



Teaching  
Regulation  
Agency

# **Mr Peter Smalley: Professional conduct panel outcome**

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

**March 2019**

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

<b>Teacher:</b>	Mr Peter Smalley
<b>Teacher ref number:</b>	0330810
<b>Teacher date of birth:</b>	25 February 1975
<b>TRA reference:</b>	16789
<b>Date of determination:</b>	26 March 2019
<b>Former employer:</b>	Southglade Primary School, Nottingham (“the School”)

### **A. Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 18 March 2019 to 26 March 2019 at The Chace Hotel, Coventry (18 to 22 March) and Cheylesmore House, Coventry (25 to 26 March) to consider the case of Mr Peter Smalley.

The panel members were Ms Gail Goodman (teacher panellist – in the chair), Mr Chris Rushton (lay panellist) and Mr John Matharu (lay panellist).

The legal adviser to the panel was Mr Nick Leale of Blake Morgan LLP solicitors.

The presenting officer for the TRA was Ms Melinka Berridge of Kingsley Napley LLP solicitors.

Mr Smalley was present and was represented by Mr Colin Henderson (counsel).

The hearing took place in public and was recorded.

## B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 23 October 2018.

It was alleged that Mr Peter Smalley was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that he failed to maintain appropriate professional standards whilst working as Head Teacher at Southglade Primary School in the period between 1 September 2013 and 12 February 2017 in that he:

1. In 2013 and 2014 did not provide staff at the school with regular and/or effective safeguarding and child protection training and updates.
2. Did not implement an adequate system and/or ensure a system was in place at the school designed to identify and record safeguarding and child protection issues.
3. Did not implement an adequate system and/or ensure a system was in place at the school to refer safeguarding and child protection concerns to external agencies.
4. Did not foster an environment at the school where staff members felt supported to raise concerns about child protection and safeguarding.
5. Approved and/or collaborated with Individual A in the preparation of a referral form for Pupil X in September 2014 which:
  - a) Was for an incident on 18 July 2014;
  - b) Was not approved by and/or shown to the original author of the referral form;
  - c) Was inaccurate.
6. His actions at paragraph 5 were dishonest.
7. His actions at paragraphs 1 and/or 2 and/or 3 and/or 4 and/or 5 were leadership failures in respect of his responsibility to manage safeguarding within the school.

Mr Smalley admitted all of the factual particulars except for paragraph 6 (dishonesty allegation).

Mr Smalley also accepted that the facts as admitted above (except for paragraph 5) amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

## C. Preliminary applications

The following preliminary matters were considered:

- i) It was decided by the panel that normal procedures and standard practice would be followed in relation to the anonymisation of Pupil X during the course of the proceedings and the anonymisation of anyone else whose publicised identity could lead to the identification of Pupil X during the hearing. Both representatives were supportive of this approach. The panel was aware that Pupil X had been identified in the course of press coverage of previous proceedings relating to Pupil X's death but considered that as these proceedings were examining different issues relating to Mr Smalley's professional conduct it was correct to follow normal TRA procedures with regard to the anonymisation of a child referred to in the proceedings.
- ii) The panel was reminded that it should put out of its mind any conclusions reached on the facts in the Coroner's Report and the Serious Case Review and agreed this approach.

## D. Summary of evidence

### Documents

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

Section A: Chronology, list of key people, summary of agreed facts and hearing running order – pages A2 to A9

Section B: Correspondence – pages B2 to B12

Section C: Witness Statements – pages C2 to C45

Section D: Teaching Regulation Agency document – pages D2 to D575

The panel also received a bundle of teacher documents which included:

Section A: Witness statements – pages A2 to A41

Section B: Teacher evidence – pages B2 to B69.

The panel were also provided with transcripts of the evidence given by Witness A, Witness A and Mr Smalley at the coroner's inquest. These documents appeared in a separate bundle with pagination of 2 to 352.

