

NATIONAL COUNCIL FOR TEACHING AND LEADERSHIP

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

Teacher: Mr Andrew Paterson

Teacher ref no: 0153115

Teacher date of birth: 17 March 1979

TA Case ref no: 0008205

Date of Determination: 1 August 2013

Former Employer: Medina High School, Newport, Isle of Wight

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership convened on 3, 4 and 5 April 2013 and again on 31 July 2013 and 1 August 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Andrew Paterson.

The Panel members were Mr Michael Sanderson (Lay Panellist, in the Chair), Mr Michael Lesser (Teacher Panellist) and Ms Alison Walsh (Teacher Panellist).

The Legal Adviser to the Panel on 3 to 5 April 2013 was Mr Douglas Readings, Barrister and on 31 July 2013 to 1 August 2013 was Mr Graham Miles of Morgan Cole LLP Solicitors.

The Presenting Officer for the National College for Teaching and Leadership was Ms Katherine Tyler, counsel instructed by Kingsley Napley LLP, Solicitors.

Mr Paterson was present and was represented by Ms Amanda Hart, counsel instructed by Thompsons Solicitors for the NASUWT.

The hearing took place in public and was recorded.

B. Allegations

The Panel considered the allegation set out in the Notice of Proceedings dated 10 August 2012.

It was alleged that Mr Andrew Paterson was guilty of unacceptable professional conduct, in that:

1. Whilst employed as a Teacher at Medina High School, Isle of Wight, he failed to maintain appropriate boundaries with pupils in that;
 - a. In respect of a female pupil, Pupil A, on dates unknown in May and/or June 2010, he;
 - i. gave her his mobile number;
 - ii. exchanged text messages with her;
 - iii. Spoke to her about personal matters
 - iv. kissed her;
 1. in the Anchor Arms pub;
 2. in his classroom;
 - v. allowed her to visit his home on two occasions;
 - vi. had sexual intercourse with her;
 - b. In October 2010, he;
 - i. socialised with students in Yates' bar, Newport;
 - ii. behaved in a flirtatious manner towards a female student, ECS;
 - c. His conduct as set out at particulars 1(a) and 1(b) above was sexually motivated;
2. Whilst employed as a Teacher at Medina High School, Isle of Wight, he made inappropriate use of school property in that he;
 - a. between September 2009 and January 2011, used a School Mac Laptop to store;
 - i. inappropriate images;
 - ii. personal photographs;
 - iii. personal video clips;
 - b. between April 2009 and February 2010, used a School digital camera to take personal photographs;
 - c. on a date unknown, installed a Football Manager computer game on a School Windows laptop;
 - d. on 3 July 2009, downloaded and stored a racist cartoon image on his Mac laptop;
 - e. his conduct as set out in particulars 2(a), 2(b), 2(c) and 2(d) above was in breach of School policies, namely, IWC Information Security Policy, IWC ICT Policy and ICT Electronic Communications Policy;
3. During the course of his career as a teacher, he failed to maintain appropriate boundaries with female students that later developed into sexual relationships with ex-students.

Mr Paterson admitted allegations 2 b and 2 c, and allegation 2 e in respect of allegations 2 b and 2 c, but made no other admission in respect of these charges. He did not admit unacceptable professional conduct.

The Presenting Officer elected to offer no evidence in respect of allegations 1b and 3, and the Panel agreed at Ms Hart's request to ignore the documents relating to those allegations which had been inadvertently included in the Bundle of Documents.

C. Preliminary Applications

Special Measures

Ms Tyler on behalf of the Teaching Agency applied for a direction that Pupil A should give evidence from behind a screen. The application was not opposed by Ms Hart on behalf of Mr Paterson, and the Panel directed that Pupil A should be screened from Mr Paterson when giving evidence.

D. Summary of Evidence

Documents

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

- Section 1: Anonymised Pupil List, with page numbers from 1 to 2.
- Section 2: Notice of Proceedings and response, with page numbers from 3 to 10a.
- Section 3: Teaching Agency Statements with page numbers from 11 to 18f.
- Section 4: Teaching Agency Documents, with page numbers from 19 to 123.
- Section 5: Teacher Documents, with page numbers from 125 to 173.

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

By agreement, page 2 of the Bundle, the Pupil Identifier, was amended to delete reference to any pupils except Pupil A.

