



National College for
Teaching & Leadership

Robert Chandler: Professional Conduct Panel outcome

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

December 2014

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Professional Conduct Panel decision and recommendations, and decision on behalf of the Secretary of State

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| Teacher: | Mr Robert Chandler |
| Teacher ref no: | 0259190 |
| Teacher date of birth: | 02/11/1979 |
| NCTL Case ref no: | 9913 |
| Date of Determination: | 11 December 2014 |
| Former employer: | Fairfield High School, Bristol |

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 5 December 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Robert Chandler.

The Panel members were Michael Lesser (Teacher Panellist– in the Chair), Martin Pilkington (Lay Panellist) and Mr Peter Cooper (Teacher Panellist).

The Legal Adviser to the Panel was Mr Peter Shervington of Eversheds LLP, Solicitors.

The Presenting Officer for the National College was Ms Sophie Lister of Kingsley Napley Solicitors.

Mr Robert Chandler was not present but was represented by Mr Glover, ASCL Senior Solicitor.

The hearing took place in public and was recorded.

B. Allegations

The Panel considered the allegations set out in the Notice of Proceedings dated 3 October 2014.

It was alleged that Mr Chandler was guilty of unacceptable professional conduct/ conduct that may bring the profession into disrepute, in that:

1. He engaged in inappropriate communications through Facebook, text messages, MSN, and telephone with pupils and/or ex pupils, including:

Pupil A

Pupil C

Pupil D

Pupil E

2. He failed to follow management instructions and/or advice given in 2008 and 2011 advising him to refrain from contacting pupils and/or ex pupils via the internet and giving out his telephone number.

3. He engaged in an inappropriate relationship with Pupil/ ex-Pupil A, in that he:

a) engaged in sexual webcam discussions with Pupil / ex Pupil A

b) asked Pupil/ ex Pupil A to send naked pictures of herself to him

c) kissed Pupil A / ex – Pupil A

d) touched Pupil A's / ex-Pupil A's breasts

e) discussed with Pupil / ex-Pupil A, the possibility of having sexual intercourse with her.

4. His actions at 1 and 3 above were sexually motivated.

Mr Chandler's representative confirmed that allegations 1, 2 and 3c only were admitted. The remainder of the allegations were denied.

It was confirmed that, in respect of those allegations admitted, those facts amounted to unacceptable professional conduct/ conduct that may bring the profession into disrepute.

C. Preliminary applications

Proceeding in Absence

The Panel deliberated as to whether the hearing should proceed in the absence of Mr Chandler.

The Panel was satisfied that the National College had complied with the service requirements of Regulations 19 a to c of the Teachers' Disciplinary (England) Regulations 2012

The Panel was satisfied that the teacher had been provided with the requisite period of notice required by paragraph 4.11 of the Disciplinary Procedures for the Regulation of the Teaching Profession. The teacher had received the notice, as he had responded to it. The Panel was also satisfied that the notice of proceedings contained the details required by paragraph 4.12 of the Procedures.

The Panel determined to exercise its discretion under paragraph 4.29 of the Procedures to proceed with the hearing in the absence of the teacher.

In making its decision the Panel noted that the teacher may waive his right to participate in the hearing. The Panel understood that its discretion to commence a hearing in the absence of a teacher has to be exercised with the utmost care and attention, and that its discretion is a severely constrained one.

The Panel took account of the various factors drawn to its attention from the case of R v. Jones. The teacher had not given any reason for his absence other than that he was not able to attend. He had clearly indicated in his response form that he intended to be represented at the hearing. The teacher's representative was present and from the indications given the Panel understood that he was both able to adequately represent the teacher and to communicate with him if necessary. The Panel therefore considered that the teacher had waived his right to be present at the hearing in the knowledge of when and where the hearing was taking place. There was no indication that an adjournment would result in the teacher attending the hearing.

The Panel noted that a large number of witnesses had been warned to attend the hearing and took into account the disruption which would be caused by an adjournment at this stage.

The Panel had regard to the seriousness of the case, and the potential consequences for the teacher, but considered, in the light of the teacher's waiver of his right to appear, that the public interest was in favour of the hearing continuing.

