



National College for
Teaching & Leadership

James Stephen Mullen: Professional Conduct Panel outcome

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

November 2014

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

Teacher:	Mr James Stephen Mullen
Teacher ref no:	3559288
Teacher date of birth:	16 September 1989
NCTL Case ref no:	0010133
Date of Determination:	6 November 2014
Former employer:	St Edmund's College

A. Introduction

A Professional Conduct Panel (“the Panel”) of the National College for Teaching and Leadership (“the National College”) convened on 6 November 2014 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr James Stephen Mullen.

The Panel members were Luke Graham (Chair - Teacher Panellist), Alison Robb-Webb (Teacher Panellist) and Jake Greenwood (Lay Panellist).

The Legal Adviser to the Panel was Patricia D’Souza (Eversheds LLP).

The Presenting Officer for the National College was Mr Tim Pole (No 5 Chambers).

Mr James Stephen Mullen was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The Panel considered the allegations set out in the Notice of Proceedings dated 13 August 2014, as amended as set out below.

It was alleged that Mr James Stephen Mullen was guilty of having been convicted of a relevant criminal offence, in that:

On 23 July 2013 you were convicted at St Albans Crown Court of three offences of Sexual Activity with a female child between 13-17 years old; whilst in a position of trust; when you did not reasonably believe that the victim was over 18. This is contrary to section 16 (1) of the Sexual Offences Act 2003.

You committed these offences between 14 February 2013 and 26 February 2013. A Sexual Offenders Notice and a Sexual Offences Prevention Order were imposed against you each for duration of 10 years on 23 July 2013. You were sentenced on 23 August 2013 to imprisonment for a period of 8 months concurrently for each offence.

C. Preliminary applications

The Panel has considered whether this hearing should continue in the absence of Mr Mullen. The Panel accepted advice from the Legal Advisor that the Notice of Proceedings was sent to him on 13 August 2014, which gave him more than 8 weeks notice of today's hearing as required by 4.11 of the Procedures. The Panel also took into account the Presenting Officer's submissions that it was clear that Mr Mullen was aware of these proceedings, by the fact that he had provided detailed correspondence to both the Presenting Officer and the National College in relation to the allegations, and more recently, Mr Mullen had made two separate applications for a stay/adjournment of these proceedings. The Presenting Officer also confirmed that Mr Mullen had provided no indication that he was unable or intended not to attend today's hearing. The Panel therefore considered that it was entirely satisfied that Mr Mullen was aware of the hearing and in the absence of any information indicating that he was unwell or unable to attend for another reason, the Panel considers that his absence is entirely voluntary. The Panel do not consider that Mr Mullen's Article 6 right to a fair hearing, under the European Convention of Human Rights is infringed in any way.

The Panel wish to make clear that it is not inferring any reason from his non-attendance today, however in view of the seriousness of the allegations, the Panel considers that it is in the public interest for this matter to proceed in Mr Mullen's absence. The Panel are confident that it has sufficient information within the bundle of documents to assist it with determining whether the allegations amount to a conviction of a relevant offence. Also the Panel considers that there will be no prejudice to Mr Mullen in proceeding without hearing oral evidence from him, given the fully detailed written submissions provided both by himself and his representative, Ms Catherine Mullen (pages 29 – 160 of the bundle).

The Panel considers that there is sufficient guidance in the Procedures and the Teacher Misconduct – The Prohibition of Teachers Advice (“the Guidance”), to enable it to form a reasoned decision in relation to the facts of the allegations, whether they amount to a conviction of a relevant offence and whether it would be appropriate for a Prohibition Order to be made.

The Presenting Officer made a preliminary application to amend the particulars of allegation 1, which refers to an incorrect provision from the Sexual Offences Act 2003 (“the Act”). The allegation refers to section 16(1)(e)(ii) which relates to a child under the age of 13. The Presenting Officer indicates that section 16(1) of the Act is relevant as it relates to convictions relating to children between the age of 13-17 and it is requested that the Panel agree to remove section 16(1)(e)(ii) from allegation 1 and replace this with section 16(1). The Panel had regard to the documents in the bundle and it was clear that section 16(1)(e)(ii) was set out in the print out from the Police National Computer (“PNC”) and accepted the Presenting Officer’s submission that it was entirely understandable how this error had occurred. The Panel considered that this error made no material difference to the nature of the allegations being considered by the Panel. The Panel was mindful that as Mr Mullen was not present, any amendment contemplated should not introduce a more serious allegation. It may be said that the amendment contemplated reflected inaccuracies in the drafting of the allegation which was based on inaccurate data in the PNC, rather than any substantive amendment. The Panel therefore agreed to remove section 16(1)(e)(ii) from allegation 1 and replace this with section 16(1).

