



National College for
Teaching & Leadership

Mr Ivan Dennis Reed: Professional conduct panel outcome

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

March 2018

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

Teacher: Mr Ivan Dennis Reed

Teacher ref number: 3352726

Teacher date of birth: 27 January 1960

NCTL case reference: 16042

Date of determination: 20 March 2018

Former employer: Nene Park Academy, Peterborough

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 19 – 20 March 2018 at the Ramada Hotel & Suites Coventry, The Butts, Coventry CV1 3GG to consider the case of Mr Ivan Dennis Reed.

The panel members were Ms Karen McArthur (lay panellist – in the chair), Mr Peter Cooper (teacher panellist) and Mr Chris Rushton (lay panellist).

The legal adviser to the panel was Mr Delme Griffiths of Blake Morgan LLP, solicitors.

The presenting officer for the National College was Mr Ben Bentley of Browne Jacobson LLP, solicitors.

Mr Reed was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 18 December 2017.

It was alleged that Mr Reed was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that, whilst employed at Nene Park Academy in Peterborough:

1. He engaged in inappropriate physical contact with one or more pupils, in that:
 - a. on or around 8 December 2016, he twisted and/or pulled Pupil A's ears;
 - b. in or around February to June 2015, he:

- i. shouted into Pupil B's ear;
 - ii. banged Pupil B's head into a partition;
 - iii. punched Pupil B on his arm.
2. His conduct at 1(a) and/or 1(b) as may be found proven was contrary to management instructions and/or advice including:
 - a. on or around 8 April 2011, when he was advised to avoid physical contact with pupils;
 - b. on or around 9 November 2015, when he was reminded of the need to avoid physical contact with pupils;
 - c. on or around 2 December 2016, when he was advised to avoid any further instances of child protection concern.

In the absence of Mr Reed and given that he had not formally responded to the Notice of Proceedings, the allegations were taken as having not been admitted. The panel nevertheless noted that in his belated response to the National College dated 5 March 2018 Mr Reed appeared to admit the facts of allegation 1(a) at least in part.

C. Applications

Application to proceed in the absence of Mr Reed

The panel considered an application from the presenting officer to proceed in the absence of Mr Reed. It accepted the legal advice provided in relation to this application.

The panel was satisfied that the Notice of Proceedings was sent in accordance with Rule 4.11 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession.

The panel noted that multiple, unsuccessful attempts had been made by the National College to contact Mr Reed. In addition to serving papers at several addresses by post and by email, attempts had been made to contact Mr Reed by telephone. Mr Reed finally responded by email dated 5 March 2018, which the panel carefully considered.

Whilst Mr Reed alluded in his response to certain health issues, he had not sought an adjournment and there was no medical evidence before the panel which indicated that Mr Reed was unable to attend the hearing because of any ill-health.

The panel was accordingly satisfied, on the balance of probabilities, that:

- there was no indication that Mr Reed might attend at a future date;
- Mr Reed's absence was voluntary and he had waived his right to attend; and

- no purpose would be served by an adjournment.

The panel also took into account the fact that there is a public interest in hearings taking place within a reasonable time and was mindful that there were witnesses present to give evidence to the panel.

Taking all of these factors into account, the panel decided to proceed with the hearing in the absence of Mr Reed.

The panel will proceed with great care and caution and with close regard to the overall fairness of these proceedings, bearing in mind that Mr Reed is not present or represented.

Application by the National College to amend allegations 1(a) and 1(b)

Pursuant to allegation 1(a) it was alleged that Mr Reed had twisted Pupil A's ears on or around 8 December 2016.

During the course of his oral evidence, Pupil A stated that, in fact, Mr Reed had pulled rather than twisted his ears.

Accordingly, the presenting officer applied to amend the wording of allegation 1(a) to read "*on or around 8 December 2016, you twisted and/or pulled Pupil A's ears.*"

Pursuant to allegation 1(b) it was alleged that a separate incident occurred involving Pupil B in or around June 2015 and that, during the course of this incident, Mr Reed banged Pupil B's head into a partition wall. Once again, during the course of the evidence it became apparent that the precise wording of the allegation did not accurately reflect events.

Accordingly, the presenting officer applied to amend the wording of allegation 1(b) to read "*in or around February to June 2015*" and for the word "*wall*" to be omitted from the wording of sub-particular (ii).

