

THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Dr Jason Terry Sanderson

Teacher ref no: 0113777

Teacher date of birth: 24 June 1973

TA Case ref no: 4974

Date of Determination: 4 October 2012

Former Employer: Holy Trinity Church of England School, Crawley
West Sussex

A. Introduction

A Professional Conduct Panel (“the Panel”) of The Teaching Agency convened on 3 October 2012 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3HH to consider the case of Dr Jason Terry Sanderson.

The Panel members were Mrs Susan Netherton (Lay Panellist– in the Chair), Mr Peter Monfort (Teacher Panellist) and Mr Mark Tweedle (Teacher Panellist).

The Legal Adviser to the Panel was Mr Christopher Alder of Blake Laphorn Solicitors.

The Presenting Officer for The Teaching Agency was Ms Sofia Ashraf of Browne Jacobson Solicitors.

Dr Jason Terry Sanderson was not present but was represented by Mr Simon Pettet of the NASUWT.

The hearing took place in public and was recorded.

B. Allegations

The Panel considered the allegation set out in the Notice of Proceedings dated 12 July 2012.

It was alleged that Dr Sanderson was guilty of unacceptable professional conduct, in that:

Whilst employed at Holy Trinity Church of England School, Crawley, between 1 September 2002 and 19 November 2009, he:

1. had inappropriate contact and/or conversations with numerous pupils at the School in that he;
 - a. communicated with them outside of School time via Bebo, MSN and Facebook;
 - b. had conversations of an inappropriate nature with them via MSN and other internet based social network sites;
 - c. continued communicating with them despite being formally warned by both the deputy head teacher, Individual A, and the head teacher, Individual B, not to do so;
2. formed relationships of an inappropriate nature with past and present pupils;
3. attempted to form an inappropriate relationship with a 16 year old former pupil in that you;
 - a. added him as a friend on Facebook in December 2009;
 - b. sent him a number of inappropriate Facebook messages of a sexual nature between 5 December 2009 and 6 December 2009;
4. was issued with a First Harassment Notice by the Police, in relation to allegation 3 above;
5. was rude and abusive to a colleague, Individual C, on 13 December 2007 in that he;
 - a. called her a "stupid little girl";
 - b. insulted the manner in which she worked;
 - c. shouted at her;
6. showed a clip containing inappropriate material and content from the film 'Trainspotting' during one of his lessons; and
7. was asked to leave a Church of England choir following an inappropriate conversation he had with an underage boy during choir practice.

Dr Sanderson admitted all of the facts of the allegation and that those facts amounted to unacceptable professional conduct.

C. Summary of Evidence

Documents

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

Section 1	Notice of Proceedings and Response	pages 2 to 7.
Section 2	Witness Statements and Agreed Facts	pages 8 to 15.
Section 3	Teaching Agency Documents	pages 17 to 176.
Section 4	Teacher Documents	pages 177 to 184.

The Panel agreed to accept a Statement of Agreed Facts, which was included in the bundle at pages 185-188.

The Panel Members confirmed that they had read all of the documents in advance of the hearing.

The Presenting Officer and Teacher's Representative made submissions to the Panel. Those submissions were considered by the Panel.

No witnesses were called to give evidence by either party.

Following announcement of its findings of fact and unacceptable professional conduct, the Panel agreed to accept into evidence a letter submitted by Dr Sanderson. The Panel also considered submissions presented by Dr Sanderson's representative.

D. Decision and Reasons

The Panel announced its decision and reasons as follows:

We have now carefully considered the case before us and have reached a decision.

We confirm that we have read all the documents provided in the bundle in advance of the hearing.

Summary

Dr Jason Sanderson, whose date of birth is 24 June 1973, was employed at the Holy Trinity Church of England School, Crawley from September 2007 as Head of Chemistry until November 2009. He had first joined the school as a newly qualified chemistry teacher in September 2002. In July 2009 Dr Sanderson received an oral reprimand concerning his apparent abuse of a position of trust relating to alleged inappropriate materials for lesson content, contacting students and engaging in

conversations of an inappropriate nature. Dr Sanderson accepted that this had happened.

