



National College for
Teaching & Leadership

Mr Graham Norris: Professional conduct panel outcome

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

October 2015

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Professional conduct panel decision and recommendations, and decision on behalf of the Secretary of State

Teachers: Mr Graham Norris

Teacher's ref number: 7546924

Teachers date of birth: 27 July 1957

NCTL case reference: 12339

Date of determination: 1 October 2015

Former employer: Bedgrove Junior School, Buckinghamshire

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 28 September 2015 to 1 October 2015 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Graham Norris.

The panel members were Nicole Jackson (lay panellist – in the chair), Brian Hawkins (teacher panellist) and Marion May (teacher panellist).

The legal adviser to the panel was Mr Guy Micklewright of Blake Morgan LLP solicitors.

The presenting officer for the National College was Louisa Atkin of Browne Jacobson LLP solicitors.

Mr Norris was neither present nor represented.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegation(s) set out in the Notice of Proceedings dated 4 June 2015.

It was alleged that Mr Graham Norris was guilty of unacceptable professional conduct, whilst employed as headteacher of Bedgrove Junior School, in that he:

1. On 5 March 2007 in respect to Pupil L, a child with autism, he:
 - a) Forced open his bedroom door;
 - b) Held him by the arm;
 - c) Dragged him down the stairs.
2. On 1 May 2012 he:
 - a) Threatened to hit the next pupil to hurt his hand;
 - b) Touched several pupils on the back of the leg with his hand;
 - c) Slapped Pupil Z on the back of the leg causing a red mark;
3. Failed to take appropriate action in respect of safeguarding issues disclosed by pupils, in particular:
 - a) In respect of Pupil A he failed to report to Children's Social Care issues relating to disclosures of domestic abuse on 25 November 2011 and 2 December 2011;
 - b) In respect of Pupil C he failed to report to Children's Social Care issues relating to disclosure of domestic abuse on 1 March 2012, 2 March 2012, 17 April 2012 and 1 May 2012.
 - c) In respect of Pupil F he failed to report to Children's Social Care issues relating to disclosures about Pupil F's father's ability to care for her due to his alcohol consumption;
 - d) And in respect to allegations 3.a. to 3.c. above he failed to adequately report any actions taken by him in respect of the same.
4. Failed to adhere to School financial policies, in that he;
 - a) Failed to use the School Budget for proper purposes;
 - b) Failed to reimburse parents with contingency money from trips;

- c) Failed to properly use the School Fund, in that he authorised:
 - i. The purchase of alcohol for staff;
 - ii. The purchase of staff gifts;
 - iii. £800.00 to be loaned to an employee of the school;
 - d) Failed to use the school procurement card for proper purposes in that he purchased or authorised the purchase of an unreasonable amount of meals including during the school day, after school and/or during school holidays;
 - e) Purchased or authorised the purchase of alcohol with meals during the school day and/or with meals after school;
 - f) Purchased personal items on one or more occasions including
 - i. In June 2011 a car service in the sum of £563.99;
 - ii. Lunch items from Tesco;
 - g) And in respect to allegations 4.a. to 4.f. above his conduct was dishonest;
5. Allowed a culture of alcohol consumption within the school, specifically in that he:
- a) Arranged staff lunches with alcohol both during school days and at staff evening meals.
 - b) Allowed staff to consume alcohol in front of children during school residential trips and school events.

No admissions were made by Mr Norris in respect of either the facts alleged or in respect of unacceptable professional conduct.

C. Preliminary applications

Proceeding in Absence

The NCTL applied to proceed in the absence of Mr Norris. The panel considered carefully the representations of the presenting officer. It accepted the advice of the Legal Advisor. Having considered the Notice of Proceedings dated 4 June 2015 the panel was satisfied that the service requirements in Rules 4.11 and 4.12 were satisfied.

The panel next considered whether it should exercise its discretion to proceed in the absence of Mr Norris. The panel considered that the evidence demonstrated that Mr Norris had voluntarily waived his right to appear and/or to have representation. He has

not engaged with the regulatory process at any point. The evidence suggests that it is more likely than not that he is aware of the existence of these proceedings.