On Ms Hart's application, the Bundle was amended to add an additional transcript as page 53A, and copies of certain pages from a notebook belonging to Mr Paterson as pages 174 to 188. On Ms Tyler's application, the School's Information Security Policy published on 26 June 2008, ICT Policy published on 26 June 2008 and ICT Electronic Communications Policy published on 2 June 2009 were added to the Bundle as pages 189 to 209, 211 to 224 and 225 to 245. On Ms Tyler's application, with no objection from Ms Hart on behalf of Mr Paterson, the witness statement of Witness A of NCTL was added to the Bundle as pages 246 and 247, a transcript of text messages was added as pages 248 to 251, and some handwritten notes were added as pages 252 to 254. At Ms Hart's request, the witness statement of Witness B was added as page 256, the witness statement of Mr Paterson as pages 258 to 278, and the statement of Mr Paterson's father, Witness C, was added as pages 280 to 283.

Brief summary of evidence given

3 April 2013

Pupil A

The Panel heard oral evidence from Pupil A, now 20 years old, who was screened from sight of Mr Paterson. She described the events at the Anchor public house on

a day which she thought was Monday 3 May 2010, but which she agreed might have been the previous Saturday, 1 May 2010. She said that she had approached Mr Paterson and kissed him on the lips. She agreed that he had tried to push her away, but said she had in fact kissed him and that he had returned the kiss. She said that she thought that the kiss had lasted for about two minutes. Pupil A told the Panel that she subsequently sent Mr Paterson an email on 4 May 2010 (Bundle page 43) in which she gave her own mobile number and invited him to get in touch with her. She said he replied by text, and thereby gave her his mobile number, and they exchanged further text messages. She said she had copies of those text messages on the SIM card of an old phone, or on the phone itself. Pupil A said she had also sent the two subsequent emails (Bundle pages 44 and 45) on 6 May and 7 May 2010, and she denied she had sent the email of 6 May to Mr Paterson by mistake. She said that on 7 May 2010 she met Mr Paterson in his classroom and they flirted and she kissed him again, on the lips. She said that the email of that date (Bundle page 45) was sent because she did not know where Mr Paterson's classroom was. Pupil A then described two visits to Mr Paterson's house in Cowes, which she believed were on Sunday 9 May 2010 and Sunday 16 May 2010, although she was not certain about the dates. She said that on the first occasion, they watched a film and they had sex on the sofa and that she was in the house for about three hours. On the second occasion she said that she went there to watch a movie. When she was asked about discrepancies between her evidence to the Panel and the answers which she had previously given to Witness D, she said she had not wanted to get Mr Paterson into trouble when she was talking to Witness D. She said she had talked with Mr Paterson about personal matters, including an argument which had taken place between Mr Paterson and his girlfriend Witness E.

In the course of cross-examination, Pupil A said that she had been drinking before she approached Mr Paterson in the Anchor public house but could not remember if she was drunk. She said that she could not remember if there was more than one kiss. She said that apart from the reaction of 'what are you doing' from Mr Paterson, she could not remember anything that indicated to her that he did not want anything to go further. She said that she could not remember receiving any emails from Mr Paterson but that he had responded to her by text. In relation to the incident in the classroom, she said the kiss was on the lips, but she could not remember the length of the kiss or if there was more than one. She said that she had sex with Mr Paterson twice in his home. She said that they had also had sex, this time upstairs, on the occasion of the second visit. She agreed that she had not said this previously. At the close of her evidence, Pupil A agreed to try to arrange for her old phone to be sent to the NCTL so that the old text messages could be examined.

4 April 2013

Witness E

Witness E gave oral evidence, in which she confirmed the accuracy of her written statement at pages 18a to 18f of the Bundle, with minor amendments. She confirmed that she had been in a relationship with Mr Paterson from approximately January 2009. In May 2010, when she was living with Mr Paterson, she said that she found text messages on his phone that he had received from and sent to an unknown number. The number was not saved in the phone. She said that after this incident she went to stay elsewhere, but agreed to return after Mr Paterson

