



National College for
Teaching & Leadership

Mr Andrew Paul Corish: Professional conduct panel outcome

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

October 2017

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

Teacher: Mr Andrew Paul Corish

Teacher ref number: 7851479

Teacher date of birth: 13 May 1957

NCTL case reference: 15813

Date of determination: 30 October 2017

Former employer: Coloma Convent Girls' School ('The School'), Croydon

A. Introduction

A professional conduct panel ("the panel") of the National College for Teaching and Leadership ("the National College") convened on 30 October 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Andrew Paul Corish.

The panel members were Professor Roger Woods (former teacher panellist – in the chair), Ms Karen McArthur (lay panellist) and Ms Sarah Evans (teacher panellist).

The legal adviser to the panel was Miss Surekha Gollapudi of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the National College was Mr Ben Chapman 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 Referral dated 28 June 2017 as amended by the Notice of Meeting dated 18 October 2017.

It was alleged that Mr Corish was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that he:

1. Used a mobile phone to film up the skirt of one or more pupils;
2. Stored on one or more pieces of hardware, accessible by him, one or more inappropriate images taken up the skirts of pupils, including videos; and
3. his actions as may be found proven at allegations 1 and 2 were sexually motivated.

The teacher has admitted all of the allegations and accepts that these actions amount to unacceptable professional conduct and conduct that may bring the profession into disrepute, as set out within the statement of agreed facts.

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 Corish had requested a meeting and that the panel had the benefit of his representations, 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 meeting, the panel received a bundle of documents which included:

Section 1: Chronology and anonymised pupil list – page 2

Section 2: Notice of Proceedings and response – pages 4 to 11b

Section 3: Statement of Agreed Facts and Presenting Officers Representations – pages 12 to 16

Section 4: NCTL documents – pages 18 to 38

Section 5: Teacher documents – pages 40 to 44

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

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:

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 meeting.

Mr Corish was an assistant headteacher at the School. It is alleged that on 11 June 2015 whilst supervising examinations, Mr Corish used his mobile phone to record indecent images of a pupil. It is alleged Mr Corish attempted to record further indecent images of pupils on more than one occasion. It is alleged his actions in recording these images were sexually motivated.

Findings of fact

Our findings of fact are as follows:

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

1. You used a mobile phone to film up the skirt of one or more pupils;

The panel noted that Mr Corish admitted this allegation in the statement of agreed facts dated 26 September 2017 and his witness statement dated 26 September 2017. The panel also had regard to the evidence of the police investigation in which Mr Corish admitted the allegation.

The panel found this allegation proven on the balance of probabilities.

2. You stored on one or more pieces of hardware, accessible by you, one or more inappropriate images taken up the skirts of pupils, including videos; and

The panel noted that the teacher admitted this allegation in the Statement of Agreed Facts dated 26 September 2017 and his witness statement dated 26 September 2017. The panel also had regard to the evidence of the police investigation in which Mr Corish admitted the allegation.

The panel found this allegation proven on the balance of probabilities.

3. Your actions as may be found proven at allegations 1 and 2 were sexually motivated.

The panel noted that the teacher admitted this allegation in the statement of agreed facts dated 26 September 2017 and his witness statement dated 26 September 2017. The panel also had regard to the evidence of the police investigation in which Mr Corish admitted the allegation.

The panel reviewed all of the evidence carefully and considered there to be no alternative credible explanation for Mr Corish's motivation. The panel found this allegation proven on the balance of probabilities.

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

Having found the allegations to have been 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 is satisfied that the conduct of Mr Corish in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Corish 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:
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel is satisfied that the conduct of Mr Corish fell significantly short of the standards expected of the profession.

The panel has also considered whether Mr Corish's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel found that the relevant offences, "sexual activity" and "any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child", were present.

The Advice indicates that where behaviours associated with such offences exist, a panel is likely to conclude that an individual's conduct would amount to 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.