An investigation was instigated by the school after further allegations that Dr Sanderson had had a relationship with a student prior to September 2009. Whilst a preliminary investigation was undertaken into these matters an additional allegation was raised that Dr Sanderson had behaved in a rude and aggressive manner towards a colleague. Dr Sanderson was interviewed and he acknowledged that he had been in a relationship with an individual but that his partner had not been a current student at the school. During this investigation a number of examples of social media and MSN messenger conversations between Dr Sanderson and students were identified.

Dr Sanderson was suspended in October 2009, he later resigned on the grounds of ill health on 19 November 2009.

On 10 December 2009 the school received notification from a Senior Social Work Practitioner which alleged that her son, a former student at the school, had been approached by Dr Sanderson via Facebook. She also reported her concerns about the content of the Facebook messages to the police. Following interview with the police, Dr Sanderson accepted a first harassment notice.

Findings of fact

The allegation we have considered is that Dr Sanderson is guilty of unacceptable professional conduct in that:

Whilst employed at Holy Trinity Church of England School, Crawley, between 1 September 2002 and 19 November 2009, Dr Sanderson:

1. had inappropriate contact and/or conversations with numerous pupils at the School in that he;
 - a. communicated with them outside of School time via Bebo, MSN and Facebook;
 - b. had conversations of an inappropriate nature with them via MSN and other internet based social network sites;
 - c. continued communicating with them despite being formally warned by both the deputy head teacher, Individual A, and the head teacher, Individual B, not to do so;
2. formed relationships of an inappropriate nature with past and present pupils;
3. attempted to form an inappropriate relationship with a 16 year old former pupil in that you;
 - d. added him as a friend on Facebook in December 2009;

- e. sent him a number of inappropriate Facebook messages of a sexual nature between 5 December 2009 and 6 December 2009;
4. was issued with a First Harassment Notice by the Police, in relation to allegation 3 above;
5. was rude and abusive to a colleague, Individual C, on 13 December 2007 in that he;
 - f. called her a "stupid little girl";
 - g. insulted the manner in which she worked;
 - h. shouted at her;
6. showed a clip containing inappropriate material and content from the film 'Trainspotting' during one of his lessons; and
7. was asked to leave a Church of England choir following an inappropriate conversation he had with an underage boy during choir practice.

Our findings are as follows.

We have found the facts of the allegation proven for the following reasons.

In relation to particular 1, we have noted the transcripts of the various communications and contacts which Dr Sanderson had with the pupils. Examples of the transcripts are available in the bundle of evidence and show that he communicated with numerous pupils via social networking sites.

We have considered the written statement of Individual A and have noted the terms of the oral warning which Dr Sanderson received on 21 July 2009. This warning provided guidance to Dr Sanderson and it is clear from the evidence that he disregarded this and continued to communicate inappropriately with pupils.

We have carefully considered the agreed statement of facts and note the admissions which Dr Sanderson has made and we have reviewed the evidence as is referred to in the agreed statement.

We find all elements of this particular proven.

In relation to particular 2, we have carefully considered the agreed statement of facts. We have noted the admissions which Dr Sanderson has made.

We have considered the evidence of Individual A and the evidence which has been identified within the statement of facts.

The transcripts of the communications with various pupils show that Dr Sanderson did engage with past and present pupils. The content of the communications was of a personal nature and included discussion of his emotional state, sexual relationships and used sexualised comments. The content and nature of the communications are inappropriate.

Transcripts of the interviews which were undertaken with Dr Sanderson during its investigation refer to the instances when he was seen in public with pupils from the school. During those interviews he accepted that he had formed personal relationships with pupils. We have found it proven that those relationships were inappropriate.

We have found the facts of this particular proven.

In relation to particular 3, we have carefully considered the agreed statement of facts and the admissions which Dr Sanderson has made.