contacted her and proposed to her. After returning to live with Mr Paterson, she said that on 27 June 2010 she looked through text messages on his phone and noted text messages from an unsaved number, one of which contained words to the effect 'are you out tonight?'. She said that Mr Paterson had replied to these messages. She said that she sent a text message to the number from her own phone and then rang the number and spoke to Pupil A. She said that Pupil A then told her that she had had sex with Mr Paterson on two occasions at his house and that Pupil A gave her information about the house, including the colour of the sheets on the bed and information about the wardrobes, which she said was accurate. She said that she confronted Mr Paterson and asked him who Pupil A was (using the Pupil's name), but Mr Paterson denied knowing her and denied that she was a pupil at his school. She said that a few days after this incident, she spoke to a friend who is a teacher and was advised by her to report the incident. She said that before reporting it, she started an argument with Mr Paterson, which she recorded as she hoped that he would admit the relationship with Pupil A. (Bundle pages 52 to 54). She said that Mr Paterson did not admit having a relationship with Pupil A, but he did say that he had responded to her text messages and that Pupil A had turned up at the house, but had not entered the house. Concerning the photographs found on the MacBook laptop which are listed on pages 118 to 120 of the Bundle, Witness E said that the Nokia N95 8GB phone was hers, but she had not used the other telephones referred to. She had no recollection of using the digital camera referred to. She said the only instruction she had been given by Mr Paterson about the school computers was that they should not look at pornography on the MacBook.

In the course of cross-examination, Witness E said that she had not spoken to Pupil A for years. She agreed that Mr Paterson had rented his house out and that there were pictures of the interior of the house on the internet.

Witness D

Witness D, who was Deputy Head of Medina High School from September 2006 to September 2011, gave evidence orally, and confirmed the truth of her witness statement (Bundle pages 12 to 18). She told the Panel about efforts she had made to interview Pupil A, which had been unsuccessful until she met Pupil A at the School on 19 August 2010 when she collected her A level results. Witness D produced copies of transcripts of her interviews with Mr Paterson on 22 July and 10 September 2010. She also told the Panel that Mr Paterson, in common with all teachers at the School had received child protection training, and that it was part of that training that they should never give pupils their personal mobile phone numbers, although she conceded in cross-examination that she could not positively say that Mr Paterson had been present at training where mobile phone numbers were discussed. She said that any issues that needed to be discussed with pupils could be communicated by work email address, or face to face in the course of the school day. Teachers were all advised that they should never be alone with a pupil. Any incident which might affect child protection should be reported immediately to the School's Safeguarding Officer. She produced copies of the Isle of Wight Council's documents which had been adopted on 30 January 2009 as the School's Information Security Policy, ICT Policy and ICT Electronic Communications Policy (added to the Bundle as pages 189 to 245). She said Mr Paterson must have been aware of these policies, because they were uploaded on the School's intranet. When he was given School equipment he should have had to sign to confirm he understood the School's

policies, although she could not be sure that was what in fact occurred at the time when the equipment was issued to Mr Paterson. She said that in her opinion the photographs which were on the MacBook computer were obscene. It was agreed between the parties that the Panel should treat them as being “pornographic” and that the Panel need not inspect the photographs.

In cross-examination, Witness D confirmed that Mr Paterson had co-operated with her investigation, and the School’s disciplinary hearing had not made any finding that he had had inappropriate relations with Pupil A, and he had been dismissed on other grounds. She accepted that she had not interviewed three potential witnesses whom Mr Paterson had identified, Witness B, Individual F and Mr Paterson’s father. She pointed out that Mr Paterson had provided written statements from Witness B and Individual F for the purpose of the disciplinary proceedings. She agreed that when she interviewed Pupil A, there had been no indication of more than one sexual encounter between Pupil A and Mr Paterson. In respect of the photographs found on the School MacBook computer, Witness D confirmed her understanding that, of the images in the list on pages 118 to 120 of the Bundle, those of a sexual or pornographic nature had all been imported on to the computer on 21 September 2009.

5 April 2013

Pursuant to Paragraph 4.16 of the Teacher Misconduct – Disciplinary Procedures for the Regulation of the Teaching Profession (updated 7 March 2013) the Panel received in evidence the signed statement of Witness A of the NCTL, concerning the text messages found on Pupil A’s old mobile phone. Ms Hart made no objection to admitting this evidence.

Pupil A

Pupil A was then recalled to give evidence about the text messages which had been found on her old phone, and she was cross-examined by Ms Hart on behalf of Mr Paterson. She identified the text messages at pages 248 to 250 of the Bundle as having been sent by her to Mr Paterson. She said that she received responses from Mr Paterson to these text messages, and the reason why the responses no longer appear on her old mobile phone is that she used to delete messages in her inbox to enable her to receive more messages, and because the phone itself was temperamental and unreliable.