Prior to the hearing, the Panel had regard to an undated letter (a request for a stay in the proceedings) from Mr Mullen to the National College in which he set out various reasons as to why he wishes these proceedings to be adjourned. The Panel’s attention was drawn to paragraph 4.33 of the Procedures which indicates that no hearing will be adjourned unless both parties have been given a reasonable opportunity to make representations to the Panel. In view of Mr Mullen’s absence, the Panel considered it was fair to Mr Mullen to admit the letter from Mr Mullen referred to previously, under its power under paragraph 4.18, as evidence that was relevant to Mr Mullen’s application. The Presenting Officer clarified for the Panel that Mr Mullen was in the process of pursuing a complaint before the IPCC in relation to his treatment by the police prior to and leading up to his conviction. The Panel were mindful of the fact that if a Prohibition Order was granted and in the future, Mr Mullen’s convictions were overturned, paragraph 5.10 of the Procedures would be relevant. This states:

5.10. A panel may, at any time, recommend that the Secretary of State should revoke a disciplinary order made by GTCE or the Secretary of State where:

- *the only or main reason for making the order was that the teacher in relation to whom the order was made had been convicted of a relevant offence and, after the date the order was made, the conviction in question was quashed;....*

In order to ensure fair and appropriate consideration of Mr Mullen's application to adjourn, the Panel had regard to the detail in his letter referred to above. The Panel considers that the complaints Mr Mullen is pursuing with the IPCC or the issues considered by His Honour Judge Gullick ("HHJ Gullick") when determining conviction or sentence, or indeed whether Mr Mullen appeals against his conviction, is not relevant to the Panel's determination. It is worth highlighting that the Panel are unable to probe or reconsider any of the matters taken into account by the Criminal Courts which led to Mr Mullen's convictions. The Panel only have the power to determine whether Mr Mullen has been convicted of an offence(s), whether those convictions amount to a relevant offence or whether it would be reasonable to recommend that a Prohibition Order should be made. The standard of proof that the Panel must consider is the balance of probabilities, which is separate and distinct to the criminal standard of proof.

The Panel considered Mr Mullen's reference to the Disclosure and Barring Service ("DBS") and in particular that Mr Mullen indicates that it has not yet reached a decision regarding his suitability to work with children. The Panel were mindful that the DBS process is entirely separate and distinct to the Procedures that the Panel are subject to and that, in the absence of a decision from the DBS, there is no impediment to the Panel proceeding to make a decision. The public interest is served in a decision being made about whether it is appropriate for a Prohibition Order to be made in view of the seriousness of the allegations against Mr Mullen.

The Panel considered that transcripts of interviews made by Student A or reference to Article 6 of the European Convention of Human Rights did not assist the Panel in determining the facts of the allegation or whether Mr Mullen's convictions, amount to a conviction of a relevant offence.

There is reference in Mr Mullen's letter which refers to the Statement of Agreed Facts. Upon direction from the National College and the Legal Advisor, this Statement has been removed from the bundle of documents before the Panel and will form no part in its decision making.

The Panel carefully considered Mr Mullen's request that the Panel consider an adjournment in order to seek evidence from Student A. The Panel does not consider that Student A could provide any evidence that would assist it in determining whether a conviction had been received and whether these amounted to a relevant offence. The Panel also does not consider that Student A could provide additional or new information relating to Mr Mullen's insight or remorse (ie mitigation evidence). There is sufficient information in the detailed written representations made by Mr Mullen that would facilitate the Panel taking into account mitigation evidence and the Panel does not consider it appropriate for Student A to be called to give evidence in this matter.

Finally, the Panel had regard to Mr Mullen's suggestion in his letter that the Notice of Case Management Hearing and the bundle of documents for today's hearing were not sent to him in good time and in accordance with the Procedures. Upon receiving advice

from the Legal Advisor, the Panel were made aware that the Notice of Case Management Hearing was sent to Mr Mullen on 14 October 2014, which provided him with the 5 working days notice required by paragraph 4.42 of the Procedures. The bundle of documents was sent on 29 October 2014, which was again provided to him five working days prior to the hearing (in accordance with paragraph 4.21 of the Procedures).