The panel has exercised its discretion with great care and caution. The panel did not consider that it was in the public interest to adjourn the case to a later date as there was nothing to indicate that Mr Norris would be likely to attend on a future occasion. The panel considered that the teacher would not be so prejudiced by his absence such that the case could not be disposed of fairly. The panel do have the benefit in the documentary evidence before it of the account he gave at the time of the investigation which form the subject matter of allegations 2 to 5. The panel is conscious that witnesses have attended to give evidence, that there is a public interest in serious allegations being determined expeditiously, and that if proceedings are delayed further that may have an adverse effect on the recollection of witnesses.

Application to Admit Further Evidence

The application related to a page which appeared to be missing in the bundle. Page 18 of the 'Guidance for Safer Working Practice for Adults who Work with Children and Young People' was not included. The rest of the document was present in the bundle. It appears that Mr Norris had been served with the rest of that document.

The panel first considered, in accordance with Rule 4.18, whether the document was relevant to the case. The panel concluded that it was. The guidance document itself was relied upon by the NCTL in support of its case regarding the obligations which Mr Norris was subject to and the missing page was an intrinsic part of that document.

The panel then considered whether, given that the document may well not have been served 4 weeks in advance of the hearing in accordance with Rule 4.20, whether there might be any prejudice caused to Mr Norris as a result of it only being put before the panel this morning. The panel considered that there would be no unfairness caused to Mr Norris by its late admission. It is not only a publically available document but also a document which should be extremely well-known to him in any event in his capacity as headteacher and as designated safeguarding person.

Application to Amend the Allegations

The presenting officer made an application to make two amendments to the allegations pursuant to paragraph 4.56 of the Disciplinary Procedures:

Firstly, to amend the words "3.d." in allegation 3.d. to "3.c.". Secondly, to amend the words "3.a. to 3.f." in allegation 4.g. to "4.a. to 4.f.".

In respect of the first application, the panel considered that this was clearly a typographical error. The panel considered that this was an amendment which could be made without injustice.

In respect of the second application, the panel accepted that the subject of the amendment was a typographical error. However, it was particularly conscious of the fact that the application concerned an allegation of dishonesty. Given the grave nature of any allegation of dishonesty for a professional person the panel gave particular consideration to whether the error might mean that Mr Norris would have understood himself to be facing a different case than the one the NCTL wish to bring. Mr Norris was not on notice of the application and therefore had been afforded no opportunity to make any representations. The panel considers that it would be clear to Mr Norris from the allegation what the case against him is and that the amendment sought is not one which changes that case in any respect. The structure of allegation 4 is such that, given the particularisation of the dishonesty is contained in a sub-paragraph rather than a completely different paragraph, it is in the panel's view obvious that it is the contents of paragraph 4 which are said to be dishonest, not paragraph 3. Furthermore, during the original investigation these matters were put to Mr Norris as fraudulent acts on his part and therefore it would come as no surprise to him that the allegations are drafted to reflect that alleged conduct.

The panel accordingly granted the application in its entirety.

Application to Admit Further Evidence

The application related to a school policy entitled 'Charging and Remissions Policy'. This document was put before the panel on the afternoon of the second day of the hearing when Witness E, prior to being called to give evidence, handed it to the presenting officer. Mr Norris had not been served with this document, is not on notice of this application, nor was on notice that this document would be considered as part of the case against him.

The panel first considered, in accordance with Rule 4.18, whether the document was relevant to the case. The panel concluded that it was. The document has relevance in that it is a school financial policy and it is breaching school financial policies which forms the basis of Allegation 4.

The panel then considered whether it was fair to admit the document given that it had not been served on Mr Norris four weeks in advance of the hearing. The panel accepted that, insofar as it appeared to be material, it effectively reproduced what was contained in the Buckinghamshire County Council guidance. However, its real significance is the fact that it is a school policy. Mr Norris was not on notice that this document would be relied upon to establish a breach of school financial policies. As it has the arguable effect of making the evidence against him stronger, the panel considered that it would be unfair to admit evidence which would not have been available to Mr Norris when he made his decision not to attend. Given that it was not available on the first day the panel no longer has the opportunity to question Witness A about it and to enquire as to whether or not it was put to Mr Norris and what his response was. The panel does not accept the submission of the presenting officer that any unfairness is ameliorated by virtue of the fact that this is a

document generated by Mr Norris. Not only is this a document generated over five years ago, there is no evidence as to how long it remained current for.

