

NATIONAL COLLEGE FOR TEACHING AND LEADERSHIP

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Mr Adam Walker

Teacher ref no: 0057494

Teacher date of birth: 1 April 1969

TA Case ref no: 9777

Date of Determination: 19 June 2013

Former Employer: N/A

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership convened on 19 June 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Adam Walker.

The Panel members were Dr Geoffrey Penzer (Lay Panellist– in the Chair), Mrs Carolyn Robson (Teacher Panellist) and Ms Judith Barton (Teacher Panellist).

The Legal Adviser to the Panel was Mr Graham Miles of Morgan Cole LLP solicitors.

The Presenting Officer for the National College for Teaching and Leadership was Ms Katherine Tyler of Kingsley Napley LLP solicitors.

Mr Walker was present and was represented by Mr M Stewart

The hearing took place in public and was recorded.

B. Allegations

The Panel considered the allegation set out in the Notice of Proceedings dated 11 April 2013.

It was alleged that Mr Walker was guilty of the following relevant offences, namely:

1) **Offence:** Dangerous Driving on 23/04/11 (Road Traffic Act 1988 s.2)

Date/Court: 7/09/12 – Durham Crown Court

Disposal: Interim disqualification from driving, subsequently varied 07/09/12, suspended imprisonment 6 months concurrent, wholly suspended for 18

months curfew requirement, disqualified from driving until extended Test passed disqualification from driving 12 months.

- 2) **Offence:** Destroy or damage property (value damage £5000 or less) – (offence against criminal damages act 1971 only) on 23/04/11

Date/Court: 07/09/12 – Durham Court Court

Disposal: Compensation - £58.00

- 3) **Offence:** Destroy or damage property (value damage £5000 or less) – (offence against criminal damage act 1971 only) on 23/04/11

Date/Court: 07/09/12 – Durham Crown Court

Disposal: Compensation £44.00

- 4) **Offence:** Destroy or damage property (value damage £5000 or less) – (offence against criminal damage act 1971 only) on 23/04/11

Date/Court: 07/09/12 – Durham Crown Court

Disposal: Compensation £40.00

- 5) **Offence:** Having article with blade which was sharply pointed in public place on 23/04/11 (Criminal Justice Act 1988 s.139(1))

Date/Court: 07/09/12 – Durham Crown Court

Disposal: Suspended imprisonment 6 months concurrent, wholly suspended for 18 months curfew requirement

- 6) **Offence:** Using threatening, abusive or insulting words or behaviour likely to cause distress on 23/04/11 (Public Order Act 1986 s.5(1)(a))

Date/Court: 07/09/12 – Durham Crown Court

Disposal: Suspended imprisonment 6 months concurrent, wholly suspended for 18 months curfew requirement.

Mr Walker admitted that he was convicted of these offences and further admitted that the convictions were in respect of relevant offences.

C. Preliminary Applications

There were no preliminary applications.

D. Summary of Evidence (Facts and Relevant Offence)

Documents

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

Section 1 Notice of proceedings and response, with page numbers from 2 to 9

Section 2 NCTL witness statements, with page numbers from 10 to 12

Section 3 NCTL documents, with page numbers from 13 to 90g

Section 4 Teacher documents, with page numbers from 91 to 147

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

Brief summary of evidence given

The Presenting Officer referred to the note of the sentencing hearing (at pages 90a to 90h of the bundle). There was a St George's Day parade at Spennymoor on 23 April 2011. Mr Walker attended. Along with a number of other people who went to the parade, he also went to the Green Tree public house in Tudhoe, where a Family Fun Day had been organised. Three boys, aged 10, 11 and 12 had been playing on the bouncy castle but had been chased off and told that they were too old. They moved away and started playing in the car park on their bicycles but again had been asked to leave the car park. The boys sat on the wall of the car park. Mr Walker had been nearby removing bunting that he had had on his car with a Stanley-type knife.

The Prosecution accepted that at least two of the boys directed some verbal abuse towards Mr Walker as they thought that he had been tasked with moving them on. This went on for a while and Mr Walker then approached the boys. As he did so, they jumped onto their bicycles and cycled away. Mr Walker decided to follow in his Land Rover Discovery, describing himself as provoked and frustrated. All three boys cycled together and Mr Walker followed; driving a few yards behind them. It was noted by a witness that if one of the boys had fallen off their bicycle, Mr Walker would have found it very difficult to stop. At one point the boys jumped off their bicycles and went into a house, leaving their bicycles outside. Mr Walker was then seen to go up to each of the three bicycles and slit both tyres of each bicycle using his Stanley-type knife. Mr Walker was also seen to turn to one of the boys and yell and swear at him while still holding the knife in his hand. The boy later said that he had never felt so frightened.