Witness B

On behalf of Mr Paterson, Ms Hart called Witness B to give evidence. He confirmed the truth of the witness statement which he had signed, dated 19 October 2012, which he said had been prepared by Mr Paterson’s solicitors on the basis of the documents he had provided (Bundle pages 171 and 172). He altered his statement by saying that it was Sunday 9 May and Monday 10 May 2010, not Saturday 8 May and Sunday 9 May 2010 that he had been at Witness C’s house with him from 7 pm to 10 pm watching the Cricket World Cup. He told the Panel that on Saturday 1 May 2010 he was with Witness C at the Anchor public house when Pupil A, who was the worse for drink, repeatedly approached Mr Paterson and was flirtatious towards him and tried to make physical contact with him. He did not, however, recall any physical contact between them. He agreed, in cross-examination, that he had told a

disciplinary hearing that Pupil A had attempted to kiss Mr Paterson, but had not put that in any of his written statements.

Witness C

Witness C was called to give oral evidence. He confirmed the truth of his witness statement (Bundle pages 280 to 283) signed on 5 April 2013. He told the Panel that he first heard of his son's problem on Sunday 9 May 2010 was when he received a telephone call at about 1 pm to say that his son had just been released from the Police cell. He believed his son had a friend with him at that time, who might have been Witness B. His wife had spoken to Mr Paterson on the telephone more than he had. Witness C told the Panel that he had never discussed this case with his son. In answer to questions from the Panel, he said that when his son had been suspended and then dismissed from his job, he had said that there had been an accusation made against him, and it was untrue. Witness C did not ask for any further details.

31 July 2013

Andrew Paterson

Mr Andrew Paterson was called to give oral evidence. He confirmed the truth of his witness statement (bundle pages 258 to 278). He confirmed that he was employed by Medina High School as a history teacher from 1 September 2004 until 20 October 2010. In September 2009 he was appointed to Head of Sixth Form. He said he was now employed as a teacher in Moscow. He denied giving Pupil A his mobile phone number and said there were occasions when he had given the number to students, such as on a trip to Cologne in December 2009 when he was responsible for a group of students. His mobile phone number was provided so that students could easily make contact with him during that trip. He said that he frequently texted several colleagues and friends. He would not have the names on his phone of any female friends as his girlfriend, Witness E, did not like him having female friends. He said that he did receive an email from Pupil A with her phone number (bundle page 43) but he did not reply to this email and did not use her phone number. He received on average 20 or 30 emails each day. He said that he knew Pupil A was in the sixth form but he did not teach her. He said that in the Anchor Arms Pub, Pupil A had approached him whilst he was with his friend, Witness B. Pupil A appeared to be drunk and acted flirtatiously and moved towards him. He "pushed her away" meaning that he put his hands up and backed away. He said that it was not a physical push. He said that he did not meet with Pupil A in the classroom on 7 May. He said that on 7 May 2010, which was a Friday, he would have finished teaching at 3:30 and then would have gone to his car to get his kit to play staff football starting around 3:45pm. He said that Pupil A had never been to his home and that on the evening of 9 May 2010 he was at home with his friend Witness B between approximately 7:00pm and 10:00pm and that they were both watching cricket on TV. He said that the previous night he had been physically assaulted and was very badly bruised. He said that he as far as he could recall he had contacted Witness B first to arrange for him to come around. He could not remember whether he had done so by phone call or by text. He said that Witness B was a good friend and they would drink together and he would sometimes play in his pool team. However, he said he did not discuss his personal relationships with Witness B and he had had very little contact with him since he had been working in Russia. In relation to the transcript of text message (bundle page

248) he now presumed that he must have responded to some of those text messages to his phone and perhaps to all of them. He said the nature of the texts were similar to those received from other friends and colleagues. For example, one of the texts referred to the Isle of Wight Festival and he knew people who were going to this. He said that he knew that Witness E uploaded photographs from his laptop onto Facebook but he was not always present when she did this. He said that he had told Witness E that as it was a school computer she should not store anything inappropriate on it.