Having found the facts of particulars 1, 2 and 3 proved, we further find that Mr Corish's conduct amounts 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 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 a punitive effect.

The panel has considered the particular public interest considerations set out in the Advice and having done so has found a number of them to be relevant in this case, namely: the protection of pupils; the protection of other members of the public; 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 Corish, which involved sexually motivated actions within the school setting, there is a strong public interest consideration in respect of the protection of pupils.

Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Corish 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 Corish 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 Corish.

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 Corish. 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 are relevant in this case are:

- 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;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting such activity, including one-off incidents.

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.

The panel noted that there was no evidence that the teacher's actions were not deliberate and the teacher did have a previously good history.

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 is sufficient.

The panel is of the view that applying the standard of the ordinary intelligent citizen recommending no prohibition order is not 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 is of the view that prohibition is both proportionate and appropriate. The panel decided that the public interest considerations outweigh the interests of Mr Corish. The impact of Mr Corish's actions on pupils under his care was a significant factor in forming that opinion. 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 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 Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. One of these behaviours is serious sexual misconduct, e.g. where the act was sexually motivated and resulted in or had the potential to result in, harm to a person. The panel considered this carefully and found that Mr Corish's behaviour was at the less serious end of the scale.

The panel found that Mr Corish had shown significant insight into the impact of his actions and had admitted and apologised for them at the outset of the police investigation. In particular the panel noted that Mr Corish fully cooperated with the School's investigation, the police investigation and these proceedings. Mr Corish demonstrated remorse for his actions and made no excuses for his behaviour.

Despite Mr Corish's previous good history and insight into his actions, the panel felt the findings indicated behaviour which it could not condone and for which a review period would not be appropriate. As such the panel decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provision 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 of the panel in respect of sanction and no review period.

In considering this case, I have also 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 Corish should be the subject of a prohibition order, with no review period.

In particular the panel has found that Mr Corish 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:
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel finds that the conduct of Mr Corish fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include conduct associated with the offences listed on pages 8 and 9 of the Advice. 'The panel found that the relevant offences, "sexual activity" and "any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child", were present.'

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 Corish, 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. The panel has observed, in light of its findings which involved sexually motivated actions within the school setting that, "there is a strong public interest consideration in respect of the protection of pupils.' A prohibition order would therefore prevent such a risk from being present. I have therefore given this element considerable 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 considered that, "that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Corish were not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of sexual misconduct in this case and the impact that such a finding has on the reputation of the profession.

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 Corish himself.

A prohibition order would prevent Mr Corish from working in the teaching profession in the future. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

I note the panel’s view that ‘the public interest considerations outweigh the interests of Mr Cornish’ and that, “The impact of Mr Corish’s actions on pupils under his care was a significant factor in forming that opinion.” I have also considered the list of behaviours that the panel have highlighted as relevant in this case:

- 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;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual’s professional position;
- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting such activity, including one-off incidents.

I have placed significant weight in my consideration of sanction to this element.

I have also taken into account the panel’s comments on insight and remorse which the panel sets out as follows, “Mr Corish had shown significant insight into the impact of his actions and had admitted and apologised for them at the outset of the police investigation.” The panel went on to say “Mr Corish fully cooperated with the School’s investigation, the police investigation and these proceedings.”

I have given less weight in my consideration of sanction, to the contribution that Mr Corish has made to the profession. The panel say Mr Corish, “did have a previous good history”. In my view it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For 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 no review period.

I have considered the panel's comments "Despite Mr Corish's previous good history and insight into his actions, the panel felt the findings indicated behaviour which it could not condone and for which a review period would not be appropriate. As such the panel decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provision for a review period."

I have considered whether no review period reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. I agree with the panel's recommendation that no review period is proportionate and I am of the view it is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Andrew Paul Corish 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 Corish 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 Corish 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 'Dandy', written in a cursive style.

Decision maker: Dawn Dandy

Date: 7 November 2017

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