The panel also agreed to accept the following documents into evidence during the course of the hearing:

- i) Note of meeting held on 30 June 2014 (TRA documents D 576)
- ii) Backdated training records (TRA documents D 577 to 578)
- iii) Diary entry (TRA documents D 579)
- iv) Notes of safeguarding team meeting February to July 2014 (Teacher documents B70 to 91)
- v) Note of morning briefing on 2 June 2014 (Teacher documents B 92)
- vi) School behaviour policy (Teacher documents B 93 to 96)
- vii) Note of morning briefing on 24 March 2014 (Teacher documents B 97 to 98)
- viii) Notes of meeting on 28 April 2018 (Teacher documents B 99)
- ix) Incident report form (Teacher documents B100 to 101).

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

## **Witnesses**

The panel heard oral evidence from:

- i) Witness A – [REDACTED]
- ii) Witness B – [REDACTED]
- iii) Witness C – [REDACTED]
- iv) Witness D – [REDACTED]
- v) Mr Smalley
- vi) Witness E – [REDACTED]
- vii) Witness F – [REDACTED]
- viii) Witness G – [REDACTED]

## **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 read all the documents provided in the bundle in advance of the hearing.

Mr Smalley was headteacher of the School from September 2013 until February 2017. This case relates to serious failures in relation to safeguarding and child protection at the School under Mr Smalley's leadership. It was alleged that staff received insufficient training in relation to safeguarding and that Mr Smalley failed to implement an effective system for identifying, recording and referring on safeguarding issues at the School. It was further alleged that he failed to foster an environment at the School in which staff felt supported to raise concerns about pupil welfare at the School. Mr Smalley was also accused of dishonestly collaborating with a colleague in the preparation of a referral form relating to Pupil X which was prepared nearly two months after the events in question, not approved by the author of the original misplaced form and was inaccurate.

The case followed the death of Pupil X, [REDACTED], while a pupil at the School. Pupil X died aged seven [REDACTED]. The TRA proceedings concerned alleged fundamental and serious leadership failures by Mr Smalley, as headteacher, to manage safeguarding within the School that only came to light following Pupil X's death.

## **Findings of fact**

Our findings of fact are as follows:

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

**1. In 2013 and 2014 you did not provide staff at the school with regular and/or effective safeguarding and child protection training and updates.**

Mr Smalley admitted this particular as per the Statement of Agreed Facts. It is accepted that the only formal relevant training took place on 7 October 2013. This was training on a basic level. No other training took place in the relevant period. Those who missed the October 2013 session, including several part-time staff, were not trained at all and this would not have been rectified had it not been highlighted by the Local Authority safeguarding audit in November 2014. No training even took place after February 2014 when the new safeguarding arrangements at the School were put in place. As a result staff members were not even clear, by Mr Smalley's own admission, how and with whom they should raise safeguarding concerns. It is particularly concerning that no training took place after October 2013 despite Mr Smalley having attended that training and therefore being well aware of the importance of further training needing to take place. The training was therefore wholly inadequate.

**2. You did not implement an adequate system and/or ensure a system was in place at the school designed to identify and record safeguarding and child protection issues.**

Mr Smalley admitted this particular in his Statement of Agreed Facts. From September 2013 to February 2014 no formal safeguarding meetings took place. The [REDACTED] was Witness B, [REDACTED]. In the early weeks of the School year they had a weekly meeting covering generic matters but their professional relationship broke down and no further meetings were held. In February 2014 Mr Smalley completed safeguarding training. He introduced a new policy to be administered by a team of Witness B, Individual A, who was a newly appointed learning mentor, and himself. At that stage Individual A had not completed safeguarding training. Individual A introduced a box system for the deposit of safeguarding concern forms. However, the box was inappropriately placed in a public area of the School and everyone, including Mr Smalley himself, was confused as to the workings of the system. There was no longer an open door policy in operation for the discussion of safeguarding issues and staff were unclear as to whom they should report their concerns. Staff did not receive feedback on concerns raised and this led to some staff keeping their own copies of concern forms in unlocked cabinets in their classrooms. It is clear that two groups emerged in the School in support of either Witness B or Individual A. Mr Smalley's failure to supervise Individual A caused Witness B to become demoralised in her role and prevented them from working together effectively, as was required by the policy introduced by Mr Smalley.