The Evidence of Pupil A

Pupil A, who had been summonsed to attend the hearing, did not appear. On day 3 of the hearing the Panel heard representations from the Presenting Officer, and from Mr Glover on behalf of Mr Chandler, as to the appropriate course of action. The Presenting Officer provided the Panel with a series of email exchanges with Pupil A in which she detailed her personal circumstances and her concerns about giving evidence. The Presenting Officer requested that the Panel accept her statement as hearsay evidence. Mr Glover indicated that he had no objection to this approach.

The Panel gave the following decision:

The Panel have weighed carefully:

1. The need for the teacher to have a fair hearing taking into account the reliance placed by the National College on the evidence of Pupil A, and the benefits of the teacher's representative and the Panel having an opportunity to question the witness.
2. The circumstances of Pupil A as set out in the emails provided to the Panel by the presenting officer this morning.

Paragraph 4.71 of the Procedures provides that a Panel will only decide that a child or vulnerable witness will give evidence if it concludes, after considering representations by or on behalf of the teacher and the presenting officer, that the welfare of the child or vulnerable witness will not be prejudiced.

The Panel has already determined that Pupil A is a vulnerable witness. In other circumstances the Panel might seek at this stage for video or telephone evidence to be

given by Pupil A to enable her evidence to be tested. However, in view of the background and circumstances set out in Pupil A's emails of 8 December, the Panel's view is that the welfare of Pupil A will be prejudiced if the Panel were to require her to give oral evidence, even if through telephone or video.

The Panel is content in the circumstances for Pupil A's statement to be adduced as hearsay evidence. The Panel notes that Mr Glover has been given an opportunity to make submissions and has indicated that he has no objection to this course of action. It will of course give due regard when assessing the weight of Pupil A's evidence to the fact that it has not been tested in the hearing and the Panel will receive advice on this from the legal advisor in due course.

D. Summary of evidence

Documents

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

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| Section 1 – Chronology and Anonymised Pupil List | Page 1-3 |
| Section 2 – Notice of Proceedings and Response | Page 5-15 |
| Section 3 – NCTL Witness Statements | Page 16-61 |
| Section 4 – NCTL Documents | Page 62-488 |
| Section 5 – Teacher Documents | Page 489-495 |

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

In addition, the Panel agreed at the outset of the hearing to accept a bundle of supplementary documents following an application by Mr Chandler's representative. These were added at pages 495-536 of the bundle and read by all Panel Members.

The Panel also agreed to add a chain of emails referred to by the Presenting Officer to the Bundle as 488 a-f.

An additional statement provided by Mr Chandler was added as page 537 of the Bundle.

Witnesses

The Panel heard oral evidence from the following witnesses for the NCTL:

Pupil E – a former pupil at Fairfield High School

Pupil C – a former pupil at Fairfield High School

Pupil D - a former pupil at Fairfield High School

Pupil B - a former pupil at Fairfield High School

Witness H – former Headteacher at Fairfield High School

Witness F – deputy Headteacher at Fairfield High School

Witness G – current Headteacher at Fairfield High School

E. 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 and those added to the bundle during the course of the hearing.

Summary of Evidence

Mr Chandler had been employed at Fairfield High School since 1 September 2003 as a drama teacher. He was promoted to the position of Assistant Head in December 2009. It was alleged that between 2003 and 2011 he engaged in inappropriate communications with a number of pupils and/or ex-pupils. It was alleged that such actions were sexually motivated. It was alleged that he failed to follow management instructions/advice given in both 2008 and 2011 advising him to refrain from contacting pupils and/or ex-pupils via the internet and giving out his telephone number.

It was also alleged that he had engaged in an inappropriate relationship with Pupil/ex-Pupil A, namely; engaging in sexual webcam discussions with Pupil/ex-Pupil A; asking her to send naked pictures of herself to him; kissing her; touching her breasts and discussing with her the possibility of having sexual intercourse. It was alleged that these actions too were sexually motivated.

Findings of Fact

Our findings of fact are as follows:

Allegation 1

You engaged in inappropriate communications through Facebook, text messages, MSN, and telephone with pupils and/or ex pupils, including; Pupil A, Pupil C, Pupil D and Pupil E.

This allegation was admitted by Mr Chandler. The Panel nevertheless turned its independent mind to the allegations before it. We consider the position in relation to each of the pupils identified in the allegation:

Pupil A

In relation to text messaging and telephone calls, the Panel heard from Pupil B, who recalled a party after the group had left school, at which Pupil A showed her texts received from Mr Chandler. She said that they were flirtatious and inappropriate between a student and teacher.