We have considered all of the evidence relevant to the particular, which has included transcripts of the Facebook messages. The evidence of Individual A refers to the allegation being made by the mother of the boy

The nature of the communication with the former pupil is set out in a transcribed format in the bundle of evidence. It is clear that Dr Sanderson approached a former pupil and made it evident that he wished to begin a sexual relationship with him and used highly sexualised language. Dr Sanderson also requested that the messages were kept secret. The boy's mother viewed the messages to be highly offensive and reported her concerns to the police. We have reviewed a copy of her letter to the school.

We find the facts of this particular proven.

In relation to particular 4 we have carefully considered the agreed statement of facts and the admissions which Dr Sanderson has made.

We have considered the evidence of Individual A and have reviewed the letter of the mother of the pupil. We have carefully considered the agreed statement of facts. On the basis of the evidence, we find it proven that Dr Sanderson was issued with a First Harassment Notice.

In relation to particular 5, we have considered the agreed statement of facts and have considered his admissions very carefully.

We have considered the evidence of Individual A, as well as the contemporaneous statement written by a member of the teaching staff who witnessed the incident. We have also considered the statement of Individual C. We have noted Dr Sanderson's admission that he accepts that he was rude and abusive towards Individual C. We find this particular proven.

In relation to particular 6, we have considered the agreed statement of facts and have noted Dr Sanderson's admission.

Dr Sanderson showed a clip of the film during a lesson observation and during his interview as part of the school investigation he accepted that he had shown the clip. We have considered the evidence as identified in the agreed statement of facts.

We find this particular proven.

In relation to particular 7, we have considered the agreed statement of facts and have noted Dr Sanderson's admission that he had discussed the issue of masturbation with a choir boy which had led to him being asked to leave the choir.

We have noted that he brought this issue to the attention of the Holy Trinity. We have considered the evidence provided by Individual A.

We have found the facts of this particular proven.

Findings as to unacceptable professional conduct

Having found the facts of the allegation proven, we further find that Dr Sanderson's actions do amount to unacceptable professional conduct for the following reasons.

We have noted that Dr Sanderson admits that his behaviour amounts to unacceptable professional conduct.

Particulars 1, 2, 3, 4, and 7 of the allegation show a consistent pattern of behaviour that Dr Sanderson made contact and communicated with pupils and former pupils in an inappropriate manner. There is a pattern of Dr Sanderson forming inappropriate relationships with pupils and former pupils and discussing highly personal and sexualised matters with them.

Teachers have a responsibility to maintain and uphold appropriate professional boundaries with pupils. Dr Sanderson's contact and communications with pupils and former pupils as well as a number of his relationships were inappropriate and unprofessional. His actions are, we believe, more serious given that he continued to act inappropriately despite clear advice and a formal warning being given to him. His behaviour showed disregard for the need to maintain appropriate professional boundaries.

Teachers have the responsibility to safeguard pupils' well-being and to observe proper boundaries at all times. In our view, these are fundamental professional requirements and are necessary to uphold public trust in the profession. It is clear that, through his actions, Dr Sanderson has failed to uphold such responsibilities.

Dr Sanderson's actions display a consistent pattern of behaviour which showed a disregard for school policy, professional guidance and an oral warning which were designed to ensure the safeguarding of young people, to protect Dr Sanderson and maintain the reputation of the school.

It has also been proven that Dr Sanderson showed inappropriate material to pupils during a lesson which he taught and which was observed. Such behaviour indicates a lack of professional judgment in relation to selecting appropriate material to show pupils.

It has also been proven that Dr Sanderson acted in a manner which was abusive towards a colleague. In so doing he failed to develop and maintain an effective professional relationship.

We are concerned that Dr Sanderson's actions as well as the pattern of his behaviour fall far short of the standards expected of the profession and have the potential to bring the reputation of the profession into serious disrepute.

Panel's Decision and Reasons

We have considered this case very carefully and have considered all of the evidence presented by the Agency and Mr Petter on Dr Sanderson's behalf.

We have considered the representations which Mr Petter has made and the mitigation which Dr Sanderson seeks to rely upon. We have given careful attention to the statement which he has presented as well as the letter which was submitted today. We have not received professional testimonials or references from Dr Sanderson and we have not been given medical evidence to substantiate his claims in relation to his health.