The application is accordingly refused.

Video of Pupils I, J, K and Z

The panel considered the question of whether the playing of these videos should take place in open session, in private session, or whether the panel should retire to watch them in the absence of the public and the parties.

The concern which was raised was whether, if the ABE videos were to be played in open session, members of the public would be able to identify the pupils either by their video image or by virtue of the fact that names are mentioned in the videos. It was submitted by the presenting officer that the most appropriate way to deal with this evidence was to proceed in private. The panel accepted the legal advisor's advice that the effect of considering the videos in private would be that the transcripts of the videos contained within the hearing bundle could not be provided to members of the public who might ask to see evidence provided in the course of the hearing.

The panel first considered whether considering the evidence in open session was appropriate. The panel was concerned that in order for this to be done a number of practical steps would need to be taken. Firstly, the technology would need to be set up such that only members of the panel could see the videos and not members of the public who may be present. Secondly, efforts would need to be made to edit the videos to ensure that no pupils' names were heard. The editing of the videos, in particular, would be difficult to do at this late stage.

The panel next considered whether it was appropriate to consider the evidence in private in accordance with Rule 4.57. As the pupils in these videos were not being called to give evidence, the issue for the panel was whether it was in the interests of justice for this part of the proceedings to take place in private. The panel considered that for this evidence to be heard in private, solely for the purposes of protecting the identities of the pupils, would amount to a disproportionate interference with Mr Norris' right to open justice. The panel concluded that a practical way to proceed in this instance, given that the pupils are not appearing as witnesses, would be for the panel to retire to watch the videos. The contents of the videos are analogous to documentary evidence which it is accepted can quite properly be read by panel members without the need for it to be read out in full in open session. The same applies to witness statements. What makes that approach consistent with the principle of open justice is the fact that members of the public may ask to see copies of any such witness statements or documents. If the panel retires to watch the videos then it is open to any member of the public to ask for copies of the transcripts of the videos, which the panel would expect would them to be appropriately redacted by the NCTL prior to those documents being provided.

Accordingly, the panel determined that it would retire to watch the videos rather than receive the evidence in private session.

D. Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 2 to 6

Section 2: Notice of Proceedings and Response – pages 8 to 22

Section 3: NCTL witness statements – pages 24 to 59

Section 4: NCTL documents – pages 61 to 801

In addition, the panel agreed to accept the following:

Page 18 of the document entitled 'Guidance for Safer Working Practice for Adults working with Children and Young People', which appeared to have been omitted.

The entirety of that document was then replaced as the manner in which it had been copied had led to four lines of text being omitted.

The panel members confirmed that they had read all of the documents in advance of the hearing.

Witnesses

The panel heard oral evidence from:

Witness A – Investigating Officer

Witness B – Social Worker

Witness C – Teacher

Witness D – mother of Pupil L

Witness E – Auditor

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.

This case concerns the actions of Mr Norris during his time as headteacher at Bedgrove Junior School between 2007 and 2012. The allegations against him concerned the inappropriate touching of Pupil L; the inappropriate touching of Pupil Z and other pupils during a PE class; reporting failures in relation to safeguarding issues which aroused in respect of Pupils A, C and F; financial mismanagement which is said by the NCTL to be dishonest; and the permitting of a culture of alcohol consumption in the school.

Allegation 1 pertains to Pupil L. The NCTL's case was that Mr Norris went to the home of Pupil L on 5 March 2007. Pupil L was reluctant to go to school. It was alleged that Mr Norris went upstairs to Pupil L's room, unaccompanied, and forced open the door. Pupil L, it was said, had barricaded himself in the room in order that Mr Norris could not access it. Mr Norris was alleged to have then taken Pupil L forcibly by the arm and dragged him down the stairs before taking him to the waiting car.

Allegation 2 pertains to a PE lesson 1 May 2012. The PE lesson was one known as 'River Dart Prep', in that it took place as part of the Year 6 preparation in advance of a residential trip to the River Dart. During this particular lesson pupils were taking it in turns to 'bunny-hop' onto a vaulting horse before star-jumping onto a crash mat. Mr Norris appears to have been sitting astride the horse in order to support the children in the event that they should overbalance. Some children did a bunny-hop with their knees outside of their hands and their knee was knocking into the back of Mr Norris' left hand. It was alleged that he said words to the effect that he threatened to hit the next pupil to hurt his hand. It was alleged that he then tapped or touched the leg area of a number of children, before slapping Pupil Z on the back of the leg with sufficient force to leave a red mark.