In her oral evidence, Pupil B said that after showing her the text messages, Pupil A spoke to Mr Chandler by telephone in the presence of Pupil B. Pupil B could hear the conversation: she recalled Pupil A stating that she was going to tell someone about the relationship and Mr Chandler responding that he still liked her and did not want to get into trouble. Pupil B recalled that he seemed to be trying to 'subtly bribe her' not to tell others by offering her free tickets to a school event. Pupil B said that she could hear clearly and was confident that it was Mr Chandler on the phone.

The Panel notes that Mr Chandler refers, in his letter of April 2011 (page 481 of the bundle), to 'long phone conversations' with Pupil A.

As regards communication through Facebook, the supplementary witness statement of Pupil A exhibits a number of Facebook messages from Mr Chandler (found from page 459 in the bundle). At page 125 Mr Chandler admits, in a record of the school investigation, that he communicated with Pupil A through Facebook. The Panel is

satisfied that communications took place between Mr Chandler and Pupil A through Facebook.

The Panel is cautious about placing weight on the statement of Pupil A. Despite having been served with a witness summons requiring her to appear before the Panel, Pupil A did not attend and therefore neither the Panel, nor Mr Chandler's representative, have had an opportunity to test the evidence set out in her statement.

As to MSN, in her statement, Pupil A indicates (page 34) that she started speaking with Mr Chandler over MSN when she was in year 11, initially about her problems at school, but subsequently with kisses at the end of the messages. She also exchanged texts with Mr Chandler 'frequently throughout the day' whilst she was still at school and that 'this would happen every day'. For the reasons explained, the Panel gives limited weight to the account of Pupil A. Nevertheless, it is satisfied that the pair did communicate on MSN: it is apparent from the Facebook comment at page 461 of the bundle that Mr Chandler had provided Pupil A with his MSN details, and from the comment at page 463 that he had attempted to contact her on MSN.

In summary, even disregarding Pupil A's statement, on the basis of the Facebook pages contained within the bundle, and evidence given by Pupil B that she saw texts from, and overheard a call which Pupil A had with, Mr Chandler, the Panel is satisfied on the balance of probabilities that Mr Chandler communicated with Pupil A by text, telephone and Facebook. The Panel is further satisfied on the basis of the evidence before it, in particular Mr Chandler's comments at page 461 and 463 of the bundle, that MSN conversations took place between Pupil A and Mr Chandler.

The Panel is satisfied that Mr Chandler had been warned as early as 2008 about contacting students/ex students over the internet. In any event, the Panel considers it totally inappropriate that Mr Chandler engaged in text conversations with Pupil A and that, having been called by Pupil A (in the presence of Pupil B who gave oral evidence on the point) Mr Chandler proceeded to have a conversation with her. The Panel also considers that it was inappropriate for Mr Chandler to have communicated with Pupil A by Facebook or MSN. It appears to the Panel that Mr Chandler realised his behaviour to be inappropriate. In this regard the Panel notes his comment (page 461 of the bundle), in relation to his MSN details: 'don't give to another soul'. The Panel therefore finds the allegation proven as regards Pupil A.

Pupil C

The Panel heard from Pupil C, who explained that, like others, she provided MSN details to Mr Chandler on departure from the school so as to make arrangements to collect a DVD of a drama performance. MSN conversations followed and during the course of 2007 the language used by Mr Chandler began to change. Amongst other incidents, Pupil C recalled references to her 'needing an older man' and Mr Chandler stating that 'I might pop over and give you a cheeky snog'.

Pupil C stated that Mr Chandler also added her as a friend on Facebook and on one occasion 'poked' her. She explained that some people would see a 'poke' as flirty.

The Panel found Pupil C to be a credible witness, and whilst it did not have the benefit of seeing copies of the MSN conversations, it is satisfied on the balance of probabilities that her account of them was accurate. The Panel finds that Mr Chandler did communicate with Pupil C through MSN, and through Facebook.

The Panel is satisfied as to Pupil C's account of the contents of the emails which she recalled clearly. Save for the limited circumstances anticipated by the pupil, the Panel considers that it was inappropriate for Mr Chandler to use electronic communications to contact Pupil C. In any event, the Panel considers it self-evident that language such as 'cheeky snog', or her 'needing an older man', was wholly inappropriate. The allegation is therefore found proven as regards Pupil C.