**3. You did not implement an adequate system and/or ensure a system was in place at the school to refer safeguarding and child protection concerns to external agencies.**

Mr Smalley admitted this particular in the Statement of Agreed Facts. It is clear that prior to the new safeguarding reporting system, introduced in February 2014, Witness B had an effective open-door policy with regard to staff concerns and matters were referred on to external agencies as required. However, the system was not adequate in this period because there were no formal safeguarding meetings, Witness B was overstretched and was not sufficiently supported by Mr Smalley. After the new policy and wider team was introduced in February 2014, the system broke down. On numerous occasions thereafter, for example the 28 April incident, [REDACTED], and the [REDACTED] incident on or around 18 July, Individual A failed to refer the concerns on to external agencies.

**4. You did not foster an environment at the school where staff members felt supported to raise concerns about child protection and safeguarding.**

Mr Smalley admitted this particular in his Statement of Agreed Facts. The February 2014 changes were a watershed. The introduction of Individual A to the safeguarding system and the introduction of the new box system turned an open-door scheme with extensive staff support, to a system within which there was a lack of feedback to concerns raised and from which staff members disengaged due to perceived and actual lack of support. Staff were repeatedly unaware of whether any concerns raised had been acted upon. The strongest sign of the lack of faith staff had in the system, was when Pupil X's class teacher, Witness A, contacted Pupil X's Family Support Worker directly on 25 and 30



April 2014. Mr Smalley then failed to invite either Witness A or Witness B to a meeting he held with the Family Support Worker and Individual A about Pupil X on 1 May 2014. When Witness A and Witness B did attend a meeting with similar attendees on 8 May 2014 Mr Smalley was unsupportive of their position and left them feeling undermined and reprimanded for their efforts in what they believed were genuine safeguarding concerns relating to Pupil X. They clearly felt unsupported then and subsequently when seeking to raise concerns about a child's safety. As Witness A said in her oral evidence, "with the backing of the School my little voice would have been heard".

**5. You approved and/or collaborated with Individual A in the preparation of a referral form for Pupil X in September 2014 which:**

- a) Was for an incident on 18 July 2014;**
- b) Was not approved by and/or shown to the original author of the referral form;**
- c) Was inaccurate.**

Mr Smalley admitted these particulars in full in his Statement of Agreed Facts. He disputed that he took the relevant actions with any dishonest intent or that he was aware that the recreated form was inaccurate, even though it was inaccurate. Copies of the form were made available to the panel in the bundle and it clearly shows that the concern form was recreated by Individual A on 11 September 2014 in relation to the actions that took place on or around 18 July 2014. It is accepted by Mr Smalley that it was not reviewed by Witness A who had prepared the original form that had gone missing. We are clear that Mr Smalley should have discussed and reviewed the recreated form with Witness A. The panel accepts that Witness A's absence on the relevant date was coincidental, however she should have been consulted on the content. It is clear that the recreated form was an inaccurate record of the incident initially reported by Witness A. She originally reported sight of Pupil X having [REDACTED]. The second main box on the form is also apparently inaccurate. In that box Individual A stated she saw no facial bruising in the morning and that Pupil X had told her that Pupil X had caused [REDACTED] at playtime. However, it does not reflect what Individual B (Witness A's Teaching Assistant) told Witness A on the relevant morning. None of which is recounted in the second main box on the form was said on the day to Witness A. In oral evidence, Witness A said that this was "...not even believable".