In view of Mr Mullen’s detailed representations in his letter, the Panel considered it appropriate to set out in detail its consideration of the points he has raised. However, the Panel concludes that it would be in both the public interest, and the interest of Mr Mullen to refuse his application for a “stay” or adjournment.

D. Summary of evidence

Documents

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

Section 1:	Chronology, Anonymised Pupil List	Pages 2 – 3
Section 2:	Notice of Referral, response and notice of meeting	Pages 5 – 9f
	Blank pages	Pages 10 – 13
Section 3:	Presenting Officer Representations	Pages 14 – 15
Section 4:	National College for Teaching and Leadership Documents	Pages 17 – 27
		Pages 161 - 197
Section 5:	Teacher Documents (mitigation points)	Pages 29 – 197

Under its powers under 4.18 of the Procedures, as referred to previously, the Panel agreed it was reasonable to admit the undated letter from Mr Mullen sent to the National College after 31 October 2014. This is referred to as “Mr Mullen’s letter requesting a stay of proceedings” and is numbered pages 198 – 200.

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

Witnesses

As Mr Mullen did not attend there was no oral evidence provided at the hearing.

E. Decision and reasons

The Panel announced its decision and reasons as follows:

The Panel has now carefully considered the case and has reached a decision.

The members of the Panel confirm that they have read all the documents provided in the bundle in advance of the hearing. The Panel also read Mr Mullen's letter to the Presenting Officer requesting a "stay" of the proceedings.

Summary of Evidence

Mr Mullen was employed at St Edmund's College as a Part-time History Teacher and worked as a Boarding Tutor from 1 September 2012 until 27 February 2013. On 26 February 2013 Mr Mullen was seen, by a fellow member of staff at St Edmund's College, lying on the floor of the music room with Student A. He was seen kissing Student A and touching her chest area over her clothing. On 27 February 2013, Mr Mullen was arrested on suspicion of having committed sexual abuse and abuse of a position of trust towards a female aged between 13-17. On 23 July 2013, after pleading guilty, Mr Mullen was convicted of three offences of Sexual Activity with a female child between 13-17 years old; whilst in a position of trust; when he did not reasonably believe that the victim was over 18. These offences took place during the period of 14 February 2013 to 26 February 2013.

Findings of Fact

Our findings of fact are as follows:

The Panel has found the following particulars of the allegations against you proven, for these reasons:

1. On 23 July 2013 you were convicted at St Albans Crown Court of three offences of Sexual Activity with a female child between 13-17 years old; whilst in a position of trust; when you did not reasonably believe that the victim was over 18. This is contrary to section 16 (1) of the Sexual Offences Act 2003.

In relation to this amended allegation, the Panel has seen the Court record of St Albans Crown Court which confirms that Mr Mullen was convicted upon his own confession upon indictment of three offences of sexual activity with a female 13-17 which was an abuse of a position of trust. In relation to this amended allegation, the Panel has seen the PNC record contained within the bundle of documents which confirms that such offences were contrary to section 16(1)(e)(ii) of the Sexual Offences Act ("the Act"). The Panel were mindful of the Presenting Officer submissions that the error in the section of the Act referred to in this allegation has arisen from incorrect data in the PNC record.

The Panel notes in his written representations that Mr Mullen has admitted pleading guilty to such offences and being convicted of these offences. This allegation is therefore found proven.

2. You committed these offences between 14 February 2013 and 26 February 2013. A Sexual Offenders Notice and a Sexual Offences Prevention Order were imposed against you each for duration of 10 years on 23 July 2013. You were sentenced on 23 August 2013 to imprisonment for a period of 8 months concurrently for each offence.

The Panel has seen the Court record of St Albans Crown Court which confirms that Mr Mullen was convicted as referred to in allegation 1 above, on 23 July 2013, and on 23 August 2013, he was sentenced to 8 months imprisonment (concurrent for each offence) and made subject to a Sexual Offences Prevention Order for 10 years and made subject to sign onto the Sex Offenders Register for 10 years. The Panel has also seen the PNC record which indicates that Mr Mullen's convictions relate to events that took place between 14 February 2013 and 26 February 2013. The Panel found this conviction proven.