Pupil D

The Panel heard oral evidence from Pupil D who stated that Mr Chandler contacted her through Facebook, including requests to meet up, which Pupil D thought was odd. Pupil D said that the first contact from Mr Chandler was within the first couple of months of leaving school and he continued to contact her until she was 18.

Pupil D also stated (paragraph 4 of her statement at page 28) that Mr Chandler had contacted her after her departure from the school through MSN.

At Paragraph 8 of Pupil D's statement she indicates that Mr Chandler texted her after a friend gave him her mobile number.

In his statement at page 491 of the bundle Mr Chandler states that the allegations that he contacted Pupil D through MSN, and that he had texted Pupil D, were

'untrue'. The Panel, however, found Pupil D's evidence convincing and her reaction understandable. The Panel finds it proven that Mr Chandler communicated with Pupil D through MSN, Facebook and text.

Save for the limited circumstances anticipated by the pupil, the Panel considers that it was inappropriate for Mr Chandler to use electronic communications to contact Pupil D. In any event, the Panel considers it to have been an abuse of the teacher-pupil relationship to have sent a private message to Pupil D asking to meet up. Further, at the point when he contacted Pupil D, Mr Chandler had been instructed, at the very least, to 'think very carefully' before contacting students and ex students over the internet. In all the circumstances the Panel considers that Mr Chandler's communications with Pupil D were wholly inappropriate. The allegation is therefore found proven as regards Pupil D.

Pupil E

The Panel heard oral evidence from Pupil E. She recalled giving Mr Chandler her mobile number on leaving the school so that she could be contacted when a DVD of her drama performance was ready. She stated that she received a text some six months later along the lines of: 'hello, how are you, how is college going?' The texts continued until she was receiving numerous texts every day.

Pupil E recalled one particular day on which she received around 100 texts, starting in the early morning and going through until the evening. Mr Chandler asked her for advice about a potential relationship with an under 18 year old. He then sent texts asking 'what if I said that the person I was talking about was you?', offering Pupil E a lift home on that day, and words to the effect that it would be 'nice' or 'interesting' to be in Pupil E's bed. Pupil E said that she was taken by surprise and felt very uncomfortable.

Consequently a telephone call took place between Pupil E and Mr Chandler. The Panel heard a recording of that call made by Pupil E. A transcript is in the bundle at page 306. During the call, Mr Chandler asked her to 'take it as a compliment that... a 28 year old man finds you incredibly attractive' Mr Chandler acknowledged 'If I was being properly professional and completely adult about it I shouldn't have said anything really' and stated 'I'm sorry if I was a bit flirty suggesting I should come and cuddle you'.

Mr Chandler stated in his disciplinary investigation meeting (page 411) that the contact was 'brief' and 'two sided'. The Panel, however was satisfied that Mr Chandler communicated with Pupil E through text and phone calls and that the content of those communications, including those excerpts which we have referred to above, was wholly inappropriate. Once more, the Panel would go further – the Panel considers that, save for the limited circumstances anticipated by the pupil, it was inappropriate for Mr Chandler to use electronic communications to contact Pupil E at all. The allegation is therefore found proven as regards Pupil E.

2. You failed to follow management instructions and/or advice given in 2008 and 2011 advising you to refrain from contacting pupils and/or ex pupils via the internet and giving out your telephone number.

This allegation was admitted by Mr Chandler. The Panel nevertheless considered the evidence before it.

The Panel heard from Witness H, the former Headteacher who interviewed Mr Chandler in relation to allegations of inappropriate communication in 2008. She recalled advising Mr Chandler that she considered his behaviour inappropriate and unprofessional, a conclusion which she recalled Mr Chandler accepting. Asked how clear her advice was, Witness H stated that she was 'sure' that she said something like 'this must not happen again'. Witness H was confident that Mr Chandler could not have misunderstood what she was saying.

Witness H referred the Panel to a letter at page 235 of the bundle, advising Mr Chandler not to give out his mobile number to students and to 'think very carefully before contacting students and ex students through the internet'. She stated that she was confident the original would have been put on headed paper by her personal assistant, signed by Witness H and then sent to Mr Chandler. The Panel notes Mr Chandler's comment, recorded at page 400 of the bundle, that he did not receive the letter at page 235 of the bundle. The Panel prefers the evidence of Witness H and concludes that on the balance of probabilities the letter was received by Mr Chandler. Even if he had not received the letter, the Panel is satisfied that Mr Chandler was given a clear verbal instruction about the matter at the meeting she had with him in 2008.

