



National College for
Teaching & Leadership

Mr Paul Stanbury: Professional conduct panel outcome

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

May 2017

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

Teacher: Mr Paul Stanbury

Teacher ref number: 9253706

Teacher date of birth: 21 September 1965

NCTL case reference: 15721

Date of determination: 22 May 2017

Former employer: Aldenham School, Hertfordshire (the “School”)

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 22 May 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Paul Stanbury.

The panel members were Ms Fiona Tankard (teacher panellist – in the chair), Mr John Matharu (lay panellist) and Mr Martin Greenslade (lay panellist).

The legal adviser to the panel was Ms Natascha Gaut of Eversheds Sutherland LLP solicitors.

The presenting officer for the National College was Mrs Samantha Paxman of Browne Jacobson LLP solicitors.

As this was a meeting, the parties were not present.

The meeting took place in private, save for the announcement of the panel’s decision which was announced in public and recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 4 May 2017.

It was alleged that Mr Paul Stanbury was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as a teacher at Aldenham School he:

1. In or around December 2007, viewed and/or accessed sexual material through the School's technology;
2. In or around March 2013, he received a police caution for a common assault;
3. In or around May 2014, viewed and/or attempted to access sexual material through the School's technology;
4. In doing allegation 3 above, he ignored the advice given to him when he received a written warning about his conduct at allegation 1;
5. On 21st June 2016 during period 1 he acted in an aggressive and/or intimidating manner, in that he;
 - a. Threatened to destroy Pupil A's property;
 - b. Forcibly touched Pupil A;
 - c. Used inappropriate language towards pupils, in particular the words 'piss off'.

The particulars of the allegations were as set out in the Notice of Proceedings, referring to the teacher in the third person.

In the Statement of Agreed Facts, dated 2 April 2017, Mr Stanbury admitted the facts of the allegations and that they amounted to unacceptable professional conduct and conduct which may bring the profession into disrepute.

C. Preliminary applications

Whilst there were no preliminary applications, the panel considered at the outset whether the allegations should be considered at a public hearing which the parties would be entitled to attend, or a private meeting without the parties present. The panel considered the interests of justice and given that the facts of the allegation have been admitted, that Mr Stanbury had requested a meeting and the panel had the benefit of his representations, the panel was of the view that justice would be adequately served by considering this matter at a meeting.

The panel carefully considered the public interest. The panel noted that if the case proceeded in a meeting, there would be a public announcement of the panel's decision. The panel also had in mind that if a hearing were convened, there would be an additional cost to the public purse, which may not be justified if the matter could be determined in a meeting. The panel also had regard to the delay that would be caused by convening a hearing and considered it to be in the public interest to reach a final determination in this matter without further delay. The panel therefore decided to proceed with a meeting, but noted that it could, at any stage of the meeting, reconsider this issue.

D. Summary of evidence

Documents

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

Section 1: Chronology and Anonymised Pupil List – pages 2 to 3

Section 2: Notice of Proceedings and Response– pages 5 to 10b

Section 3: Statement of Agreed Facts and Presenting Officer Representations – pages 12 to 18

Section 4: NCTL Documents – pages 20 to 124

Section 5: Teacher Documents – pages 126 to 130

The panel members confirmed that they had read all of the documents in advance of the hearing.

Witnesses

The matter was convened as a meeting and no oral evidence was heard.

E. Decision and reasons

The panel announced its decision and reasons as follows:

We have 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.

Mr Stanbury had been employed at the School as a teacher of Mathematics from 1 September 1995 until 9 September 2016.

In December 2007, Mr Stanbury accessed images at home that were of a sexual nature on the internet by using the School's technology. This alerted the School's IT filtering system and was brought to the attention of the School. As a result Mr Stanbury was issued with a written formal warning on 11 December 2007.

On 27 January 2013 Mr Stanbury assaulted Mr Wayne Cook at Halfords, Century Retail Park, Watford, WD17 2SD, contrary to Section 39 of the Criminal Justice Act 1988, for which he accepted a police caution. Mr Stanbury notified the School of this caution by email on 14 February 2013.

In or around May 2014, Mr Stanbury viewed and/or attempted to access sexual material through the School's technology whilst covering a lesson. The School investigated the matter and conducted a disciplinary hearing on 9 June 2014. Mr Stanbury was issued with a Final Written Warning on 9 June 2014.

On 21 June 2016 Mr Stanbury was covering a PE lesson. Pupil A, Pupil B and Pupil C were sitting at the back of the room listening to music. Pupil A was listening to music through his headphones which were plugged into the School's computer. Mr Stanbury told the students that he was going to take the register. Mr Stanbury called Pupil A's full name and Pupil A corrected Mr Stanbury with his shortened name and said that he was present in the lesson. Mr Stanbury then called Pupil A's full name again. Mr Stanbury then said, "I have marked you all absent, none of you answered your names, you can piss off". Mr Stanbury then walked over to the pupils and took Pupil A's headphones out of the desktop computer and Pupil A's ears. As Pupil A went to retrieve the headphones from Mr Stanbury, Mr Stanbury grabbed both of Pupil A's arms and pushed Pupil A backwards. When Pupil A blocked the classroom door for Mr Stanbury to exit, Mr Stanbury went to the teacher's desk and said "If you threatened me I will cut your earphones up".