The panel agreed to the applications. These issues had arisen during the course of the evidence such that the applications could not reasonably have been made at an earlier stage. There was also no prejudice to Mr Reed given that the amendments did not alter the substance of the allegations and nor did they increase the seriousness of the conduct alleged. In relation to allegation 1(b)(ii), the amendment assisted Mr Reed in that it better reflected the gravity of the incident in question. The amendments were accordingly necessary and appropriate in the interests of justice.

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 4;

Section 2: Notice of Proceedings and Response – pages 6 to 25;

Section 3: NCTL witness statements – pages 27 to 36;

Section 4: NCTL documents – pages 38 to 96.

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

In addition, the panel agreed to accept additional documentation at the outset of the hearing relevant to the issue of whether to proceed in the absence of Mr Reed. The additional documents included an email received by the National College on 5 March 2018 from Mr Reed, together with an attachment. The documents were added to the hearing bundle at pages 97 to 102.

Witnesses

The panel heard oral evidence from the following witnesses called by the presenting officer:

- Pupil A;
- Pupil B; and
- Witness C.

Witness C is a teaching assistant and Pupils A and B are pupils at the Nene Park Academy.

The panel did not have the benefit of hearing Mr Reed's oral evidence.

E. Decision and reasons

The panel announced its decision and reasons as follows:

The panel has carefully considered this case and reached a decision. It accepted the legal advice provided.

The panel confirms that it has read all of the documents.

From 1 September 2010, Mr Reed was employed as an unqualified teacher at the Nene Park Academy ("the School"), working with pupils aged 11 to 16.

The principal of the School, Individual D, provided a witness statement to the panel in which he set out the following summary of Mr Reed's duties:

"Mr Reed had sole responsible (sic) for his own classes, including classes which he had planned himself. He delivered whole lessons and courses of lessons. Sometimes Mr Reed was assisted by teaching assistants. On occasion, Mr Reed would carry out lessons which had been set by other qualified staff who were absent. He also worked as classroom support to other teaching staff.

Mr Reed was responsible for planning lessons and was subject to the normal performance observation processes for teaching and learning. He was responsible for the planning of courses to meet the requirements of the curriculum. In particular, he contributed to planning courses for Level 2 BTEC Construction and was involved in joint planning for the GCSE Resistant Materials course which he taught."

Individual D also confirmed that Mr Reed was responsible for assessing and reporting on the academic progress of children.

Mr Reed has not sought to challenge this account of his role at the School. The panel was therefore satisfied that it was an accurate summation. On this basis, the panel accepted that Mr Reed was employed or engaged to carry out teaching work as defined by rule 3(1) of The Teachers' Disciplinary (England) Regulations 2012 at an educational institution (within the remit of section 141A(1) of the Education Act 2002), such that there was no jurisdictional bar to it hearing this case.

The panel heard that on 8 December 2016, an incident occurred involving Pupil A. It was alleged, in summary, that Mr Reed twisted or pulled the ears of Pupil A, causing him pain. This formed the subject matter of allegation 1(a).

This was reported to the senior leadership at the School by Witness C, a teaching assistant who witnessed the incident. The incident was brought to the attention of Individual D on 9 December 2016. Individual D had only met with Mr Reed the previous week to give him instruction/advice about child protection/safeguarding issues.

As a result, on 12 December 2016 Mr Reed was suspended and an investigation commenced. Mr Reed was interviewed on 16 December 2016 as part of this process. A signed record of Mr Reed's interview was included within the papers.

It was subsequently determined that there was a case to answer and a disciplinary process was instituted.

On 1 February 2017, prior to the conclusion of the School's disciplinary proceedings, Mr Reed resigned from his position.

Mr Reed's conduct was subsequently referred to the National College.

Whilst the panel had regard to documents concerning the investigation undertaken by the School, it has not relied upon any findings made, or opinions expressed, and formed its own, independent view of the allegations based on the evidence presented to it.

There was also reference within the papers to other incidents and allegations involving Mr Reed. Whilst the nature of any management advice and/or instruction given to Mr Reed following these incidents was in issue, the underlying allegations were not relevant and did not form part of the panel's reasoning.

Findings of fact

Our findings of fact are as follows:

1. You engaged in inappropriate physical contact with one or more pupils, in that:

a. on or around 8 December 2016, you twisted and/or pulled Pupil A's ears;

Pupil A provided a witness statement to the panel in which he set out his account of the incident with Mr Reed on 8 December 2016. Pupil A was in Year 7 at the time. He stated that:

"Mr Reed came up behind me and pulled both of my ears. He put his thumb against either side of my head on the inner ear lobes and twisted my ears. This hurt me. ... I was trying hard not to cry because it hurt."