The police were called and Mr Walker was arrested outside of the Green Tree Public House. At the time of his arrest, Mr Walker questioned why he had been arrested and said that he had been there all day. Mr Walker was taken to the police station and his car was searched and the Stanley-type knife recovered. The following day he was interviewed. During interview, Mr Walker denied any involvement, saying that

he had driven his car home earlier. He said that it was a case of mistaken identity and that people sometimes mixed him up with his brother, who was also at the event. When asked if there would be any trace of the damaged tyres on his knife, Mr Walker said that he had used the knife to slit the tyres of his wife's car, when trying to work out if a similar knife had been used to damage her tyres. Forensic evidence confirmed that the knife had been used to damage the tyres of the bicycles. The boys attended a covert video identification procedure, which Mr Walker refused to co-operate with. Mr Walker ultimately pleaded guilty to dangerous driving, possession of a bladed article, three offences of criminal damage and an offence contrary to section 4 of the Public Order Act. He was sentenced to six months imprisonment suspended for 18 months and ordered to pay compensation totalling £142 in respect of the damage to the tyres. His suspended sentence of imprisonment was subject to a condition that he should reside at a specified address.

The Presenting Officer made the following submissions in relation to whether the convictions were for relevant offences. It was submitted that the behaviour involved in committing the offences was contrary to the standards of personal and professional conduct expected of a teacher with reference to the latest Teachers' Standards. The offences were serious and led to a term of imprisonment, albeit suspended. The offences involved violence, the use of a weapon and the chasing and frightening of young children between 10 and 12. There was deliberate causing of criminal damage and an initial failure by Mr Walker to accept responsibility for his actions. The breach of the Standards involved a failure to uphold public trust and confidence. The conduct was relevant to Mr Walker's work with children given that certain pupils might, on occasion act in a provocative way. Teachers are required to demonstrate tolerance in such circumstances.

Mr Stewart confirmed that the convictions specified in the Notice were admitted and Mr Walker did not dispute the basic facts. He also accepted that the convictions were for relevant offences. Mr Walker fully accepted responsibility for his actions. He pleaded guilty to most of the offences at the earliest opportunity. The guilty plea to the public order offence was later, but there had initially been a different charge which the Prosecution ultimately agreed was not appropriate.

Mr Walker had been using the Stanley-type knife to remove bunting from his car. There had been a number of complaints about the behaviour of the youths concerned. The complaints were that they were injuring small children. This was confirmed by the letters at pages 36 and 38 of the bundle. Mr Walker had not been present at the bouncy castle when this had happened. The letters indicate that the youths were looking for trouble and that they had caused trouble on previous occasions. Mr Walker came out of the pub to remove bunting from his car and it appears that they mistakenly believed that he had been given the task of removing them. Mr Walker had verbal abuse directed at him by them. This was prolonged and provocative abuse. This was not just a few words. It went on for some time. Mr Walker has subsequently written an open letter admitting that his actions were wrong. Mr Stewart drew attention to the comments of the judge when sentencing Mr Walker to the effect that he had read a number of very good reports about Mr Walker from his employers and from various members of the local community. It was acknowledged that Mr Walker is a man who is greatly respected. Mr Walker is extremely sorry for his actions.

E. Decision and Reasons (Facts and Relevant Offence)

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.

On 23 April 2011, Mr Adam Walker was present at a fun day being run at a public house in Tudhoe Village, County Durham. Three boys, aged 12, 11 and 10 years, were asked to leave the event after causing problems. Mr Walker was at his vehicle removing bunting with a Stanley knife. When the youths saw him they abused him verbally. Mr Walker began chasing them in his vehicle, during which process he drove close behind them causing them to believe that they could be run over and he drove over a village green. Mr Walker then slit the tyres of the cycles owned by the three boys.

When interviewed by the police Mr Walker denied being involved in chasing the boys and denied damaging their tyres. Mr Walker was charged with criminal offences including dangerous driving, criminal damage, having an article with a blade or point and using threatening, abusive or insulting words likely to cause harassment, alarm or distress.

Mr Walker appeared at Durham Crown Court on several occasions and, on 7 September 2012 he was sentenced to a term of 6 months imprisonment suspended for 18 months subject to a residence condition and was disqualified from driving for a period of 12 months. In addition he was ordered to pay compensation totalling £142.00 in respect of the damage to the bicycle tyres.

Findings of fact

Our findings of fact are as follows:

- 1) **Offence:** Dangerous Driving on 23/04/11 (Road Traffic Act 1988 s.2)

Date Court: 7/09/12 – Durham Crown Court

Disposal: Interim disqualification from driving, subsequently varied 07/09/12, suspended imprisonment 6 months concurrent, wholly suspended for 18 months, disqualified from driving until extended Trust passed disqualification from driving 12 months.