Mr Stanbury continued to teach at the School until the end of the School term and on the 2 July led a residential trip with 28 pupils for 7 days.

A disciplinary hearing was held on 8 September 2016, following which Mr Stanbury was summarily dismissed as from the 9 September 2016.

[REDACTED]

Findings of fact

Our findings of fact are as follows:

We have found the following particulars of the allegations against Mr Stanbury proven, for these reasons:

- 1. In or around December 2007, viewed and/or accessed sexual material through the School's technology;**

Mr Stanbury admitted this allegation in the signed Statement of Agreed Facts dated 2 April 2017. This incident is also referred to in the disciplinary meeting minutes on page 59 of the bundle where Mr Stanbury admits to viewing this material on a School laptop.

The panel therefore found the allegation proven.

2. In or around March 2013, he received a police caution for a common assault;

The panel has seen evidence of a police caution; this can be found at page 58 of the bundle. This document provides clear evidence that Mr Stanbury accepted a caution and therefore means that the panel found the allegation proven.

3. In or around May 2014, viewed and/or attempted to access sexual material through the School's technology;

The fact that Mr Stanbury viewed and/or accessed sexual material through the School's technology in May 2014 was admitted by Mr Stanbury in the signed Statement of Agreed Facts dated 2 April 2017.

The panel took into consideration the documentation found at pages 46-52 of the bundle and again found this allegation proven.

4. In doing allegation 3 above, he ignored the advice given to him when he received a written warning about his conduct at allegation 1;

The panel decided that as Mr Stanbury admitted allegation, 3 this was instrumental in finding allegation 4 proved as well.

5. On 21st June 2016 during period 1 he acted in an aggressive and/or intimidating manner, in that he;

- a. Threatened to destroy Pupil A's property;**
- b. Forcibly touched Pupil A;**
- c. Used inappropriate language towards pupils, in particular the words 'piss off'.**

With regards to allegation 5, the panel noted that it had not had sight of the CCTV evidence but relied on the documentation found within the bundle to make its decision. The panel specifically looked at pages 20-40 which included the witness statements of Pupil A, Pupil B and Pupil C.

These facts were admitted by Mr Stanbury in the signed Statement of Agreed Facts dated 2 April 2017.

Specifically referring to part a of allegation 5, Mr Stanbury admitted that he went to his desk in the hope of finding scissors and said “If you threatened me I will cut your headphones up” or said words to that effect.

Referring to part b of allegation 5, the term ‘forcibly touched’ was not defined and therefore the panel had to review the evidence that was present within the bundle to decide whether Mr Stanbury had ‘forcibly touched’ Pupil A. As stated above, the CCTV evidence was not present within the bundle documentation so the panel relied on the witness evidence and the agreed facts to deduce whether the allegation had been proved. Mr Stanbury admitted that he grabbed both of Pupil A’s arms and pushed Pupil A backwards and therefore the panel was satisfied that this allegation was proven.

Lastly, Mr Stanbury admitted saying “I have marked you all absent, none of you answered your names, you can piss off” or using words to that effect. Therefore the panel agreed that the allegation was proven.

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

Having found all of the allegations to have been proven, the panel went on to consider whether the facts of those proven allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document Teacher misconduct: The prohibition of teachers, which the panel referred to as “the Advice”.

The panel was satisfied that the conduct of Mr Stanbury in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considered that by reference to Part Two, Mr Stanbury was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside School, by
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions;
- Teachers must have proper and professional regard for the ethos, policies and practices of the School in which they teach...

The panel was satisfied that the conduct of Mr Stanbury fell significantly short of the standards expected of the profession.

The panel considered whether Mr Stanbury’s conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice.

The panel found that none of these offences was relevant.

The panel noted that allegation 2 relates to actions outside of the education setting. However, these actions displayed a disregard for the standards expected of someone working within this profession.

Accordingly, the panel was satisfied that Mr Stanbury was guilty of unacceptable professional conduct.

The panel took account of the way 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 took 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.

The findings of misconduct are serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

The panel therefore found that Mr Stanbury's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of the allegations proved, we further found that Mr Stanbury's conduct amounted to both unacceptable professional conduct and 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/conduct that may bring the profession into disrepute, it was 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 considered whether it would be an appropriate and proportionate measure, and whether it would be 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 a effect.

The panel considered the particular public interest considerations set out in the Advice and having done so found a number of them to be relevant in this case, namely the protection of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Stanbury, which involved accessing inappropriate material on two separate occasions, receiving a police caution for common assault and acting in an aggressive and intimidating manner on 21 June 2016, there is a

strong public interest consideration in that the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Stanbury were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel considered that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Stanbury was outside that which could reasonably be tolerated.