Findings as to conviction of a relevant offence

In considering the allegations that the Panel has found proven, the Panel has had regard to the definitions in The Teacher Misconduct – Prohibition of Teachers Advice, which the Panel refer to as the 'Guidance'.

The Panel is satisfied that the conduct of Mr Mullen in relation to the facts it has found proved, involved breaches of the Teachers' Standards. The Panel consider that by reference to Part Two, Mr Mullen 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, and maintain high standards in their own attendance and punctuality;
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

Sexual activity with a child is *prima facie* a relevant offence. The Panel considered that the behaviour involved in the commission of the offences could have had an impact on

the safety and wellbeing of pupils more broadly. It undermines the trust that pupils should be able to expect from their teachers.

The Presenting Officer respectfully submitted that Mr Mullen himself has confirmed in correspondence that he developed feelings for Student A. It is quite apparent that the relationship between Student A and Mr Mullen had crossed the appropriate boundaries of a student and teacher relationship.

The Panel notes that Mr Mullen admits in correspondence to the National College that he kissed Student A on 14 February 2013 and 26 February 2013 and on those same occasions, in addition to one other during this period that he showed Student A inappropriate attention. In addition, the Panel noted that in his correspondence Mr Mullen indicates that he pleaded guilty to the offences for which he was convicted.

In their consideration, the Panel has also taken account of how the teaching profession is viewed by others. The Panel considered that Mr Mullen's behaviour in committing the offence could affect the public confidence in the teaching profession given the influence that teachers may have on pupils, parents and others in the community.

The Panel has noted that Mr Mullen's behaviour has ultimately led to him receiving a sentence of imprisonment for 8 months which is indicative of the seriousness of the offences committed.

The Panel notes that Mr Mullen's actions took place in the school environment with a pupil of St Edmund's College. Such actions were relevant to teaching, working with children and/or working in an education setting as he has admitted kissing Student A. The Panel considers Mr Mullen's actions amount to sexual misconduct which is defined in the Guidance as actions that are sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from Mr Mullen's professional position. The Panel note that the Guidance indicates that it is likely that an offence that led to a term of imprisonment or involves sexual activity will be considered a relevant offence. Both of these criteria are met by the facts relating to this case and the Panel sees no reason to depart from the Guidance.

The Panel has found the seriousness of the offending behaviour that led to the conviction is relevant to Mr Mullen's ongoing suitability to teach. The Panel considers that a finding that these convictions are relevant offences is necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

Given the Panel's findings in respect of a conviction of a relevant offence, 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 Guidance and having done so has found a number of them to be relevant in this case, namely the protection of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

There is a strong public interest consideration in respect of the protection of pupils given the seriousness of the actions which led to three convictions of sexual activity, ie kissing and touching a pupil aged between 13-17 years of age.

Similarly, the Panel considers that public confidence in the profession could be significantly weakened if conduct such as that found against Mr Mullen were not treated with the utmost seriousness when regulating the conduct of the profession.

The Panel considered that there is a strong public interest in upholding proper standards of conduct in the profession. Mr Mullen's conduct was far removed from what could be reasonably accepted from a teacher.

Notwithstanding the 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 Mullen. In forming a judgement in this respect, the Panel took particular account of the mitigation evidence that was presented to it by Mr Mullen and the submissions of the Presenting Officer. The Presenting Officer indicated that Mr Mullen's position at St Edmund's College was his first teaching position and he was not in this role for very long, approximately 5 months. However, the Panel were mindful that even though Mr Mullen had not worked as a teacher for very long, he had received some child protection training and he was aware of St Edmund's College's safeguarding procedures. The 2011 version which Mr Mullen confirmed in correspondence he had seen, in addition to the 2012 version indicates that any sexual activity between a member of school staff and a pupil under 18 may be a criminal offence, even if that pupil is over the age of consent.

The Panel found Mr Mullen's explanation of the development of the relationship with Student A went no way towards providing mitigation.

The Panel consider that common sense would have suggested to Mr Mullen that his actions towards Student A were inappropriate and an abuse of his position of trust as a teacher. The written representations put forward by Ms Catherine Mullen on his behalf indicates that Mr Mullen was aware that his behaviour had crossed the appropriate professional boundaries.

The Panel was also mindful of the fact that prior to these findings being made against him, there was no evidence that he had any prior criminal convictions or previous formal disciplinary sanctions against him. However, the Panel took into account from the notes included in the bundle of documents, that Mr Mullen met with the Head of Safeguarding on 13 February 2013, where concerns were raised about appropriate professional boundaries and maintaining appropriate teacher/pupil relationships.