**6. Your actions at paragraphs 1 and/or 2 and/or 3 and/or 4 and/or 5 were leadership failures in respect of your responsibility to manage safeguarding within the school.**

Mr Smalley admitted this particular. Safeguarding is a key leadership priority for any headteacher. He accepts it is entirely his overall responsibility. Mr Smalley extensively

failed in his leadership and management of safeguarding issues at the School as described in our reasoning above.

It must follow, with reference to the stem of the allegations as a whole, that Mr Smalley has failed to maintain appropriate professional standards by way of his failures to satisfactorily manage safeguarding issues as headteacher of the School. We expand on this in the unacceptable professional conduct/conduct that may bring the profession into disrepute reasons section below.

We have found the following particulars of the allegations against you not proven, for these reasons:

#### **7. Your actions at paragraph 5 were dishonest.**

Mr Smalley disputed any suggestion that he acted dishonestly. The panel is not satisfied that dishonesty has been proved. Mr Smalley's good character is in his favour and we note that there was no attempt to disguise that the form was a recreated version of the original concern form, as it was signed and dated as created on 11 September 2014. The panel accepts that Mr Smalley only "glimpsed" the originally prepared form at the safeguarding meeting on 21 July 2014. Mr Smalley relied on Individual A preparing an accurate reproduction of the original form as she had stated that she could remember the detail sufficiently and therefore could prepare it accurately. It was clearly an error by Mr Smalley not to take the recreated form to Witness A to discuss the accuracy or otherwise of its contents. However, we are satisfied that Mr Smalley was not aware of its inaccuracy and did not collaborate in its production in order to prepare an inaccurate self-serving version of events. We note that the minutes of the safeguarding meeting on 21 July 2014 makes reference to "the need for staff to ensure that Pupil X leaves the School with the same appearance that Pupil X entered". The panel accepts that this seems to suggest that there was some belief that day that Pupil X had caused [REDACTED] while at School.

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

Having found a number of the allegations proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel has noted that Mr Smalley admitted both limbs in the Statement of Agreed Facts.

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

The panel is satisfied that the conduct of Mr Smalley in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Smalley 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...
- 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 Smalley amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

Mr Smalley was the headteacher of a school at which pupil safeguarding concerns regularly arose. Over a significant period of time, as per his admissions and our findings, he failed to ensure that his staff were adequately trained or organised in relation to safeguarding and child protection concerns. For some of his staff no training took place at all and for many months at the start of his tenure there was no formalised safeguarding policy in place at all. In the autumn term he held no safeguarding meetings. He undertook little oversight of safeguarding issues that were arising under his overall watch. Mr Smalley said in his oral evidence, "I did not understand my responsibilities as headteacher. I hold my hands up. I should have put safeguarding at the front of my thinking. I was passive". These were very serious leadership shortcomings on Mr Smalley's part. He then renewed the safeguarding system in the School with the introduction of a new team of three people including him. It is however clear that this new system created widespread confusion amongst his staff and led to repeated failures to refer matters to external agencies as required. Mr Smalley's performance in relation to this part of his role led to an environment in which staff members were not only unclear as to the safeguarding reporting systems but also felt unsupported in the execution of their child protection responsibilities. This is to be regretted, particularly given the ultimately tragic consequences for Pupil X.

Good safeguarding is a key precept for any headteacher. Mr Smalley completely failed in his execution of it as headteacher at the School.

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

Furthermore, 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.

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 finds that Mr Smalley's actions constitute conduct that may bring the profession into disrepute.

## **Panel's recommendation to the Secretary of State**

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

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

The panel has considered the particular public interest considerations set out in the Advice and having done so has found 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/declaring and upholding proper standards of conduct and the interest of retaining the teacher in the profession. The panel has considered each of them very carefully and considered proportionality of sanction in light of them.

The panel's findings against Mr Smalley involved very serious failings in relation to the key leadership role of safeguarding over a significant period of time. There is, therefore, a strong public interest consideration in respect of the protection of pupils. The panel has reminded itself that the safeguarding failures that Mr Smalley oversaw were systemic and in place for a significant period of time. Mr Smalley repeatedly ignored obvious warning signs and thus missed numerous opportunities to act on those risk factors. If it had not been for those extensive systemic failures in Mr Smalley's management of safeguarding issues the chance to intervene in Pupil X's case would have been greatly increased. Pupil X would have been identified as high risk at a much earlier stage.

The panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Smalley 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 Smalley, as outlined above, was outside that which could reasonably be tolerated.

The panel also took into account that there was a strong public interest consideration in retaining the teacher in the profession. It is clear from the references supplied by Mr Smalley that he was part of the Leading Teaching Programme around Nottingham who has been held in high esteem by his colleagues for his teaching ability.

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 Smalley.

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 Smalley. 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;

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 reminded itself that Mr Smalley has a previously good record and admitted all of the findings that the panel has since made. The panel also took into account that Mr Smalley did suffer from a lack of resources and support in his role and that he was promoted into the headteacher position with insufficient leadership experience.

The panel has ultimately formed the view that although Mr Smalley was remorseful for what happened, his insight and reflection in relation to his conduct is not yet fully developed, following his involvement in a Serious Case Review, the criminal proceedings against members of Pupil X's family and the Coroner's Inquest.

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, however, 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 has decided that the public interest considerations greatly outweigh the interests of Mr Smalley. The fact that the findings relate to such serious systemic leadership failings in relation to the key headteacher role of ensuring effective safeguarding oversight 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 for it 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 two years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. The list is not exhaustive but the panel has noted that none of those listed behaviours are present in this case. 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 provision for a review period of five years.

The panel is satisfied that this period will allow Mr Smalley to fully develop his insight and reflections in relation to what occurred and is sufficient to protect the public interest in this case despite the seriousness of the findings. Mr Smalley is a fine teacher of ICT and literacy who should be granted an opportunity after that period to try to persuade another panel that he can return to the profession.

## **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 the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Smalley should be the subject of a prohibition order, with a review period of five years.

In particular, the panel has found that Mr Smalley 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...
- 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 Smalley fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of serious failings in relation to safeguarding on the part of a headteacher

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 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 Smalley, and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, "The panel's findings against Mr Smalley involved very serious failings in relation to the key leadership role of safeguarding over a significant period of time. There is, therefore, a strong public interest consideration in respect of the protection of pupils." 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, "The panel has ultimately formed the view that although Mr Smalley was remorseful for what happened, his insight and reflection in relation to his conduct is not yet fully developed, following his involvement in a Serious Case Review, the criminal proceedings against members of Pupil X's family and the Coroner's Inquest." In my judgement, the lack of full insight means that there is some risk

of the repetition of this behaviour and this puts at risk future pupils' safeguarding. 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 panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Smalley were not treated with the utmost seriousness when regulating the conduct of the profession."

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order 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 Smalley himself. The panel say, "It is clear from the references supplied by Mr Smalley that he was part of the Leading Teaching Programme around Nottingham who has been held in high esteem by his colleagues for his teaching ability."

A prohibition order would prevent Mr Smalley from teaching. A prohibition order would also clearly deprive the public of his contribution to the profession 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 full insight or remorse.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Smalley has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by full 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 intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended a 5 year review period.



I have considered the panel's comments that a five year review period would, "allow Mr Smalley to fully develop his insight and reflections in relation to what occurred and is sufficient to protect the public interest in this case despite the seriousness of the findings. Mr Smalley is a fine teacher of ICT and literacy who should be granted an opportunity after that period to try to persuade another panel that he can return to the profession."

I have considered whether a 5 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, two factors mean that a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the serious nature of the failings to safeguard and the lack of full insight or remorse.

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

**This means that Mr Peter Smalley 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 4 April 2024, 5 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 Smalley remains prohibited from teaching indefinitely.

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

Mr Peter Smalley 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 'Dawn Dandy', with a stylized, cursive script.

**Decision maker: Dawn Dandy**

**Date: 4 April 2019**

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