

THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Mr Malcolm Wood
Teacher ref no: 68/81547
Teacher date of birth: 15 December 1946
TA Case ref no: 9358
Date of Determination: Tuesday 4 December 2012
Former Employer: William Hulme's Grammar School

A. Introduction

A Professional Conduct Panel ("the Panel") of the Teaching Agency convened on Tuesday 4 December 2012 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Malcolm Wood.

The Panel members were Mr David Longson (teacher panellist in the Chair), Mrs Margaret Simpson (teacher panellist) and Professor Ian Hughes (lay panellist).

The Legal Adviser to the Panel was Mr Paddy Roche of Morgan Cole LLP Solicitors, Oxford.

The meeting took place private and the announced decision was recorded.

B. Allegations

The Panel considered the allegations set out in the Notice of Meeting dated 22 November 2012.

It was alleged that Mr Malcolm Wood was guilty of Unacceptable Professional Conduct and/or Conduct that may bring the profession into disrepute, in that:

Whilst attending a Cub Camp in Northwich he behaved inappropriately towards a fourteen year old child, CS, on 24 July 2011, in that he:-

- 1) Arranged for her to accompany him on a hike/walk despite being warned by a colleague that this was not appropriate;
- 2) Whilst on the hike/walk he engaged in inappropriate physical contact with CS by hugging and kissing her on three occasions.

Mr Wood signed a Statement of Agreed Facts in which he stated that he admitted the particulars of the allegation and that they amounted to Unacceptable Professional Conduct and/or Conduct that may bring the profession into disrepute.

C. Summary of Evidence

Documents

In advance of the meeting the Panel received a bundle of documents which included:-

Section 1	Anonymised Pupil List	Page 1
Section 2	Notice of Proceedings in Response	Pages 2 to 6.
Section 3	Teaching Agency Statements	Pages 7 to 14.
Section 4	Teaching Agency Documents	Pages 15 to 100.
Section 5	Teacher Documents – included in Sections 3 and 4.	

D. Panel's 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 of the documents provided in the bundle in advance of the meeting.

This case concerns Mr Wood's alleged conduct while attending a summer Cub Camp near Northwich, Cheshire organised by the Scouts Association on 24 July 2011. His role at the camp was as a Cub Scout Leader.

It is alleged that in the course of the camp Mr Wood offered to assess a walking route for a walk which was planned as part of the camp's on-site activities. He decided that he would like somebody to accompany him and suggested that child CS who was the sister of one of the cubs should go with him. He was advised by another Cub Scout Leader that that was inappropriate but nonetheless decided to take CS with him.

Mr Wood and the child CS left the camp with a map on a Sunday evening between 6.30 and 7.00 pm and it is alleged that in the course of the walk Mr Wood on three separate occasions hugged the child CS and kissed her. Mr Wood accepts in the Statement of Agreed Facts that he “hugged and gave child CS a “quick peck” on three occasions”.

The Teaching Agency submit that this conduct constitutes Unacceptable Professional Conduct and/or Conduct that may bring the profession into disrepute.”

Findings of Facts

Our findings of fact are as follows:-

We have found the following Particulars of the allegation against Mr Malcolm Wood proven:-

That whilst attending a cub camp in Northwich he behaved inappropriately towards a fourteen year old child, CS, on 24 July 2011 in that he:-

1. Arranged for her to accompany him on a hike/walk despite being warned by a colleague that this was not appropriate.

Our reasons are that Mr Wood himself accepts that he, together with child CS, left for the walk on a Sunday evening following a map, and that prior to leaving, another Cub Scout Leader stated that he did not believe that this was appropriate on two separate occasions. This admission is contained in the Statement of Agreed Facts which Mr Wood has signed.

Mr Wood also states in his letter of 28 September 2012 (Page 13) that:-

“I agree that the other Leader suggested that it might not be appropriate for the young person to accompany me on the route planning. I only recall one such occasion, and that it was “advisory”.”

We note, however, that in several previous interviews and earlier correspondence that Mr Wood denied receiving such advice from his colleague but it is clear to the Panel that he now makes a clear admission in both his letter of 28 September 2012 and the signed statement of agreed facts.

2. Whilst on this hike/walk he engaged in inappropriate physical contact with CS by hugging and kissing her on three occasions.

This particular is also admitted in the Statement of Agreed Facts. In addition in his letter to the Teaching Agency dated 15 August 2012 (Page 14) Mr Wood says the following:

“On the preparation walk, we missed the first two paths we should have taken, but, when she later found a possible route, I congratulated her. I asked her if she wanted a congratulatory hug, she agreed, and I gave her a very quick hug and peck. When we next found a landmark which was on the OS map, I realised that we were on the right route. I again congratulated her as before. Further into the walk, we came across difficult terrain, with no recognisable path. I soon realised that she was a little way behind me, and appeared upset. On enquiring, she said she thought we were lost. I reassured her that I knew where we were and how to return to camp, which I decided we would do. In order to reassure her, I again asked as before and hoped I had managed to console her.”