He added that he thought *"Mr Reed was just messing around and having a bit of fun."*

In oral evidence, Pupil A confirmed that he was attending an after-school mathematics session with Witness C and another pupil at the time. He was not being taught by Mr Reed but Mr Reed was present in the same room teaching other pupils. Pupil A stated that Mr Reed approached him from behind, whilst he was eating a snack, and pulled his ears. He demonstrated what happened to the panel. Pupil A confirmed that he had not seen this coming and he was surprised by it. He added that Witness C asked Mr Reed to stop but that Mr Reed carried on for a little while before doing so.

The incident was witnessed by Witness C who also gave evidence to the panel. Other than the fact that she described Mr Reed twisting rather than pulling Pupil A's ears, Witness C's account corroborated Pupil A's evidence. She confirmed that Pupil A *"looked upset and there were tears in his eyes"*. As a result, Witness C asked Pupil A if he wanted to leave the room, which he did. When they were in a different room, Witness C stated that Pupil A said to her *"I know he was only joking but it hurt"*. Witness C immediately brought the incident to the attention of the senior leadership at the School.

The panel considered that both Pupil A and Witness C were credible witnesses who gave clear and consistent evidence.

The panel also had regard to the signed written account of Pupil D included within the papers. Pupil D was the other pupil present for the lesson with Witness C and provided a similar account of the incident.

During the course of his interview with the School Mr Reed provided a slightly different version of events. The signed record of his interview sets out that Mr Reed's account was that he gently twisted only one earlobe. He added that "*there was no malice*".

The panel also noted that in his recent communication with the National College on 5 March 2018, Mr Reed stated that "*the allegation that I pulled the students ear I admitted to but was not done with malice as I had a good relationship with the student (sic)*".

Having carefully considered all of the evidence, the panel accepted the accounts provided by Pupil A and Witness C. Their evidence was preferred insofar as it conflicted with the limited information available to the panel as regards Mr Reed's version of event.

The panel therefore concluded that Mr Reed did twist or pull Pupil A's ears and it found the facts of allegation 1(a) proven.

b. in or around February to June 2015, you:

i. shouted into Pupil B's ears;

ii. banged Pupil B's head into a partition;

iii. punched Pupil B on his arm.

Pupil B gave evidence to the panel about an incident involving Mr Reed when he was in Year 8. He could not recall precisely when this occurred. There was evidence that it was first considered by the School in June 2015 however the School's written record alludes to the possibility that the incident may have occurred in February 2015.

In any event, Pupil B stated that at the time of the incident he was in internal exclusion when he asked Mr Reed for help. He described the room as being very small, with just three desks placed side-by-side and separated by partitions. He could recall that Pupil C and another pupil were present in the internal exclusion on the day in question.

In response to being asked to help, Pupil B stated that Mr Reed shouted in his ear. He could not recall what was said. Pupil B also stated that Mr Reed then "*banged*" his head against partition boards using "*medium force*" which hurt him a little. Pupil B also stated that Mr Reed punched him on the arm.

Pupil B's evidence of the incident was vague in several respects, which was understandable given the passage of time. However, he was clear in relation to the core

aspects. He could distinctly recall Mr Reed shouting in his ear and stated that Mr Reed was only a few inches away from him. He had not anticipated this and it made his ear hurt. Pupil B also did his best to describe what he meant by the phrase "medium force" and conceded that he was not hurt by his head being pushed into the partition, though he "*felt it*". He also added that there was a red mark left on his arm following Mr Reed punching him, which had gone by the time he returned home.

Pupil B did not speculate when asked about specific aspects of the incident that he could not remember. He was also adamant when asked that he had not made the incident up.

Pupil B confirmed that he reported what happened to his parents and to the best of his recollection they raised the matter with the School. He could recall being asked to complete a report however this was not in evidence. A later account of the incident given by Pupil B to the School was presented to the panel.

The incident was witnessed by Pupil C. Unfortunately, the panel did not have the benefit of hearing from Pupil C in oral evidence. They had not engaged with the National College. Whilst the panel did have regard to a written record of Pupil C's recollection of this incident taken by the School, it could only attach limited weight to this evidence in the absence of hearing from Pupil C. It was nevertheless consistent with Pupil B's account. It records that they "*saw Mr Reed punch Pupil B on the arm in a joking way, shout at him really loudly and close to him, and push his head against the partition.*"

The incident was considered by the senior leadership at the School, albeit sometime after it was alleged to have taken place. Mr Reed spoke with Individual F and the panel was provided with a brief note of their conversation.