The Panel heard from Witness F, deputy Headteacher, who stated that the school had a statutory responsibility to provide safeguarding training to staff every 3 years, and that

such training was also provided as 'one of the first things we talk about' on induction of staff. She stated that Mr Chandler would have been part of the training in 2008.

It was recorded in the strategy discussion notes relating to the meeting on 16 May 2011, at page 136, that in 2009 Mr Chandler was warned by a police officer of the need to keep boundaries, in particular with reference to Facebook communications.

Witness F also indicated that she sent an email to members of staff in 2010 after an incident in which another member of staff had contacted students over the internet. Witness F states at paragraph 5 of her statement (page 44) that she reminded staff members that they 'should not be having any electronic communications with pupils'.

Witness F, in her oral evidence, also identified that Mr Chandler himself had brought to her a concern raised with him by an ex-pupil regarding the behaviour of another member of staff towards her sister who was at the school. Witness F recalled informing Mr Chandler that there would have to be a formal investigation, and noted that Mr Chandler had been noticeably 'agitated' by this. The staff member in question was subsequently dismissed.

Witness F recalled telling Mr Chandler, in a meeting in February 2011 that Mr Chandler should not communicate with Pupil A or G and that he should let the headteacher or herself know if there was any attempt by Pupil A to contact him in the future. This is noted at paragraph 15 of her statement on page 46.

Witness G stated that following the investigation in February 2011 she 'advised him to cease all contact via Facebook and not to give his mobile telephone number out'. This was followed up by a note found at page 246.

A record of a meeting on 7 February 2011 (page 128) notes that Mr Chandler was advised by Witness F to avoid Pupil A. By his own admission, Mr Chandler continued to contact Pupil A after this point.

Taking into account all the evidence before it, the Panel is satisfied that Mr Chandler disregarded clear instructions and advice given on numerous occasions. This allegation is therefore found proven.

3. You engaged in an inappropriate relationship with Pupil/ex-Pupil A, in that you:

We consider each of the particulars in turn:

a) engaged in sexual webcam discussions with Pupil/ex-Pupil A

The Panel is concerned as to the strength of the evidence against Mr Chandler on this point. The key evidence for this allegation is in Pupil A's statement at page 34, which describes sexual acts taking place during webcam discussions, beginning when she was 15. However, Pupil B's recollection differed from the account given by Pupil A as to the details – in particular, whether Mr Chandler could be seen by Pupil A during the webcam discussions.

In the absence of any clear corroborative evidence, and in circumstances where it has not been possible to test Pupil A's account, the Panel is not satisfied that allegation 3(a) has been proved on the balance of probabilities.

b) asked Pupil/ ex-Pupil A to send naked pictures of herself to you

The key evidence for this allegation is found at paragraph 5 of Pupil A's statement at page 34. This is denied by Mr Chandler in his statement at page 492.

In the absence of any clear corroborative evidence, and in circumstances where it has not been possible to test Pupil A's account, the Panel is not satisfied that allegation 3(b) has been proved on the balance of probabilities.

c) kissed Pupil A/ex-Pupil A

For the National College, the key evidence in respect of this allegation is found in paragraph 8 of Pupil A's statement, at page 34. Pupil A states that the first intimate kiss took place whilst she was still a pupil at the school, and that subsequently she and Mr Chandler would meet and kiss frequently.

The Panel heard from Pupil B who recalled Pupil A saying that Mr Chandler had kissed her when she was disappointed about exam results. Pupil B stated she remembered clearly Pupil A telling her that they had kissed on the lips. Pupil B said that she vaguely remembered Pupil A telling her that they had kissed once in Mr Chandler's office.

Allegation 3(c) is admitted by Mr Chandler, although the Panel also notes his statement (at page 492) that Paragraph 8 of Pupil A's statement is untrue. At the Panel's request a clarification statement was provided by Mr Chandler, dated 8 December 2014 (page 537 of the bundle). He refers to a kiss which took place whilst he was visiting the house of Pupil A's mother. He describes the kiss as 'tentative and unexpected'.