When interviewed by Witness D on 10 September 2010 he said that Pupil A was being forward but he did not mention any attempt to kiss him. He said that he did not introduce Pupil A to Witness B. He knew she was a pupil as he was Head of Sixth Form but he had never previously had a conversation with her. He had never taught her. He said that his classroom was not part of the main building. He confirmed that he did have posters from all the political parties on the classroom wall. He said he did not arrange to meet Pupil A and he did not kiss her in the classroom. He gave the names of two of the teaching colleagues with whom he would exchange text messages. He said that as he did not store the numbers of female friends on his phone it would sometimes be the case that he did not know who a text message was from. He said that at the time of the disciplinary proceedings he was trying to get hold of an itemised phone bill that would have shown the degree of contact between him and Pupil A, which he felt would have been important. However, he could not obtain this, despite trying, as he was told that the period that he was looking for was too long in the past. He would agree that not all of the text messages referred to on page 248 could have come from his teaching colleagues. For example, the text message sent at 18:59 on 31 May 2010 was questioning whether school had broken up. He agreed that both his colleagues, as teachers, would know when school had broken up. However, he said that he had several friends with whom he exchanged texts and it could have been another friend who was not a teacher. Mr Paterson agreed that at his disciplinary hearing he had not mentioned exchanging texts with friends other than the two teaching colleagues named. He agreed that when he spoke to Witness E on 27 June he lied to her about Pupil A coming to the house. He said he was trying to appease Witness E by saying what he thought she wanted him to say. He said that he now accepted that he acted naively when he received an email from Pupil A and should have reported the emails. However, when interviewed by Witness D he did inform her that the emails would be on the school system. At the time he had a lot on his mind as the school had been threatened with special measures, his relationship with his girlfriend had broken down and his father was unwell.

In her closing submissions, Ms Tyler suggested the panel consider the credibility of the witnesses and whether the panel believed Pupil A or Mr Paterson. She referred to the growing confidence evident in the email sent by Pupil A on 6 May 2010 compared with the one sent on 4 May. Mr Paterson must have communicated with Pupil A in between these emails. The email sent on 7 May 2010 was also consistent with Pupil A's account that she met with Mr Paterson in his classroom that afternoon. Ms Tyler said that Witness B had effectively provided Mr Paterson with an alibi in relation to the first alleged visit by Pupil A to Mr Paterson's house, but his evidence was entirely unreliable and new information had dripped out as Mr Paterson's requirements had changed. There was also the evidence of Mr Paterson's father

(Witness C) who said that he thought that Witness B had been at his son's house at around 1:00pm on that day, which was in conflict with Witness C's evidence.

In her closing submission, Ms Hart said that the credibility of the evidence of Pupil A was in question. Her evidence was vague and inconsistent at various points. She also used the word "would" when describing what she would have done rather than what she actually recalled doing. There was also clear undisputed evidence that Mr Paterson was injured the night before 9 May 2010 and that his injuries would have been visible and memorable. Pupil A was only able to recall that Mr Paterson was not in his school clothes and did not refer to his injuries other than to say that she thought he had a black eye. If Pupil A had had sex with Mr Paterson as she alleges then she would have been bound to have seen his injuries. In terms of the texts sent by Pupil A, they did not contain any affectionate comment or remark so as to indicate any close relationship between them.

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.

A brief summary of the case is as follows. From 1st September 2004 until he was dismissed on 20 October 2010, Mr Paterson was employed as a history teacher at Medina High School, Newport, and Isle of Wight and from September 2009 onwards he was also Head of Sixth Form. Pupil A joined the school for the sixth form in September 2008 and left at the end of the summer term 2010. In July 2010 an allegation was made to the Local Authority Designated Officer that Mr Paterson had an inappropriate relationship with Pupil A. No police investigation occurred. Ms Witness D, who was then Deputy Head at the school, was commissioned to investigate on behalf of the school. The allegation came from Witness E, who was Mr Paterson's girlfriend. She told Witness D that she had found text messages from a number which she did not recognise on Mr Paterson's mobile phone. She said that this led to an argument which caused the police to intervene, and then she left the house where she had been living with Mr Paterson on the afternoon of Sunday 9 May 2010. She said she returned a few weeks later. Then, at the end of June, she found some more messages on Mr Paterson's telephone, and she replied, and thereby found herself in communication with Pupil A. Witness C interviewed Witness E, and Mr Paterson, who was suspended from duty, and Pupil A. The allegations which emerged from Witness D's investigation were that Mr Paterson had given his mobile number to Pupil A, exchanged text messages with her, spoke to her about personal matters, kissed her on two occasions, once at a pub and once in his classroom, allowed her to visit his home on two occasions, and had sexual intercourse with her. When Mr Paterson handed back two laptop computers and a digital camera which belonged to the school, it was allegedly found that they had been inappropriately used in breach of school policies

Findings of fact

Our findings of fact are as follows:

1. Whilst employed as a Teacher at Medina High School, Isle of Wight, he failed to maintain appropriate boundaries with pupils in that;

a. In respect of a female pupil, Pupil A, on dates unknown in May and/or June 2010, he;

i. gave her his mobile number;

This allegation is proved. We accept the evidence of Pupil A, whose evidence we considered credible, that Mr Paterson provided her with his mobile number.

ii. exchanged text messages with her;

This allegation is proved. In addition to the evidence of Pupil A, we have been provided with the transcript of text messages sent by Pupil A to Mr Paterson's phone between 31 May 2010 and 7 June 2010. Furthermore, we take into account the content of the emails sent by her on 6 and 7 May 2010, which indicates a new level of confidence on the part of Pupil A towards Mr Paterson and supports the view that Mr Paterson had responded to her. Mr Paterson did not dispute that he had received these texts or that he responded to them, but he asserted that he did not appreciate that he was responding to Pupil A. We find Mr Paterson's evidence to lack credibility in view of the level of intimacy and intimate knowledge contained in the texts.

iii. Spoke to her about personal matters

This allegation is proved. We are satisfied by the evidence of Pupil A that Mr Paterson discussed matters of a personal nature with her, including his relationship with Witness E.

iv. kissed her;

1. in the Anchor Arms pub;

This allegation is not proved. We are satisfied that there was an incident in the Anchor Arms Pub in which Pupil A approached Mr Paterson and kissed him or attempted to kiss him. However, we take account of the fact that Pupil A had consumed a significant amount of alcohol on that occasion and that her recollection of that particular event might have been affected by that. We are not satisfied that the evidence establishes that there was a kiss that was reciprocated by Mr Paterson. In coming to this conclusion, we also note the content of the email sent by Pupil A to Mr Paterson on 4 May 2010 in which she apologised to him if she had gone too far. Taken as a whole, the Panel felt that the evidence did not establish that Mr Paterson had reciprocated the kiss.

2. in his classroom;

This allegation is proved. We accept the evidence of Pupil A that she went to Mr Paterson's classroom on 7 May 2010, when they both kissed. In addition to the evidence of Pupil A, which we find to be credible, we take into account the content of the email sent by her on 7 May 2010, which indicates an intention on her part to meet him in his classroom.

v. allowed her to visit his home on two occasions;

This allegation is proved. We are satisfied by the evidence of Pupil A that she visited Mr Paterson's home on two occasions. Pupil A was able to identify certain salient features in the house, including features in Mr Paterson's bedroom. We considered the possibility that Pupil A might have obtained this information from a website notice about the property when it was advertised for rent. However, this requires us to impute a conspiratorial motive to Pupil A. We note that Pupil A was a reluctant witness and our assessment of her evidence was that we cannot attribute to her an intention or motive to impugn Mr Paterson or seek some form of revenge. In making this finding, we also take into account the evidence of Witness B as to his presence in Mr Paterson's house on 9 May 2010, but we found his evidence to be unconvincing. We also note the evidence of Witness C to the effect that he thought that Witness B had been at his son's home at about 1pm that day. This conflicts with the account of Witness B that he did not go to Mr Paterson's home until the evening.

vi. had sexual intercourse with her;

This allegation is proved. We accept the evidence of Pupil A that Mr Paterson had sexual intercourse with her at his home. We note that Pupil A was inconsistent in her evidence as to whether sexual intercourse had taken place on each of the occasions that she visited Mr Paterson's home or twice on one of those occasions. However, for the reasons given in relation to the prior allegation, we prefer the evidence of Pupil A to that of Mr Paterson.

b. In October 2010, he;

- i. socialised with students in Yates' bar, Newport;**
- ii. behaved in a flirtatious manner towards a female student, ECS;**

No evidence was presented in respect of this allegation. This allegation is not proved;

c. His conduct as set out at particulars 1(a) and 1(b) above was sexually motivated;

This allegation is proved in respect of particular 1(a). No evidence was offered in respect of particular 1 (b) and so this allegation is not proved in respect of particular 1(b). We note that the initial contact in the public house was made by Pupil A. However, we are satisfied that, following the incident in the public

house and after Pupil A had emailed Mr Paterson, his conduct in exchanging text messages, discussing personal information with her, kissing her in the classroom and finally having sexual intercourse with her, was sexually motivated.