It was apparent that Mr Reed had not admitted or denied that this incident took place but did indicate that anything he had done would have been intended in a humorous and friendly way without malice.

On the balance of probabilities, whilst recognising that there were some gaps in Pupil B's evidence, the panel concluded that he was credible. He gave a balanced account of what had occurred without seeking to exaggerate the effect of Mr Reed's actions.

The panel was accordingly satisfied that Mr Reed did act as alleged in relation to this incident and therefore found the facts of each of the sub-particulars of allegation 1(b) proven.

The panel went on to consider whether Mr Reed's actions pursuant to allegations 1(a) and 1(b) were such that he had engaged in inappropriate physical contact with one or more pupils.

In relation to allegation 1(a), the panel noted that Pupil A was distressed and upset by Mr Reed's actions. This was a matter of particular concern for the panel given that he was in

Year 7 at the time. Witness C's view was that this was an incident which needed to be reported to the senior leadership at the School.

The panel has taken account of the fact that Mr Reed has stated that he was not acting maliciously. This was supported to some extent by the evidence of Pupil A who stated that he believed Mr Reed was acting in a joking way. Witness C also confirmed that she did not believe that Mr Reed intended to hurt Pupil A.

It was nevertheless clear that Pupil A was hurt by Mr Reed's actions which were deliberate and unprovoked.

In relation to allegation 1(b), whilst there was a suggestion that Mr Reed's actions may have been intended once again in a humorous way, Pupil B was hurt and upset. When it was put to Pupil B that Mr Reed may have been messing around, Pupil B confirmed that it did not feel that way to him. There was evidence that Pupil B was afraid to go into internal exclusion under Mr Reed's supervision following this incident.

The panel could not conceive of any circumstance in which punching a pupil, pushing their head into a partition and invading their personal space to shout loudly in their ear could be deemed to be appropriate.

The panel therefore concluded, in relation to both incidents, that Mr Reed had behaved in a way that was contrary to standard and accepted practice and that he had failed to maintain appropriate professional boundaries and standards.

For these reasons, the panel was satisfied that Mr Reed had engaged in inappropriate physical contact with Pupil A and Pupil B and found allegation 1 proven in its entirety.

2. Your conduct at 1(a) and/or 1(b) as may be found proven was contrary to management instructions and/or advice including:

a. on or around 8th April 2011, when you were advised to avoid physical contact with pupils;

b. on or around 9th November 2015, when you were reminded of the need to avoid physical contact with pupils;

c. on or around 2nd December 2016, when you were advised to avoid any further instances of child protection concern.

In his witness statement to the panel, Individual D referred to several incidents that had taken place involving Mr Reed during his time at the School which resulted in him receiving management instructions and/or advice.

Whilst Individual D did not give oral evidence, each of these incidents and the subsequent instructions/advice given to Mr Reed were documented within the hearing papers and they were considered in turn by the panel.

It was first alleged that an incident had occurred in April 2011 involving Mr Reed and several pupils. One alleged aspect of this incident was that Mr Reed had put his arm around a pupil.

Following this, Mr Reed attended a meeting with Individual E. The panel did not hear from Individual E in written or oral evidence and there was no note of this meeting.

However, the panel was provided with a copy letter sent by Individual E to Mr Reed on 8 April 2011 which addressed Mr Reed's conduct towards students. With reference to the allegation that Mr Reed had been witnessed putting his arm around a female student, Individual E's letter stated that:

"Whilst accepting your explanation, I have advised you against doing this in the future as such behaviour could lead to an allegation against yourself of inappropriate behaviour ..."

In light of this evidence and given that Mr Reed has not disputed that he received this letter, the panel was satisfied that Mr Reed was advised of the need to avoid physical contact with pupils on or around 8 April 2011. It therefore found the facts of allegation 2(a) proven.

The next incident occurred in November 2015, when an allegation was made that Mr Reed had waved his fist in the face of a pupil from another school and grabbed the clothes of another pupil from the same school and pushed him.