- 2) **Offence:** Destroy or damage property (value damage £5000 or less) – (offence against criminal damages act 1971 only) on 23/04/11

Date Court: 07/09/12 – Durham Crown Court

Disposal: Compensation - £58.00

- 3) **Offence:** Destroy or damage property (value damage £5000 or less) – (offence against criminal damage act 1971 only) on 23/04/11
- Date Court:** 07/09/12 – Durham Crown Court
- Disposal:** Compensation £44.00
- 4) **Offence:** Destroy or damage property (value damage £5000 or less) – (offence against criminal damage act 1971 only) on 23/04/11
- Date Court:** 07/09/12 – Durham Crown Court
- Disposal:** Compensation £40.00
- 5) **Offence:** Having article with blade which was sharply pointed in public place on 23/04/11 (Criminal Justice Act 1988 s.139(1))
- Date Court:** 07/09/12 – Durham Crown Court
- Disposal:** Suspended imprisonment 6 months concurrent, wholly suspended for 18 months
- 6) **Offence:** Using threatening, abusive or insulting words or behaviour likely to cause distress on 23/04/11 (Public Order Act 1986 s.5(1)(a))
- Date Court:** 07/09/12 – Durham Crown Court
- Disposal:** Suspended imprisonment 6 months concurrent, wholly suspended for 18 months

We have found the facts of each allegation proved by the certificate of conviction from Durham Crown Court.

Findings as to Conviction of a Relevant Offence

We are satisfied that each conviction was for a relevant offence for the following reasons:

- Particular 1 – this was serious driving offence reflected in a custodial sentence
- Particulars 2, 3 and 4 – the deliberate acts of criminal damage were contrary to the standards of personal conduct expected of a teacher
- Particular 5 – this was a serious offence reflected in a custodial sentence
- Particular 6 – the behaviour was likely to cause distress and was contrary to the personal standards expected of a teacher.

Taken together, the conduct leading to these convictions would be likely to have an impact on the safety of pupils and on the public confidence in the teaching profession. This clearly breaches the Teachers' Standards with regard to maintaining high standards of ethics and behaviour, within and outside school.

F. Summary of Evidence (Outcome)

The Presenting Officer informed the Panel that Mr Walker had appeared before a Professional Conduct Committee of the General Teaching Council for England on 25 May 2010 when a Conditional Registration Order was imposed following a finding of unacceptable professional conduct. The Presenting Officer provided the Panel with a copy of the announced decision of the 25 May 2010. The Panel was informed that the finding of unacceptable professional conduct related to the use of a school laptop during lessons.

The Presenting Officer submitted that, in considering the public interest, the Panel should have regard to the need to protect children. Mr Walker had displayed a violent and extreme reaction towards young children aged 10 to 12. As it was outside of the norms of social behaviour, the Panel could not be confident that it could not happen again. The Panel also had to consider the need to maintain public confidence in the teaching profession. A teacher is expected to be a role model for pupils. Some key factors of concern were highly relevant, the behaviour leading to the offences involved the use of violence, chasing and endangering children frightening them and causing them distress and vindictive damage to property.

Mr Walker did not have a previous good history in view of the previous disciplinary proceedings conducted against him by the GTCE, which had resulted in a Conditional Registration Order. This Order was still in place up until 31 July 2012. The Presenting Officer questioned the extent to which Mr Walker had insight into his failings. Reference was made to Mr Walker's letter at pages 107 to 108 of the bundle. The Presenting Officer suggested that this letter was an attempt by Mr Walker to minimise his actions. This indicated a lack of proper insight and a failure to fully accept the gravity of his actions. There was no indication of steps taken to prevent this conduct happening again.

In his closing submissions, Mr Stewart confirmed that the witnesses who have provided references were aware of the reasons why the references were required. There was a firm intention on the part of Mr Walker that this conduct will never happen again. Mr Stewart also referred to the letter written by Mr Walker (at page 107) and pointed out that Mr Walker clearly said in that letter that what he did was wrong and that 'there was no excusing this'. Mr Stewart rejected the suggestion that this was an attempt to minimise his conduct.

Mr Walker had been made the subject of a Conditional Registration Order for making personal use of a school laptop. He accepted that he was guilty of this, but this did not relate to the conduct in this case. In considering the risk of any repetition, the Panel should bear in mind that the incidents that resulted in the convictions in this case occurred over 2 years ago and had not been repeated. Mr Stewart referred to the written accounts of witnesses at pages 136 to 140 of the bundle. These showed that the children involved in this case were clearly out of control.