The Panel finds that a kiss or kisses did take place between Mr Chandler and Pupil A.

The Panel is not satisfied that the National College has demonstrated on the balance of probabilities that the circumstances of the kiss were as put forward by Pupil A. However, even giving Mr Chandler the benefit of the doubt and accepting that the kiss took place in the circumstances outlined in his statement of 8 December 2014, the Panel considers that it demonstrates an inappropriate relationship. Mr Chandler himself has recognised that his relations with Pupil A were inappropriate. He has given a statement, at page 494 of the Bundle, that 'I entered into a professionally inappropriate friendship' with Pupil A. The Panel agrees with this assessment and considers that, whatever language Mr Chandler may wish to use, there was an inappropriate relationship between Mr Chandler and Pupil A. Allegation 3(c) is found proven.

d) touched Pupil A's/ex Pupil A's breasts

The key evidence for this allegation is found at paragraph 9 of Pupil A's witness statement at page 34 of the bundle. This describes an incident in Mr Chandler's office. Mr Chandler, in his statement at page 492 of the bundle, accepts that a meeting took place in his office, but denies that there was any physical contact.

In the absence of any clear corroborative evidence, and in circumstances where it has not been possible to test Pupil A's account through oral evidence, the Panel is not satisfied that allegation 3(d) has been proven on the balance of probabilities.

e) discussed, with pupil/ex pupil A, the possibility of having sexual intercourse with her

The key evidence for this allegation is found at paragraph 11 of Pupil A's statement, at page 35. She states that there were a number of occasions on which she and Mr Chandler planned to have sexual intercourse.

In the absence of any clear corroborative evidence, and in circumstances where it has not been possible to test Pupil A's account through oral evidence, the Panel is not satisfied that allegation 3(e) has been proven on the balance of probabilities.

4. Your actions at 1 and 3 above were sexually motivated.

The Panel has considered this allegation in respect of allegations 1 and 3(c) only, being those for which the facts have been found proven.

The Panel is conscious that it is concerned with the actual motivation of Mr Chandler, rather than on the perception of others as to his motivation.

Turning first to Allegation 1, the Panel makes the following observations:

Firstly, the Panel does not consider it inevitable that electronic communications with pupils or ex pupils must be motivated by sexual desire. The Panel has therefore considered whether, based on the evidence before it, it was more likely than not that the actions were in fact sexually motivated.

In relation to Pupil E, the Panel considers that, taken together, the use of the word 'snuggle'; references to being in Pupil E's bed in text exchanges; the comment 'take it as

a compliment that a 28 year old man finds you incredibly attractive'; and the comment 'it doesn't mean I won't stop fancying you', reveal a sexual motivation. In the Panel's view it was evident from the recording of the call between Mr Chandler and Pupil E that Mr Chandler had made advances and been rebuffed by Pupil E.

In relation to Pupil C, the Panel considers that, taken together, references to 'massage'; the indication that she 'needed an older man'; the use of the words 'cheeky snog'; and the comment that Mr Chandler was 'not your sir anymore', clearly suggest sexual motivation.

Pupil D found the communications she received from Mr Chandler odd and inappropriate. However, having considered the details carefully, the Panel concludes that there is insufficient evidence to demonstrate sexual motivation on the part of Mr Chandler in relation to his contact with Pupil D specifically.

The Panel has considered the evidence before it as to whether the communications with Pupil A under Allegation 1 were sexually motivated. The Panel concludes that there is insufficient evidence before the Panel that these communications were driven by sexual motivation.

The Panel finds that the communications with Pupils C and E showed a pattern of behaviour which it concludes was motivated by sexual desire. The Panel considers that the content of communications with Pupils C and E were, on balance, more likely than not to be sexually motivated.

The Panel then considered whether the aspect of Allegation 3 found proven, namely 3(c), was sexually motivated. The Panel does not consider that a kiss must inevitably be motivated by sexual desire. The Panel has carefully examined the evidence before it, but finds no clear basis for determining what motivated Mr Chandler's actions. Thus, the Panel finds that, on the basis of the evidence before it, sexual motivation on the part of Mr Chandler, has not been proven in relation to the kiss.

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

In considering the allegations that the Panel has found proven (namely 1, 2, 3(c) and 4), the Panel has had regard to the definitions in The Teacher Misconduct – Prohibition of Teachers Advice, which we refer to as the 'Guidance'.