Following this, Mr Reed met with Individual F. The panel did not hear from Individual F and there was no note of this meeting. However, the panel was provided with a copy letter sent by Individual F to Mr Reed on 9 November 2015, which set out advice regarding Mr Reed's conduct towards students. In particular, it stated that:

"... these incidents serve to remind us of the need to avoid any physical contact with students, even when done as part of jokes or banter."

Mr Reed confirmed, during the course of his interview with Individual F on 16 December 2016, that he could recall receiving this letter.

The panel was accordingly satisfied that Mr Reed was reminded of the need to avoid physical contact with pupils on or around 9 November 2015 and found allegation 2(b) proven.

Finally, on 25 November 2016, safeguarding concerns were raised about Mr Reed by the headteacher of a different school, Willoughby Special School. This led to a formal meeting between Individual D and Mr Reed on 2 December 2016 which was noted in a meeting record template included within the papers. This documents that one of the agreed outcomes of the meeting was that *"no further instances of [child protection] concerns can occur"*.

The meeting record template also documents that Mr Reed agreed to undertake further safeguarding training.

The signed record of Individual D's interview with Individual F on 16 December 2016 states that Individual D *"was giving [Mr Reed] management advice to outline how he had acted against the school policies and [Mr Howard] did not expect any repeat of this sort of behaviour."*

In his witness statement to the panel, Individual D stated that Mr Reed *"appeared to understand that more care would need to be taken to ensure that this did not happen again"*.

In light of this evidence, the panel was satisfied that Mr Reed was advised to avoid further instances of child protection concern on or around 2 December 2016. It therefore found allegation 2(c) proven.

Having found the particulars of allegations 2(a), 2(b) and 2(c) proven, the panel concluded that Mr Reed's conduct as found proven in relation to allegation 1 was contrary to management instructions and/or advice.

The panel therefore found allegation 2 proven in its entirety.

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

Having found all of the allegations 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 is referred to as "the Advice".

The panel was satisfied that Mr Reed's conduct, in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considered that by reference to Part Two, Mr Reed 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
 - 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 proper and professional regard for the ethos, policies and practices of the school in which they teach ...

- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel also considered whether Mr Reed's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. It concluded that none of these offences were relevant in this case.

The panel was satisfied that the conduct of Mr Reed amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

Mr Reed had behaved in a way that was contrary to standard and accepted practice and in so doing he had failed to maintain appropriate professional boundaries and standards. He had physically hit, hurt and upset pupils. This was completely unacceptable and these incidents had occurred despite Mr Reed having received clear and unambiguous instruction and advice in respect of physical contact with pupils over a period of many years. Mr Reed had flagrantly disregarded this advice.

It was also apparent that Mr Reed had received regular safeguarding training and he had signed the School's code of conduct which addressed physical contact between staff and pupils.

The panel was particularly concerned by the fact that Mr Reed's conduct in relation to allegation 1(a), which was such that he had hurt and clearly upset a pupil, occurred only a week after he had received specific management advice from his headteacher.

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

As to whether Mr Reed's conduct was such that it may bring the profession into disrepute, the panel took 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.

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

The panel was therefore also satisfied that Mr Reed's actions constitute conduct that may bring the profession into disrepute.

Having found the facts of allegations 1 and 2 proved, the panel accordingly also found that Mr Reed'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 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 had to consider whether it is an appropriate and proportionate measure, and whether it was 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 maintenance of public confidence in the profession; and
- declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Reed, which involved findings of inappropriate physical contact with pupils, it concluded there is a strong public interest consideration in respect of the protection of pupils.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Reed 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 Reed was outside that which could reasonably be tolerated.

The panel also considered whether there was a public interest in retaining Mr Reed in the profession. However, it concluded that this was not a relevant consideration in this case. In his recent communication with the National College, Mr Reed did make positive comments alluding to his passion for the profession and made reference to a positive impact he had made at schools. However, there was no other evidence to support these assertions and the panel did not hear from Mr Reed in oral evidence as to his future aspirations.

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 Reed.

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 Reed. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours 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 or violation of the rights of pupils; and
- deliberate behaviour that undermines pupils, the profession, the school or colleagues.

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 considered that there were the following mitigating circumstances:

- There was some evidence of good practice on the part of Mr Reed. Witness C confirmed that, in her experience, students spoke positively of Mr Reed and responded to his instructions. However, no references have been provided from any school or colleagues attesting to Mr Reed's abilities.
- There was evidence that he was generally regarded as a person of good character. Witness C stated he was friendly and jovial.
- There was no evidence that Mr Reed had deliberately set out to harm Pupil A and Pupil B.