Mr Stewart also referred to the character references provided in relation to Mr Walker, an example of which was the letter from the grandparent of a karate student (page 122 of the bundle).who felt very reassured leaving his granddaughter in Mr

Walker's hands and that Mr Walker was a respected individual who took great pride in the karate club. Mr Walker had thoroughly learnt his lesson.

Mr Stewart invited the Panel to review some folders containing newspaper clippings relating to the karate club, which the Panel agreed to do, after giving the Presenting Officer the opportunity to review this material.

G. Panel's Recommendation to the Secretary of State

'We have considered the submissions made by the Presenting Officer and the teacher's representative and all of the evidence presented.

We noted that the Crown Court dealt with Mr Walker as a person of previous good character, save for a conviction for driving with excess alcohol in 2004.

At the time that the offences were committed, Mr Walker was the subject of a Conditional Registration Order which had been imposed by the General Teaching Council for England on 25 May 2010. We considered the record of the announced decision and noted that the finding of unacceptable professional conduct was made in relation to making use of a school laptop during lessons. The Conditional Registration Order related to compliance with responsible use of the internet within the school environment and was not related to the conduct giving rise to these convictions.

We considered the portfolio of press reports and publicity about the success of students who attend Mr Walker's karate classes. We also noted a number of supportive statements from members of his local community and a previous head teacher.

We are mindful that the aim of a Prohibition Order is to protect the public interest rather than to be punitive. The public interest includes protection of children and other members of the public, the maintenance of public confidence in the teaching profession and the declaration and upholding of proper standards of conduct.

We have applied the principle of proportionality. In doing so the Panel had regard to Mr Walker's right to practise as a teacher and whether it is necessary to restrict that right in order to protect the public interest.

We have found that Mr Walker has been convicted of relevant offences and he is still subject to a suspended sentence of imprisonment. It was submitted on Mr Walker's behalf that there were some compelling mitigating factors. We accept that Mr Walker has recognised that his actions were unacceptable and that he is determined not to repeat such behaviour. However, in consideration, we found that Mr Walker's actions were deliberate and that he was not acting under duress. He had been provoked, but his reaction failed to maintain the high standards expected of a teacher both in and out of school. These were serious criminal offences and constituted misconduct seriously affecting the well-being of young people.

We, therefore, recommend that a Prohibition Order is the appropriate sanction, and necessary in the public interest, because of Mr Walker's overall failure to uphold

proper standards of conduct of a teacher and in order to maintain public confidence in the teaching profession.

We have considered whether it is appropriate to recommend a review period for such a prohibition after which Mr Walker may apply for it to be set aside. Given Mr Walker's recognition of his misconduct and his generally satisfactory record as a teacher, we consider a review period of 2 years to be proportionate in his case'.

Decision and Reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendations of the Panel.

The Panel has found that the convictions were relevant. The conduct that led to these convictions was very serious and was likely to have an impact on both pupil safety and public confidence in the teaching profession.

The behaviour that led to these convictions was clearly in breach of the high standards expected of a teacher.

I have considered carefully the recommendation of the Panel in terms of sanction.

Mr Walker's actions were deliberate and he was not acting under duress. He is subject to a suspended sentence of imprisonment. I have taken into account the need to balance the rights of the individual with the wider reputation of the teaching profession. Mr Walker's behaviour was likely to cause distress. I support the recommendation of the Panel that Mr Walker should be prohibited.

I have also given very careful consideration to the recommendation of the Panel in terms of a review period. The Panel have recommended a two year review period.

I have noted that the Panel considered press reports and publicity about the success of students who attend Mr Walker's karate classes. They also took into account other supportive statements.

I do not believe however, that the Panel has taken sufficient account of the issues relating to the wider reputation of the profession. Mr Walker's actions, although provoked, were violent, threatening and targeted at young children. His actions were deliberate and resulted in custodial sentences, albeit suspended.

The guidance on review periods suggests that cases that involve violence may lead to Prohibition Orders being imposed with no provision of the teacher to apply for it to be set aside. The guidance also suggests that cases involving major criminal damage should also be considered in this way.

In combination, Mr Walker's convictions involved threatening behaviour and criminal damage of a serious nature, compounded by the fact that it was aimed at children. The reputation of the profession would be seriously damaged by allowing a teacher with this combination of convictions to be able to teach again.

I have applied the principle of proportionality with regard to Mr Walker's rights to practise his profession and the wider public interest and the reputation of the profession.

I have decided for the reasons set out that Mr Walker should not have a review period.

This means that Mr Adam Walker is prohibited from teaching indefinitely and cannot teach in any school, Sixth Form College, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Adam Walker shall not be entitled to apply for restoration of his eligibility to teach.

This Order takes effect from the date on which it is served on the Teacher.

Mr Adam Walker 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.

NAME OF DECISION MAKER: Alan Meyrick

DATE: 20 June 2013

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