Allegation 3 relates to a failure to inform Children's Social Care in following disclosures made by three pupils: Pupil A, Pupil C, and Pupil F. There was some confusion during the course of the hearing as regards the identity of Pupil F. Witness C confirmed that Pupil F was also Pupil I. The panel therefore concluded that the truth of the matter was that Pupil I and Pupil F were both one and the same person. Therefore, although in the panel's decision both forms of redaction are used, the panel has approached its decision on the basis that they relate to the same pupil.

Documents held by the school indicated that Pupil A had made a disclosure on 25 November 2011 in a document she had filled in where she set out a number of matters of concern, and a disclosure on 2 December 2011. Documents held by the school in respect of Pupil C indicate that four separate disclosures had been made by him which gave rise to concerns that he was the subject of significant neglect. Pupil F had made one disclosure regarding an occasion when she had been in the care of her father when he was drunk. The NCTL's case was that in light of these disclosures a referral should

have been made in respect of each child to Children's Social Care and that that was not done.

In addition it was said that Mr Norris needed to "report" what actions he took in respect of each of those matters. Notwithstanding the use of the word "report" in the Allegation, the NCTL was explicit in putting its case on the basis that the alleged failure was a failure to make any adequate documentary record by Mr Norris of what action he took.

Allegation 4 alleged a broad range of financial mismanagement by Mr Norris in breach of school financial policies. It is said in respect of each of the particulars of Allegation 4 that Mr Norris acted dishonestly. It was alleged that, firstly, Mr Norris had failed to use the School Budget for proper purposes on the basis that he had used it to pay for residential trips. The School Budget was an account consisting of monies provided by the Local Authority for the school to use on appropriate expenditure. A further account, the 'School Fund', had also been set up, which also consisted of a number of other sub-accounts. Significantly, it was into the School Fund that parents' contributions towards residential trips were paid. The NCTL's case was that it was inappropriate for Mr Norris not to reconcile the monies in the two accounts when the School Budget was used to pay for a residential trip, ie if the School Budget was used then it must be reimbursed as soon as possible from the School Fund. This, it was said, did not happen and that a large surplus was left with Mr Norris' full knowledge in the School Fund, within the region of £71,000. This surplus was retained in a sub-account of the School Fund called the 'Governors' Strategic Fund'. It was said that Mr Norris would refer to this account as 'the slush fund'.

When taking parents' contributions for residential trips, which Mr Norris was entitled to ask for, he would ask for a little more than the anticipated cost of the trip as a contingency. It was not said that this was intrinsically inappropriate so long as any monies left over which were not needed as part of the trip were repaid. It was alleged that this never happened and they were simply left to accrue in the School Fund.

The School Fund itself is registered with the Charities Commission and has two charitable purposes: as a holding account for money payable for children's educational activities that have come in as parental contributions, and to hold funds that are unallocated pending expenditure on educational activities, prizes etc. It was alleged that the funds in that account were used for three improper purposes, namely the purchase of alcohol for staff, the purchase of staff gifts, and the making of an £800 loan to the then caretaker of the school.

It was alleged that Mr Norris had made improper use of the school procurement card in that he had used it to make unreasonable purchases of meals, mainly for two people in a variety of local pubs and eateries. The procurement card appears to be linked to the School Budget account.

It was alleged that Mr Norris purchased alcohol with meals during the school day and/or after school and that in so doing he breached school financial policies.

Finally, it was alleged that he had purchased two personal items using the procurement card, namely sandwiches from Tesco on multiple occasions and a car service in June 2011, which was not something he was permitted to do.

Allegation 5 alleged that he allowed a culture of alcohol in the school in that he arranged staff lunches involving alcohol and at staff evening meals, as well as allowing staff to consume alcohol in front of children at both residential trips and school events.