2. **Whilst employed as a Teacher at Medina High School, Isle of Wight, he made inappropriate use of school property in that he;**
 - a. **between September 2009 and January 2011, used a School Mac Laptop to store;**
 - i. **inappropriate images;**
 - ii. **personal photographs;**
 - iii. **personal video clips;**

We find all three elements of this allegation proved. We accept the evidence of Witness D that inappropriate images, personal photographs and video clips had all been stored on the laptop concerned. This was not disputed by Mr Paterson, but he asserted that he had not been responsible for this. He said that he was aware the Witness E had uploaded photographs for use on Facebook. However, we have regard to the fact that some of the material on the computer would not have been suitable for Facebook but more appropriate to be shared between a couple in an intimate relationship. We did not find credible Mr Paterson's assertion that he was not aware of this material.

- b. **between April 2009 and February 2010, used a School digital camera to take personal photographs;**

This allegation has been admitted and is found proved.

- c. **on a date unknown, installed a Football Manager computer game on a School Windows laptop;**

This allegation has been admitted and is found proved.

- d. **on 3 July 2009, downloaded and stored a racist cartoon image on his Mac laptop;**

This allegation is not proved. We have not been provided with a copy of the cartoon concerned and are not able to determine whether it could be described as racist. Furthermore, there is no clear evidence that Mr Paterson was aware of this particular image or was involved in downloading it and storing it on the laptop. We note the school found that this image had been downloaded from a Yahoo account. We accept Mr Paterson's evidence that he did not have a Yahoo account.

- e. **his conduct as set out in particulars 2(a), 2(b), 2(c) and 2(d) above was in breach of School policies, namely, IWC Information Security Policy, IWC ICT Policy and ICT Electronic Communications Policy;**

We find that this allegation is proved in relation to particulars 2(a), 2(b) and 2(c) only. This allegation is admitted in relation to particulars 2(b) and 2(c). We have found 2(a) proved and 2(d) not proved. The conduct was clearly in breach of these policies. We note, however, that there is no evidence that these policies were brought to the attention of Mr Paterson. Further, these policies were general Isle of Wight Council policies and not particular to the school and so somewhat distal from the operations of the school itself.

3. During the course of his career as a teacher, he failed to maintain appropriate boundaries with female students that later developed into sexual relationships with ex-students

No evidence was presented in respect of this allegation. This allegation is not proved;

Finding as to Unacceptable Professional Conduct

In considering Unacceptable Professional Conduct we have regard to the definition in the guidance entitled 'Teacher misconduct – the prohibition of teachers' namely misconduct of a serious nature falling significantly short of the standard of behaviour expected of a teacher. In making a determination, we have regard to the GTCE Code of Conduct and Practice for Registered Teachers effective from 1 October 2009. To the extent that allegation 2 refers to conduct before 1 October 2009, we have regard to the GTCE Code effective from 1 November 2004.

In relation to the facts found proved in allegation 1, Mr Paterson breached the following parts of the 2009 Code, namely:

- The first principle of the Code required him to put the wellbeing of children and young people first. This included the need to establish and maintain appropriate professional boundaries in his relationships with children and young people. In engaging in a personal and sexual relationship with Pupil A, he failed to comply with this requirement.
- He breached the same principle in failing to demonstrate self-awareness and access help and support by not reporting the initial contact with Pupil A.
- Principle 8 of the same code required him to demonstrate honesty and integrity and uphold public trust and confidence in the teaching profession. He had a duty to safeguard children and young people in line with statutory requirements. This would include acting in line with school child protection procedures. In failing to act in accordance with these procedures, Mr Paterson acted in a manner likely to undermine public trust and confidence in the teaching profession

In relation to the conduct found proved in allegation 2, Mr Paterson breached the following parts of the 2009 Code, namely:

- Principle 6, he failed to uphold school policies and procedures
- Principle 8, he failed to demonstrate honesty and integrity in the use of school property.

To the extent that conduct found proved in allegation 2 occurred before 1 October 2009, Mr Paterson breached the following parts of the 2004 Code, namely:

- Point 6, he failed to maintain appropriate standards of honesty and integrity in the use of school property
- Point 8, he has brought the reputation and standing of the profession into serious disrepute.

We are satisfied that Mr Paterson is guilty of Unacceptable Professional Conduct in relation to all facts found proved.