The Panel is satisfied that the conduct of Mr Chandler in relation to the facts found proven, involved breaches of the Teachers' Standards. The Panel considers that by reference to Part Two, Mr Chandler 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
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
 - 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;

The Panel is satisfied that the conduct of Mr Chandler fell significantly short of the standards expected of the profession. Mr Chandler's behaviour shows a lack of respect and recognition for appropriate boundaries which should exist between teachers and pupils or former pupils and the exploitation of a position of trust in his dealings with pupils and former pupils. He was given clear and unequivocal directions as to the appropriate conduct on numerous occasions but demonstrated brazen disregard for the advice and instructions given. The Panel considers that his actions had the potential to compromise the welfare of pupils and former pupils. As a member of the school leadership team he should have been setting an example for other staff. We are concerned that his actions fell significantly short of the behaviour expected of *any* teacher.

The Panel has also considered whether Mr Chandler's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Guidance. Whilst sexual motives were evidenced, the Panel does not consider that the offences listed are relevant to the specific allegations found proven.

The Panel notes that some of the activity found proven took place outside of the education setting. However it is clear to the Panel that Mr Chandler's conduct led or may lead to pupils being exposed to or influenced by his behaviour in a harmful way. Mr Chandler was using his position as a teacher in order to initiate contact with

various girls. Given the pattern of behaviour it appears to the Panel that his conduct has led or may lead to the wellbeing of pupils being compromised.

Accordingly, the Panel is satisfied that Mr Chandler is guilty of unacceptable professional conduct.

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.

The findings of misconduct are extremely serious. The conduct displayed would likely have a negative impact on Mr Chandler's status as a teacher, potentially damaging the public perception of the profession. The Panel finds this particularly so in circumstances where Mr Chandler was a recently promoted member of the senior leadership team at the school. He failed to comply with clear and repeated instructions given to him by management and continued to make contact with pupils and ex pupils. His actions are all the more concerning given that they continued through a period when the school was intensifying its focus on the safeguarding of pupils by clarifying guidance in relation to electronic communication.

The Panel therefore finds that Mr Chandler'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 Teacher Misconduct – Prohibition of Teachers 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 and declaring and upholding proper standards of conduct.

The Panel's findings against Mr Chandler, involved repeated sexually motivated communications which continued despite instructions and advice given to Mr Chandler on numerous occasions, and persisted despite his promotion to a senior position within the school. In view of these circumstances, there is a strong public interest consideration in respect of the protection of pupils.

The Panel considers that public confidence could be seriously weakened if behaviour such as that demonstrated by Mr Chandler were not treated with the utmost seriousness when regulating the conduct of the profession. It is important that the public have confidence in the ability of teachers to maintain proper boundaries in their relations with both pupils and ex-pupils and to avoid exploiting the teacher – pupil relationship for their own purposes.

The Panel further 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 Chandler was outside that which could reasonably be tolerated.

Notwithstanding 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 Chandler.

In carrying out the balancing exercise the Panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Chandler. The Panel took further account of the Guidance, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. The Panel has considered this issue carefully. It considers that the following behaviours have been proven on the part of Mr Chandler:

- As already indicated in the Panel's decision, the Panel considers that there has been a serious departure from elements of the personal and professional conduct elements of the teachers' standards.

- The Panel finds that Mr Chandler's behaviour involves misconduct seriously affecting the education and/or wellbeing of pupils, and further, that given Mr Chandler's failure to comply with repeated instructions given to maintain appropriate boundaries, there is a continuing risk in so far as Mr Chandler were to be able to return to teaching.
- It is apparent from the pattern of communications with a number of pupils/ex pupils over several years that Mr Chandler was unable or unwilling to adopt and maintain the appropriate professional distance from the female pupils in his care. The Panel therefore further finds Mr Chandler to have shown a deep-seated attitude that led or may lead to harmful behaviour.
- It is self evident from the findings of the Panel that Mr Chandler abused his position of trust in relation to pupils including those in a vulnerable position. The Panel are particularly concerned that this abuse of trust continued even after his promotion to the senior management team at the school.
- The Panel further finds that Mr Chandler's actions amounted to deliberate behaviour and that his behaviour undermined or risked undermining pupils, the profession, the school and colleagues.
- Finally, the Panel finds Mr Chandler's actions to have amounted to sexual misconduct. His communications with girls were sexually motivated, and his methods exploited the trust, knowledge and influence which were derived from his position as a teacher.