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 Mullen. The Panel took further account of Guidance which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours are:

- serious departure from the personal and professional conduct elements of the teachers' standards
- misconduct seriously affecting the education and/or well being of pupils, and particularly where there is a continuing risk
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils
- sexual misconduct, eg involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures

If a person has more than one conviction, then any convictions (including spent convictions) are included under the definition of "relevant matters" for the purposes of the Police Act 1997.

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 factors to mitigate 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. The Panel found that Mr Mullen's conduct which led to his criminal convictions, was sexual in nature and represented an abuse of trust which either exposed or had the potential to expose Student A to risk of harm. Mr Mullen's actions undermined the appropriate standard of behaviour which Student A could expect from her teacher. The Panel also noted that the first admitted sexual contact with Student A took place only one day after Mr Mullen had been warned by the Head of Safeguarding to always observe appropriate boundaries in the teacher/pupil relationship. In light of this information, the Panel considers there was no evidence that Mr Mullen's actions were anything other than

deliberate. Also there was no evidence to suggest that Mr Mullen was acting under duress, and in fact the Panel found Mr Mullen's actions to be sexually motivated.

The relationship with Student A was privileged by the position Mr Mullen held within the School.

The Panel is of the view that Prohibition is proportionate, appropriate and necessary. The Panel has decided that the public interest considerations outweigh the interests of Mr Mullen. The potentially damaging and harmful effect of Mr Mullen's behaviour on Student A was a significant factor in forming that opinion as is Mr Mullen's lack of insight and failure to recognise the broader implications of his actions. Accordingly, 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 to decide to recommend that a review period of the Prohibition 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. One of these behaviours includes serious sexual misconduct, eg 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.

Although Mr Mullen admits in his written correspondence that he is extremely sorry if any of his actions have caused Student A any upset or worry, the Panel were concerned at the lack of remorse or insight displayed by Mr Mullen in his detailed written representations. Whilst it is noted that Mr Mullen's written representations demonstrate a limited understanding of the inappropriate nature of his relationship with Student A, his representations demonstrate very little insight into the wider responsibilities of a teacher in a position of trust and their role in the school community.

In particular, Mr Mullen's indication in his written representations that there is no suggestion that he has exploited the trust, knowledge or influence derived from his position as a teacher, is manifestly untenable.

The Panel has found that Mr Mullen's kissing or physical touching of Student A whilst working in a position of Trust is sexual misconduct that is serious enough to warrant prohibition with no review period.

The Panel felt 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 provisions for a review period.

Decision and reasons on behalf of the Secretary of State

I have given careful consideration to the findings and recommendations of the panel in this case. The panel have found proven the allegations relating to Mr Mullen's three offences of Sexual Activity with a female child between 13-17 years old; whilst in a position of trust; when he did not reasonably believe that the victim was over 18, contrary to section 16 (1) of the Sexual Offences Act 2003.

The Panel noted that the Secretary of State's advice, *Teacher misconduct: the prohibition of teachers* makes it clear that it is likely that an offence that leads to a term of imprisonment or involves sexual activity will be considered a relevant offence. Accordingly the panel have determined that the details of this case amount to conviction of a relevant offence.

The panel have gone on to consider whether a prohibition order is an appropriate and proportionate sanction. They have set out very clearly their balancing of the public interest with that of Mr Mullen. In particular they have considered the potentially damaging and harmful effect of Mr Mullen's behaviour on Student A and his lack of insight and failure to recognise the broader implications of his actions. I agree with their recommendation that a prohibition order is an appropriate and proportionate sanction.

In considering whether it would be appropriate to allow Mr Mullen to apply to have the order set aside at a point in the future, the panel have re-stated their concern at the lack of remorse or insight displayed by Mr Mullen in his detailed written representations, in particular his assertion that he has not exploited the trust, knowledge or influence derived from his position as a teacher.

The Panel have judged this to be a case of sexual misconduct that is serious enough to warrant prohibition with no review period and I agree with their recommendation.

This means that Mr James Stephen Mullen 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 James Stephen Mullen 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 James Stephen Mullen has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this Order.

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

NAME OF DECISION MAKER: Paul Heathcote

Date: 7 November 2014

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