F. Submissions as to Prohibition

Ms Tyler referred to the Department for Education guidance on factors relating to decisions leading to the prohibition of teachers. She submitted that the case involved a number of factors likely to render Mr Paterson's behaviour. This was a serious departure from the personal and professional conduct elements of the latest teachers' standards and was misconduct affecting the well-being of a pupil. Further, Mr Paterson abused his position of trust.

Ms Hart said that Mr Paterson had already acknowledged throughout the hearing that he made a number of serious errors of judgment. Although he had denied having a relationship with Pupil A, he fully accepted that the conduct that the Panel had found proved is very serious. Ms Hart said that Mr Paterson's circumstances were now very different from when the conduct place in 2010. He is now married and in a stable relationship and he has learned a great deal. The impact upon him has already been very significant. Having been dismissed from his job, he could not keep his home. In his parents' efforts to support him financially, they almost lost their home. The matter was reported in the local press and the whole process has been extremely humiliating and embarrassing to Mr Paterson. He was offered a teacher position in Abu Dhabi, but that offer was withdrawn when his prospective employers were provided with a press report. He has been able to obtain work as a teacher in Russia, but this requires him to be away from his wife, family and friends. In view of this significant impact, Ms Hart invited the Panel to consider recommending that no prohibition order be made. If the Panel concluded that it was necessary to recommend a prohibition order, Ms Hart urged the Panel to recommend that Mr Paterson be allowed to apply for the order to be reviewed after a specified period.

H. Panel's Recommendation to the Secretary of State

In reaching our determination with respect to the imposition of a Prohibition Order we have heard very complete submissions from Ms Tyler, as Presenting Officer and Ms Hart, in mitigation on behalf of Mr Paterson. In particular, we take into account that Mr Paterson, at the time of the conduct was coping with a series of difficult issues in his own life. These included the illness of his father, a degree of pressure in his place of work, a continuing difficult relationship with his girlfriend and an upcoming criminal trial in which he was the victim and would have to give evidence. In consequence of his conduct, Mr Paterson has now lost his job and has suffered serious financial

consequences as a result. He has now been compelled to move abroad in order to obtain employment. His relationship with a pupil was reported in the press on the Isle of Wight and he has been subject to abuse, both in person and on line. Mr Paterson says he has found the proceedings surrounding the allegations deeply humiliating.

However, in particular, the sexual misconduct found proved with Pupil A is a serious departure from the standards of personal and professional conduct expected of a teacher and represents a significant breach of trust, particularly as Pupil A was in his care as Head of the Sixth Form. This is aggravated by the serious misuse of the IT equipment in his care. We have, therefore, decided that it is necessary to recommend a Prohibition Order in order to maintain public confidence and to uphold proper standards of conduct within the profession.

Of course, we take into account the indication at section 7 (Review of Prohibition Orders) of the Department of Education guidelines of 22 May 2013 that, where there is serious sexual misconduct, the panel should consider imposing a Prohibition Order with no provision for review. Any sexual misconduct between a teacher and pupil is of the utmost seriousness. The facts as proved show that the pupil approached Mr Paterson initially in person and by e mail, the relationship was short-lived and the pupil was at the end of her school career. Together with Mr Paterson's relatively young age, previous successful record as a teacher and the evidence of insight and remorse demonstrated in the course of his evidence, the Panel is firmly of the view that a Prohibition Order with provision for review after 5 years is appropriate. This is our recommendation.

I. Decision and Reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendations made by the panel in respect of both sanction and review period.

This is a very serious case. There is a clear escalation of misconduct which culminates in a finding that Mr Paterson had sexual intercourse with Pupil A at his home. This misconduct is a serious betrayal of trust and clearly is unacceptable professional conduct.

Indeed the panel have found unacceptable professional conduct for all the facts proven in this case. For these reasons I support the recommendation of the panel that Mr Paterson is prohibited from teaching.

I turn next to the matter of a review period. The guidance indicates that where there is serious sexual misconduct that a prohibition order with no provision for a review should be imposed.

In my judgement the finding of fact that sexual intercourse took place between Mr Paterson and Pupil A is an example of the most serious sexual misconduct. I do not believe that the issues relating to the first contact between Pupil A and Mr Paterson, the length of the relationship or the fact that Pupil A was at the end of her school career are factors that are exceptional enough to merit a different outcome from that set out in the guidance. I have also taken into account the fact that the panel did

hear some remorse and some insight, but in my judgement the findings of fact override that. I have therefore decided that there should be no review period.

This means that Mr Andrew Paterson 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 Andrew Paterson 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 Andrew Paterson 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 August 2013

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