Findings of fact

Our findings of fact are as follows:

We have found the following particulars of the allegation(s) against Mr Norris proven, for these reasons:

1. On 5 March 2007 in respect to Pupil L, a child with autism, he:

- b) Held him by the arm;**
- c) Dragged him down the stairs.**

The panel considered Witness D's evidence to be honest and fair. The panel did not feel that there was any tendency to exaggerate. It accepted her evidence as accurate that Mr Norris was holding Pupil L by the arm when on the stairs. Accordingly it finds particular b) proved.

The panel considered carefully whether the evidence given by Witness D was consistent with the word 'dragged'. Her evidence in relation to this particular incident at no point referred to the word 'dragged' but instead was to the effect that there was a degree of pulling by Mr Norris which directed Pupil L down the stairs against his will. The panel were directed to the definitions of 'drag' in the Oxford English Dictionary. It noted the definition "take or escort (a person) to or away from a place or event despite his or her reluctance". Whilst in the panel's view the drafting of the allegation connoted a large amount of force being applied and the implication of him not being on his feet as he came down the stairs, the panel was prepared to accept that evidence of Witness D (which it accepted) was consistent with the dictionary definition.

The panel accordingly found particular c) proved.

2. On 1 May 2012 he:

- a) Threatened to hit the next pupil to hurt his hand;**
- b) Touched several pupils on the back of the leg with his hand;**
- c) Slapped Pupil Z on the back of the leg causing a red mark;**

The panel finds these allegations proved.

In respect of particulars a) and b), in his written responses to the questions of Witness A during her investigation, Mr Norris said about children's knees hitting his hand when jumping on the vaulting box during 'River Dart Prep', that "Usually I make a joke about it suggesting they are "attacking" me or "battering" me. I also flick them with my fingers on their lower leg at the same time. This has never caused an issue previously despite running this session for over 15 years." Individual A, a teacher present at the time, said in her police witness statement said that she heard Mr Norris say "I'm going to start slapping people who hurt my hand", although this was said in a jokey way. Pupils Z, I, and J, in their police ABE interviews give accounts broadly consistent with this. Pupil J in her interview said that Mr Norris had said that if anybody hit his hand again "he would slap them on the back of the leg". Pupil I said that Mr Norris said "if someone like kneed him in the back of the hand he'll give them like a friendly tap sort of thing, and, well, people done that and he gave them a friendly tap, but it was a bit harder that what he done to the other people, but I knew he didn't do it on purpose, he done it by accident." Pupil Z's account also appears to support these accounts.

Pupils Z, I and J all said in their ABE interviews that they saw Mr Norris tap or hit a number of other pupils on the leg. Individual A in her police statement said that she witnessed Mr Norris "lightly tap the backs of their legs" when some of the children did crush his hand.

Taking all the evidence together the panel is satisfied that Mr Norris did threaten to hit the next pupil to hit his hand and indeed went on to do so.

In respect of particular c), Mr Norris in response to Witness A's questions admits that he did hit Pupil Z. He says, however, that it was accidental and that he did not appreciate that it caused a red mark. The police interview summary records him as saying that he did make contact with a child (he could not at the time recall which), which made a slapping sound, and it was harder than intended.

Pupil Z in her account described how the back of her leg was "whacked", that it hurt, and when asked about the amount of force used she described it as "8 out of 10". She said that it left a big red mark straightaway. In her police statement Individual A says that she heard a slap like a plastic ruler hitting a table. She says she looked up to see Mr Norris rubbing Pupil Z's right calf. Pupil Z's mother says in her police statement that she saw a mark on Pupil Z's leg when she came home from school. The accounts of Pupils I and J support the account given by Pupil Z. Pupil K heard the slap and also says that he saw a red mark on Pupil Z's leg.

3. Failed to take appropriate action in respect of safeguarding issues disclosed by pupils, in particular:

- a) In respect of Pupil A he failed to report to Children's Social Care issues relating to disclosures of domestic abuse on 25 November 2011 and 2 December 2011;**

b) In respect of Pupil C he failed to report to Children's Social Care issues relating to disclosure of domestic abuse on 1 March 2012, 2 March 2012, 17 April 2012 and 1 May 2012.

