



National College for
Teaching & Leadership

Mr Karl Steven Hogg: Professional conduct panel outcome

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

February 2015

Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	4 - 5
D. Summary of evidence	5 - 6
Documents	5 - 6
E. Decision and reasons	6 - 7
Panel's recommendation to the Secretary of State	7 - 8
Decision and reasons on behalf of the Secretary of State	8

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

Teacher:	Mr Karl Steven Hogg
Teacher ref no:	0412280
Teacher date of birth:	8 September 1966
NCTL case ref no:	11622
Date of determination:	06 February 2015
Former employer:	Thorpe St Andrew/Norfolk County Council

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 06 February 2015 at 53-55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Karl Steven Hogg

The panel members were Mr Paul Bompas (lay panellist – in the chair), Mrs Fiona Tankard (teacher panellist) and Mrs Alison Walsh (teacher panellist).

The legal adviser to the panel was Mr Graham Miles of Blake Morgan LLP, Solicitors.

The presenting officer for the National College was Mr Ben Rich of Counsel instructed by Nabarro LLP, Solicitors.

Mr Hogg was not present and was not represented.

The hearing took place in public, save for part of the submissions at the mitigation stage, which were heard in private. The hearing was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 19 November 2014

It was alleged that Mr Karl Steven Hogg had been convicted of a relevant offence, in that at Norwich Crown Court:

1. On 23 February 2014 he was convicted of the offence of installing equipment, or constructing or adapting a structure or part of a structure, with the intention of enabling himself or another person to record a person doing a private act between 1 January 2007 and 24 June 2103, contrary to s.67(4) of the Sexual Offences Act 2003. On 28 March 2014 he was sentenced to a community sentence for a period of three years, to sign the Sex Offenders Register for a period of five years and to participate in the Thames Valley Sex Offender Treatment programme.
2. On 24 February 2014 he was convicted of the offence of recording another person doing a private act between 1 January 2007 and 24 June 2103, contrary to s.67(3) of the Sexual Offences Act 2003. On 28 March 2014 he was sentenced as detailed in paragraph 1 above.

Mr Hogg admitted the alleged facts and also admitted that the convictions were for relevant offences.

C. Preliminary applications

Application to proceed in absence

Mr Rich made an application for the hearing to proceed in the absence of Mr Hogg. After receiving legal advice, the Chair announced the decision of the Panel, as follows:

'The Panel has decided that the hearing should proceed in the absence of Mr Hogg for the following reasons:

- The Notice of Proceedings has been sent to Mr Hogg in accordance with the Disciplinary Procedures and Rules.
- The Panel has received a letter from Mr Hogg's representative dated 4 February 2015 stating that Mr Hogg would not be attending and providing submissions to be considered in his absence. He is expecting the hearing to proceed in his absence.
- The Panel was also informed that the NCTL left a voicemail message for Mr Hogg on 5 February 2015 to enquire if he had any other documentation that he wished to put before the Panel, but no response has been received.

- The Panel is satisfied that Mr Hogg has decided not to attend and not to be represented and that he has voluntarily waived his right to attend.
- No application for an adjournment has been made. The Panel is satisfied that an adjournment would not necessarily secure the attendance of Mr Hogg on a subsequent date.
- There is a public interest in the hearing's proceeding expeditiously. In this case, the public interest outweighs the interests of Mr Hogg.

Application for the hearing to be in private

Mr Rich referred to the written application by and on behalf of Mr Hogg for a private hearing. It was acknowledged that there were some sensitive issues relating to third parties.

After receiving legal advice, the Chair announced the decision of the Panel as follows:

'The Panel has considered the application on behalf of Mr Hogg that the hearing or part of it should take place in private with reference to his written statement of fact. The Panel has decided that the hearing should take place in public, but that any oral reference to certain parts of the statement of fact should be heard in private. There is a public interest in these proceedings taking place in public, but the Panel is satisfied that it is in the interests of justice and in accordance with the rights of privacy of others, to hear certain matters in private.'

D. Summary of evidence

Documents

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

Section 1: Chronology, with page number 2

Section 2: Notice of Proceedings and Response, with page numbers from 4 to 9

Section 3: National College for Teaching and Leadership Documents, with page numbers from 12 to 23

Section 4: Teacher Documents, with page numbers from 25 to 60.

In addition, the panel agreed to accept letters dated 4 February 2015 from Mr Erskine on behalf of Mr Hogg. These letters were added to section 4 of the bundle as pages 61 and 62.

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

E. Decision and reasons

'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.

Mr Hogg was employed at Thorpe St Andrew School as an English teacher. He had been employed there since 1 September 2004. On 24 June 2013 he was arrested by the police and subsequently appeared at Norwich Crown Court in relation to offences contrary to section 67(3) and (4) of the Sexual Offences Act 2003. On 28 February 2013 he pleaded guilty and on 28 March 2014 was sentenced to a Community Order with a supervision requirement for three years and ordered to participate in the Thames Valley Sex Offenders Treatment programme. He was also required to sign the Sex Offenders Register for a period of five years. Mr Hogg was suspended from his post at Thorpe St Andrew School after his arrest and was dismissed on 21 March 2014 following his conviction, but prior to his sentence.