In view of 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 Stanbury.

In carrying out the balancing exercise the panel considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Stanbury. 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, those that were relevant in this case were:

- Serious departure from the personal and professional conduct elements of the Teachers' Standards;
- Misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk.

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 that Mr Stanbury's actions were carried out due to duress and the panel saw evidence that showed that Mr Stanbury was previously subject to the School's disciplinary proceedings and warnings; however, Mr Stanbury, before these incidents, did have a previously good history. The panel took into account the evidence regarding Mr Stanbury's medical history; however, the panel did not attribute any great weight to this evidence and considered that this was out-of-date and there was no documentary evidence of treatment dates. The panel also looked at the leaflet provided by Mr Stanbury at page 129 of the bundle but found that the effects of the treatment that Mr Stanbury was evidencing were found to be uncommon side effects, which again lessened the strength of his mitigation.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel was of the view that applying the standard of the ordinary intelligent citizen recommending no prohibition order would not be a proportionate and appropriate response. Recommending that publication of adverse findings is sufficient in the case would unacceptably compromise the public interest considerations present in this case, despite the severity of consequences for the teacher of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweigh the interests of Mr Stanbury. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel considered whether or not it would be appropriate to decide to recommend that a review period of the order should be considered. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances in any given case that may 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 panel considered that the behaviour was at the lower end of seriousness and noted that Mr Stanbury had continued to teach successfully after all of the incidents had taken place. It noted that the headteacher's comments in the disciplinary hearing (pages 20-23 of the bundle) attested to Mr Stanbury's positive contribution to teaching. The panel noted that Mr Stanbury had acknowledged and apologised for his actions.

The panel therefore considered the findings indicated a situation in which a review period would be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended for the minimum period of 2 years.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of both sanction and review period.

In considering this case I have given very careful attention to the advice that is published by the Secretary of State concerning the prohibition of teachers.

In this case the panel has found the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel has made a recommendation to the Secretary of State that Mr Stanbury should be the subject of a prohibition order, with a review period of two years.

In particular the panel has found that Mr Stanbury is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside School, by
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
- Teachers must have proper and professional regard for the ethos, policies and practices of the School in which they teach...

The panel was satisfied that the conduct of Mr Stanbury fell significantly short of the standards expected of the profession.

The panel has also considered whether Mr Stanbury's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel found that none of these offences was relevant.

The panel has also noted in its findings that allegation 2 relates to actions outside of the education setting. However, these actions displayed a disregard for the standards expected of someone working within the teaching profession.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself whether or not a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Stanbury, and the impact that will have on him, is proportionate.

In this case I have considered the extent to which a prohibition order would protect children. In their findings of fact the panel has observed "Mr Stanbury admitted that he grabbed both of Pupil A's arms and pushed Pupil A backwards and therefore the panel was satisfied that this allegation was proven."

On this finding of fact I consider that there is some need to protect children. Mr Stanbury was also abusive to a pupil. I have therefore given this element some weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe that Mr Stanbury's behaviour, "involved accessing inappropriate material on two separate occasions, receiving a police caution for common assault and acting in an aggressive and intimidating manner on 21 June 2016,there is a strong public interest consideration in that the panel considered

that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Stanbury were not treated with the utmost seriousness.”

I have had to consider that the public has a high expectation of professional standards of all teachers and that failure to impose a prohibition order might be regarded by the public as a failure to uphold those high standards. In weighing these considerations I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Stanbury himself. The panel has referenced some positive comments made by the headteacher and I have taken these into consideration.

In this case I have also taken into account the comments made by the panel concerning Mr Stanbury’s health. Like the panel I have not attributed any great weight to that evidence on account of its history and documented nature. I have placed some weight on the panel’s comment concerning insight and remorse “The panel noted that Mr Stanbury had acknowledged and apologised for his actions.” This has weighed in my consideration of a review period.

In my view it is necessary to impose a prohibition order in order to maintain public confidence in the profession.

For all these reasons I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the aims which a prohibition order is intended to achieve.

I have gone on to consider the matter of a review period. In this case the panel has recommended a 2 year review period.

I consider that a 2 year review period would adequately and sufficiently mark to the public the seriousness of the panel’s findings.

I consider that a 2 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession.

This means that Mr Paul Stanbury is prohibited from teaching indefinitely and cannot teach in any School, sixth form college, relevant youth accommodation or

children's home in England. He may apply for the prohibition order to be set aside, but not until 6 June 2019, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Paul Stanbury remains prohibited from teaching indefinitely.

This order takes effect from the date on which it is served on the teacher.

Mr Paul Stanbury 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 'Alan Meyrick', with a checkmark at the end.

Decision maker: Alan Meyrick

Date: 31 May 2017

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