We have considered whether to conclude this case without imposing an order but we have decided that the issues raised in this case are so serious that a sanction is necessary and appropriate.

We have considered all of the factors which are relevant to the allegation of unacceptable professional conduct. However, we are significantly concerned about Dr Sanderson's behaviour especially in relation to his continued failure to observe appropriate professional boundaries, his inappropriate manner in his contact with pupils and personal relationships with pupils / former pupils. He had been warned about his behaviour yet continued to communicate and seek to form inappropriate personal relationships with pupils and former pupils. As an experienced teacher, who held a position of authority and responsibility in the science faculty, the Panel felt that Dr Sanderson should have fully understood the gravity of his behaviour.

In this case, the evidence identifies that Dr Sanderson persistently failed to establish and maintain appropriate professional boundaries in relationships with children and young people. He communicated with pupils and former pupils over an extended period of time. The Panel saw examples of Dr Sanderson using language which was highly sexualised, related to personal matters and which sought to instigate relationships; including an attempt to instigate a sexual relationship.

We are concerned that Dr Sanderson did not satisfactorily understand that his duty to safeguard children and young people was his primary responsibility. Having considered his representations and evidence, we have not been reassured that he yet appreciates the significance of this responsibility and need to maintain appropriate boundaries.

As we have set out above, the duty to safeguard children and maintain appropriate professional boundaries is a fundamental responsibility for teachers. Dr Sanderson acted deliberately in his communications with pupils and young people. He actively sought to form relationships with them and asked a number of children to keep his messages and communications secret. In so doing we consider that he abused the position of responsibility and trust in which he had been placed and we are concerned that his actions had the potential to effect the education and wellbeing of

children and young people. His actions are incompatible with the expectations of the profession.

We are conscious that one role of the Professional Conduct Panel is to act in the public interest - to ensure the safety of pupils, children and young people and to ensure confidence in the maintenance of professional boundaries. We are aware that any disciplinary order is not imposed to act punitively, but is imposed to act in the public interest. We are conscious that one element of public interest is to ensure that confidence in the standards of the profession is upheld.

Given the seriousness with which we view Dr Sanderson's behaviour, as set out above, we have decided that it is appropriate and proportionate to recommend the imposition of a Prohibition Order.

We have carefully considered whether to recommend that Dr Sanderson be afforded the opportunity to apply to set aside the Prohibition Order. Given the seriousness with which we view his behaviour, Dr Sanderson's abuse of the position of trust in which he was placed, his failure to understand the fundamental need to safeguard the wellbeing of children and young people and the damage which has been caused to the reputation of the profession we have decided that it is not appropriate to make such a recommendation.

Secretary of State's Decision and Reasons

I have given very careful consideration to the recommendations of the panel in this case. In particular I have given careful consideration to the panel's recommendations in respect of sanction and review.

Dr Sanderson has been found guilty of unacceptable professional conduct. His behaviour has been deliberate and persistent. There is a clear pattern of behaviour that fails to respect professional boundaries and which is inappropriate.

It is clear that despite warnings Dr Sanderson continued to engage in inappropriate conversations with pupils. His poor judgement also extended to his relationships with staff at the school.

Teachers have a professional duty to respect the position of responsibility that they hold and such persistent failure to do so has the real potential to significantly undermine the reputation of the profession.

It is in the public interest to maintain confidence in the profession, and Dr Sanderson's behaviour places that at risk.

I therefore support the recommendation of the panel that Dr Sanderson should be prohibited from teaching.

I have also given careful consideration to the issue of whether Dr Sanderson should be permitted a review period for this order. In the light of the persistent and deliberate pattern of behaviour that has been found proven in this case I accept the recommendation of the panel that there should be no review period.

This means that Dr Jason Sanderson 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 Dr Jason Sanderson 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.

Dr Jason Sanderson 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.

Decision maker: Alan Meyrick

Date: 4 October 2012