Findings of fact

Our findings of fact are as follows:

It was alleged that Mr Karl Steven Hogg had been convicted of a relevant offence, in that at Norwich Crown Court:

- 1. On 23 February 2014 he was convicted of the offence of installing equipment, or constructing or adapting a structure or part of a structure, with the intention of enabling himself or another person to record a person doing a private act between 1 January 2007 and 24 June 2013, contrary to s.67(4) of the Sexual Offences Act 2003. On 28 March 2014 he was sentenced to a community sentence for a period of three years, to sign the Sex Offenders Register for a period of five years and to participate in the Thames Valley Sex Offender Treatment programme.**
- 2. On 24 February 2014 he was convicted of the offence of recording another person doing a private act between 1 January 2007 and 24 June 2013, contrary to s.67(3) of the Sexual Offences Act 2003. On 28 March 2014 he was sentenced as detailed in paragraph 1 above.**

The Panel finds the facts proved based on the certificate of conviction and Mr Hogg's admission.

Findings as to conviction of a relevant offence

Mr Hogg admits that he was convicted of a relevant offence. The Panel has taken this admission into account but made its own determination.

The offences for which Mr Hogg was convicted are materially relevant to his fitness to be a registered teacher. The offences were serious, which is reflected in the sentence imposed. The offences could undermine public confidence in the teaching profession and bring the profession into disrepute.

Panel's recommendation to the Secretary of State

The Panel has considered the written submissions made by and on behalf of Mr Hogg and the character references presented. The Panel noted that Mr Hogg is a person of previous good character. The panel also noted that the Crown Court gave Mr Hogg credit for his early admission of guilt and the fact that there was no distribution of the images recorded by him.

Nevertheless, Mr Hogg's behaviour in committing the offences is incompatible with being a teacher for the following reasons:

- This was a serious departure from the personal and professional conduct elements of the Teachers' Standards.
- His actions in committing the offences involved a serious breach of trust in that the offences were committed without the knowledge or consent of his wife (the victim).
- His actions were of a sexual nature and were for his own sexual gratification.
- The offences were serious as reflected by the sentence imposed. Mr Hogg will remain subject to a Community Order until 28 March 2017 with a requirement to attend a sex offenders treatment programme. He will also remain on the Sex Offenders Register until 28 March 2019.

The Panel has taken into account Mr Hogg's previous good character and the many positive testimonials from former students. However, his actions leading to the convictions were deliberate, involved planning and took place over a prolonged period.

The Panel has concluded that it is necessary and appropriate to recommend a Prohibition Order in order to maintain public confidence in the profession and to declare and uphold proper standards of conduct.

The Panel considered whether to recommend that Mr Hogg be allowed to make a future application to have the prohibition removed.

This was a case of sexual misconduct within Mr Hogg's home, not involving his professional position, nor involving pupils or colleagues. The Panel does not consider

that Mr Hogg poses any significant risk to pupils. Our decision to recommend a prohibition is based on the need to maintain public confidence in the profession and to declare and uphold proper standards of conduct. The Panel concluded that this is not a case in which it is necessary to recommend a lifetime ban.

In deciding the appropriate period, the Panel has taken into account the sentencing and the requirement to attend the Thames Valley Sex Offenders Treatment Programme and be under the supervision of the Probation Service until 28 March 2017. In addition, Mr Hogg is required to register as a sex offender until 28 March 2019. The Panel believes that during this period Mr Hogg may be rehabilitated. The Panel recommends that Mr Hogg should be able to apply to have the Prohibition Order set aside after a period of five years from today.

Decision and reasons on behalf of the Secretary of State

I have carefully considered the panel's findings and recommendations in this case.

Mr Hogg has been convicted of two offences involving the installation of equipment to record a person doing a private act and recording another person doing a private act. The panel have found the facts proved and judged that they amount to conviction of relevant offences.

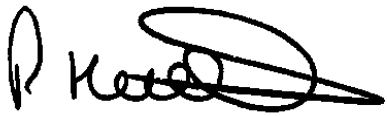
Having properly balanced the interests of the public with those of the teacher the panel have concluded that it is both appropriate and proportionate to recommend a prohibition order and I agree with that recommendation.

The panel have recommended a prohibition order in order to maintain public confidence in the profession and to declare and uphold proper standards of conduct. The sexual misconduct took place at his home and did not involve pupils or colleagues. The panel does not consider that Mr Hogg presents an ongoing risk to pupils. He is subject to a Sex Offenders Treatment Programme and is required to register as a sex offender until 28 March 2019. The panel have recommended that Mr Hogg be allowed to apply to have the order set aside after a minimum period of 5 years has elapsed. In view of the particular circumstances in this case, I agree with that recommendation

This means that Mr Karl Steven Hogg 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 16 February 2020, 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 Karl Steven Hogg remains prohibited from teaching indefinitely.

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

Mr Karl Steven Hogg 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 'P Heathcote', with a large, sweeping flourish extending to the right.

NAME OF DECISION MAKER: Paul Heathcote

Date: 9 February 2015

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