In addition in his investigation interview held on 23 September 2011 (Pages 29 to 35) Mr Wood admits this particular and at no stage does he seek to deny that the incidents of hugging and giving child CS a peck occurred on three separate occasions.

Findings as to Unacceptable Professional Conduct and/or Conduct that may bring the profession into disrepute

Having found the facts of this case proved we further find that this is a case of Unacceptable Professional Conduct and/or Conduct that may bring the profession into disrepute. These events occurred out of the School environment but at a time when Mr Wood was in a position of trust towards the child CS while he was acting as a Cub Leader. We find that his conduct in taking the child CS who was only fourteen years old with him on the walk and otherwise unaccompanied of itself amounts to conduct which may bring the profession into disrepute. Clearly that conduct is significantly exacerbated by his behaviour while on the walk and his acceptance that on three separate occasions he engaged in physical contact with this young girl and kissed her three times.

Whether or not Mr Wood received training in safeguarding by the Scouts it is clear from the case papers that he had received such training from the school – the papers disclose that he had on at least two previous occasions received specific training. We consider that the position and responsibilities that Mr Wood carried at the camp were akin to his responsibilities within the school environment and there is really no distinction to be made between his roles as a teacher within the school and his position as a Cub Scout Leader. He manifestly failed on this occasion to demonstrate high standards of personal and professional conduct. In particular he failed to observe proper boundaries appropriate to his position as a teacher and it must have been known to those persons involved with the camp and especially parents of attendees that Mr Wood was a member of the profession. Even though he now accepts that this was inappropriate behaviour he clearly showed no regard for the need to safeguard the wellbeing of CS. Thus we have no hesitation in determining this is a case of Unacceptable Professional Conduct and Conduct that may bring the profession into disrepute.

Panel's Recommendation to the Secretary of State

We think this case discloses seriously inappropriate conduct towards a young girl who was clearly very upset with what occurred. There is evidence in the case papers that the child texted “ I am with a paedo.” Mr Wood’s decision to take the child was plainly deliberate and made in the face of advice from a fellow scout leader that his wish to take CS with him on the walk was not appropriate. He therefore went ahead in the face of that advice which he accepts he had received. Shortly afterwards he hugged and kissed CS on three separate occasions while they were alone together.

There is evidence in the case papers that on more than one previous occasion the school had identified a need for Mr Wood to receive additional advice and

training in relation to safeguarding. Notwithstanding his long record as a teacher at the same school, we therefore do not find that there are any mitigating features in this case.

We have a duty to the public which includes upholding proper standards of conduct, maintaining public confidence in the profession and protecting children. On all of those grounds we believe that a Prohibition Order should be imposed in this case.

Mr Wood in his letter of 28 September 2012 concludes:- “I feel that my reputation as a teacher should not be harmed as these actions took place outside the school situation and were intended to be positive actions.” We do not agree with that submission. We have already indicated in our decision that we see no distinction between his role as a Scout Leader and as a Teacher. The same safeguarding principles must apply to each situation and we believe that observation in fact betrays a fundamental misunderstanding of the gravity of his admitted conduct. The fact that it did not occur within the school environment is wholly immaterial. What Mr Wood did was wrong and very serious indeed. His claim that what he did was intended to be positive further reinforces our view that he still has no perception of the seriousness of his behaviour and its potential effect on CS.

For all those reasons we recommend that a Prohibition Order is imposed and that Mr Wood shall not be allowed to apply for the Order to be reviewed until a period of 5 years has elapsed.

Secretary of State’s Decision and Reasons

I have given careful consideration to this case and to the recommendation of the panel in respect of sanction and review period.

Mr Wood’s action were clearly deliberate and were taken in direct defiance of clear advice that was given to him. Mr Wood put himself into a situation which was clearly inappropriate in itself and then his subsequent behaviour was a deliberate abuse of trust.

Mr Wood had received training on child protection issues and it is evident that he therefore knew that his behaviour was unacceptable.

Although Mr Wood was not in a direct teaching situation when this incident took place, it is evident that his position as a teacher was known, and also that the situation was one which had many common features with his teaching.

I therefore support the recommendation of the panel that Mr Wood should be prohibited from teaching.

The panel has made a recommendation of a 5 year review period. Although Mr Wood has admitted the allegation and that the allegation amounts to unacceptable professional conduct, it is not evident that he has shown sufficient insight into his behaviour. The minimum review period is therefore

not appropriate in this case and I support the panel in determining that there should be a 5 year review period.

This means that Mr Malcolm Wood 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 2017, 5 years from the date of this order at the earliest.** If he does apply, a panel will meet to consider whether the Prohibition Order should be set aside. Without a successful application, Mr Malcolm Wood remains barred from teaching indefinitely.

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

Mr Malcolm Wood 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: 5 December 2012