standards of conduct expected of teachers.

The panel's findings indicate a situation in which a review period would not be appropriate and decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provisions for a review period.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation that has been made by the panel both in respect of sanction and review.

All of the allegations against Mr Grimshaw have been found proven, and the panel has found that those facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel has found that Mr Grimshaw has breached the following standard:

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.

I agree with the panel's view that the conduct of Mr Grimshaw fell significantly short of the standards expected of the profession. Mr Grimshaw accessed pornography through the School network, on repeated occasions over a significant period of time. The panel has

found the search terms Mr Grimshaw used on the School's network were inappropriate and unacceptable for a teacher.

I note the panel's consideration that there is a strong public interest consideration as the conduct found proven against Mr Grimshaw is outside that which could reasonably be tolerated, particularly in light of the search terms used which could, in the public perception, indicate a preference for younger males.

The panel has also taken into account the Advice published by the Secretary of State which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours the one that is relevant in this case is the serious departure from the personal and professional conduct elements of the Teachers' Standards.

I have considered the panel's recommendation carefully. I have also taken into account the need to balance the public interest with the interests of the teacher. I have taken into account the need to be proportionate.

In this case I agree with the recommendation of the panel that Mr Grimshaw should be prohibited from teaching. Prohibition is both proportionate and appropriate.

I have also gone on to consider the matter of a review period. I have noted the panel's comments on Mr Grimshaw's insight and remorse. Although Mr Grimshaw has shown remorse for accessing the material via the School network, I note that he does not appear to have accepted the seriousness of how the public may view searching for pornography using words such as "teen" or "boy" for a primary school teacher. I agree with the panel that this shows a lack of insight into his behaviour.

For the reasons set out above, I agree with the panel's recommendation that Mr Grimshaw should not be given a review period for the reasons set out above.

This means that Mr Nicholas Grimshaw 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 Grimshaw shall not be entitled to apply for restoration of his eligibility to teach.

This order takes effect from the 4 November 2016 on which it is served on the teacher.

Mr Nicholas Grimshaw 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.

A handwritten signature in black ink, appearing to read 'JM', with a small dot at the end of the signature.

Decision maker: Jayne Millions

Date: 27 October 2016

This decision is taken by the decision maker named above on behalf of the Secretary of State.