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. In this case, there was no evidence that the teacher's actions were not deliberate. There was no evidence to suggest that the teacher was acting under duress, and in fact the Panel found the teacher's actions to be calculated and motivated. Whilst the Panel has heard that the teacher did have a previously good history, the Panel cannot accept that his behaviour could properly be considered as being out of character. On the contrary, the pattern of behaviour shown by Mr Chandler, in the face of instructions and advice that he should cease communications with pupils/ex pupils,

suggests that Mr Chandler had an endemic problem in maintaining proper professional boundaries.

The Panel has considered the various documents referred to by Mr Glover on behalf of Mr Chandler and contained in the bundle, including those at pages 495 to 536. These certainly evidence that Mr Chandler was a very good drama teacher, showed promising abilities and rose very quickly to a senior position. However, whilst the Panel does not doubt that he was an able teacher, this does not mitigate the Panel's serious concerns as to his ability to maintain appropriate boundaries in his relations with female pupils/ex pupils.

The Panel is of the view that Prohibition is both proportionate and appropriate. We have decided that the public interest considerations outweigh the interests of Mr Chandler. The Panel found a number of factors significant in reaching this view. Firstly, the Panel noted that Mr Chandler's actions showed repeated patterns of behaviour in contacting pupils/ex pupils. Secondly, his behaviour caused concern and worry to a number of those pupils, including for example pupil E, who indicated in her statement (paragraph 21 on page 21): 'I felt really scared after Robert Chandler's contact because he knew where I lived'. Thirdly the Panel noted the failure of Mr Chandler to change his ways following repeated instructions. In the light of these factors, 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 them to decide to recommend that a review period of the order should be considered. The Panel were mindful that the Guidance advises 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 Guidance indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include serious sexual misconduct. The Panel finds that such behaviour was present in this case, taking into account the description given at page 10 of the Guidance that such behaviour includes where the act was sexually motivated and resulted in or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person or persons. The Panel has found that Mr

Chandler has been responsible for exploiting his position as teacher in order to initiate inappropriate communications with pupils/ex pupils on a number of occasions and in the face of clear guidance and advice that such behaviour should cease.

Mr Chandler has indicated some regret at the inappropriate nature of his behaviour. However, the Panel has seen no significant evidence of insight on his part as to the effect or potential effect of his behaviour on pupils or as to the fact that his behaviour amounted to an abuse of his position as teacher. Further, the Panel has seen no evidence giving it any confidence that the patterns of behaviour demonstrated previously would not be repeated in the future were Mr Chandler to return to the teaching profession.

The Panel was firmly of the view that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate in all the circumstances for the Prohibition Order to be recommended without provision for a review period.

Decision and reasons on behalf of the Secretary of State

I have carefully considered the findings and recommendations of the panel in this case. They have found a number of allegations proven and have judged that those facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

In considering whether a prohibition order would be an appropriate and proportionate sanction they have given due regard to the public interest considerations and have 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 and declaring and upholding proper standards of conduct. The panel have provided significant detail of the circumstances relating to the case which involved breach of boundaries and a pattern of behaviour motivated by sexual desire.

Whilst Mr Chandler has indicated some regret, there is no real evidence of insight. There is no evidence that the teacher's actions were not deliberate or any evidence to suggest that he was acting under duress. The Panel found his actions to be calculated and motivated. The pattern of behaviour shown by Mr Chandler, in the face of instructions

and advice that he should cease communications with pupils/ex pupils, suggests that Mr Chandler had an endemic problem in maintaining proper professional boundaries.

In the circumstances I agree with the panel's recommendation that a prohibition order is appropriate in this case.

In determining whether to recommend a review period the panel have referenced the Secretary of State's advice, *Teacher misconduct: the prohibition of teachers*. The advice is clear that there are some circumstances that would militate against a review period being agreed and such behaviour includes where the act was sexually motivated. I agree with the panel's recommendation that the prohibition should be without the opportunity to apply for the order to be set aside.

This means that Mr Robert Chandler 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 Robert Chandler 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 Robert Chandler 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: Paul Heathcote

A handwritten signature in black ink, appearing to read 'P Heathcote', with a large, stylized flourish at the end.

Date: 12 December 2014

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