In terms of aggravating factors, the panel noted that:

- Mr Reed's actions were deliberate and he was not acting under duress.
- Mr Reed had received repeated instruction and advice in relation to his conduct, which he disregarded.
- Given the similarity in the conduct found proven pursuant to allegation 1 and having regard to the prior advice given to Mr Reed, it could not be said that the incidents were out of character.

- Mr Reed had shown no regret and remorse and there was no evidence of insight. In his recent communication with the National College, Mr Reed's focus was on the impact of events upon him. It was not apparent that Mr Reed recognised the safeguarding implications of his conduct.
- Mr Reed had not engaged with these proceedings.
- Mr Reed was experienced and had received regular training.
- There was an impact on pupils.

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.

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

The panel was of the view that prohibition is both proportionate and appropriate. It decided that the public interest considerations in this case outweigh the interests of Mr Reed.

Whilst Mr Reed may not have set out to intentionally hurt pupils, this was the effect of his conduct. This occurred despite Mr Reed receiving clear and unambiguous instruction and advice in respect of physical contact with pupils over a period of many years. Mr Reed had also received regular safeguarding training.

In those circumstances, the panel could not be satisfied that there was no risk of repetition.

Mr Reed had shown no regret or remorse and he had not engaged with these proceedings. He had also failed to demonstrate any insight. In his recent response to the National College, Mr Reed's focus was very much on the impact of events on himself. It was not apparent that he properly understood the effect of his actions on the pupils, the School and the reputation of the profession.

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 sets out 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. None of these behaviours were present in this case.

In addition, whilst the conduct found proven was serious, the panel considered that Mr Reed was not beyond remediation. It was apparent that he had some continuing personal difficulties in his life. The panel was of the view that, over time, Mr Reed had the potential to develop in terms of his understanding and insight.

In those circumstances and giving proper weight to the gravity of the conduct found proven, the panel felt 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 with provisions for a review period of three years. The panel was of the view that this period was both sufficient and proportionate and would allow Mr Reed adequate time to develop and to reflect upon his behaviour.

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 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 all of 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 Ivan Reed should be the subject of a prohibition order, with a review period of 3 years.

In particular, the panel has found that Mr Ivan Reed 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 proper and professional regard for the ethos, policies and practices of the school in which they teach ...

- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel has found that the conduct of Mr Reed fell significantly short of the standards expected of the 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 Reed, 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, "He had physically hit, hurt and upset pupils. This was completely unacceptable and these incidents had occurred despite Mr Reed having received clear and unambiguous instruction and advice in respect of physical contact with pupils over a period of many years. Mr Reed had flagrantly disregarded this advice."

A prohibition order would therefore prevent such a risk from being present in the future. I have also taken into account the panel's comments on insight and remorse which the panel sets out as follows, "Mr Reed had shown no regret or remorse and he had not engaged with these proceedings. He had also failed to demonstrate any insight. In his recent response to the National College, Mr Reed's focus was very much on the impact of events on himself. It was not apparent that he properly understood the effect of his actions on the pupils, the School and the reputation of the profession."

In my judgement the lack of insight means that there is some risk of the repetition of this behaviour and this risks future pupils' well-being. 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 observe, "the conduct found proven would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception."

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 Reed himself.

I have noted the comments of the panel, including that, "There was evidence that he was generally regarded as a person of good character. Witness C stated he was friendly and jovial."

A prohibition order would prevent Mr Reed from his work as an unqualified teacher and would also deprive the public of his contribution to teaching for the period that it is in force.

In this case, I have placed considerable weight on the panel's comments concerning the lack of insight or remorse. The panel has said, "the panel could not be satisfied that there was no risk of repetition."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Reed has made and is making to the teaching profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision that is not backed up by remorse or insight 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 a 3-year review period.

The panel has also said that a 3-year review period would "allow Mr Reed adequate time to develop and to reflect upon his behaviour."

I have considered whether a 3-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. In this case, there are three factors that in my view mean that a 2-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are: the deliberate nature of the behaviour, the fact that Mr Reed had received training and warnings, and the lack of insight and remorse.

I consider therefore that a 3-year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Ivan Reed 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 5 April 2021, 3 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 Ivan Reed remains prohibited from teaching indefinitely.

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

Mr Ivan Reed 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 blue ink, appearing to read 'Alan Meyrick', with a checkmark at the end.

Decision maker: Alan Meyrick

Date: 28 March 2018

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