In respect of particular a) the panel finds that there was a duty on Mr Norris to inform Children's Social Care of the fact of these disclosures made by Pupil A. Witness B said in her evidence that it was her view that the minimum expectation on Mr Norris was that it may require a report to be made. She accepts that there is a lack of information to comment on. However, in her email of 21 September 2012 she states that in her view this should have been referred by Mr Norris. In addition, she says that one of the managers of the First Response Team felt that at the very least Mr Norris should have sought advice about these disclosures. However, she also says that there is a solicitors letter relating to Pupil A's parents' divorce from which it might be inferred that he may have spoken to the mother of the child about the disclosures but not made any notes of that discussion. Because of the seriousness of the disclosures and the fact that there were two such disclosures made within a week, the panel considers that Mr Norris should have reported the matter. The requirement to do so is not ameliorated by virtue of any discussion he may have had with Pupil A's mother. The panel further finds that no such report was made, as it accepts the evidence provided by Witness B that Social Care did not receive any such report or referral.

In respect of particular b), the panel accepts Witness B's evidence that as a result of the serious and repeated disclosures made by Pupil C, it was incumbent on Mr Norris to make a referral to Children's Social Care. Mr Norris asserts in his written responses to Witness A's questions that he spoke with a social worker on a number of occasions who concluded that these were "school issues" and was closing the case. He says that he spoke to both the mother and father and monitored the situation with the class teacher and that there was improvement. Witness B in her evidence says that Children's Social Care were never made aware of these issues.

The panel does not accept Mr Norris' account. It considers it incredible that any social worker would simply consider these disclosures to be 'school issues'. It accepts that Children's Social Care was never made aware of these issues.

Accordingly the panel finds both of these particulars proved.

d) And in respect to allegations 3.a. to 3.c. above he failed to adequately report any actions taken by him in respect of the same.

In respect of particular d) the panel first considered the meaning of "report" in the context in which it was pleaded. It is submitted by the NCTL that this can be properly viewed as coterminous with 'record' and it advances its case on that basis. The panel does not accept this interpretation. If the Notice of Proceedings was intended to particularise a case of failing to made records of actions done then it should have said so. The panel considered the various definitions of the verb form of 'report' contained in the Oxford

English Dictionary. It considered that an essential component of reporting is the sharing of information with others. This can be done orally or in writing. Recording is quite different; it pertains to the retaining of information in an intelligible form for future use. Therefore, the panel proceeded to consider this allegation on the basis that the allegation which Mr Norris faces is that there was a duty on him to share information with unidentified persons or organisations other than Children's Social Care in respect of any follow-up carried out in relation to Pupils A, C and F.

In respect of Pupils A and C, the panel considers that it was incumbent on Mr Norris not only to inform Children's Social Care, but also to keep relevant persons within the school informed. In respect of Pupil F, whilst it may not have been necessary to inform Children's Social Care, it was nevertheless still necessary to keep relevant persons in the school informed.

When asked by Witness A what action he took in relation to Pupil A's disclosures Mr Norris said he could not remember. In response to the same question in respect of Pupil C he indicated that he did no more than discuss it with Pupil C's class teacher. Even were that the case, that would be insufficient to discharge his responsibility to keep others informed in respect of that pupil. Mr Norris has never suggested that he spoke to anybody else other than the mother of Pupil F about that pupil's disclosure.

The panel considers that it can infer from the absence of any referral to Children's Social Care in respect of Pupils A and C; the nature of Mr Norris' account given in his written answers to Witness A; and the absence of any notes regarding reporting the disclosures made by all three pupils to anybody at all; that no such report was ever made by Mr Norris to all relevant adults.

Accordingly the panel find this allegation proven.

4. Failed to adhere to School financial policies, in that he;

- a) Failed to use the School Budget for proper purposes;**
- b) Failed to reimburse parents with contingency money from trips;**
- c) Failed to properly use the School Fund, in that he authorised;**
 - i. The purchase of alcohol for staff;**
 - ii. The purchase of staff gifts;**
 - iii. £800.00 to be loaned to an employee of the school;**
- d) Failed to use the school procurement card for proper purposes in that he purchased or authorised the purchase of an unreasonable amount of meals including during the school day, after school and/or during school holidays;**

f) Purchased personal items on one or more occasions including

i. In June 2011 a car service in the sum of £563.99;

ii. Lunch items from Tesco;

g) And in respect to allegations 4.a. to 4.f. above his conduct was dishonest;

The panel considered that there was evidence that the school had adopted the Buckinghamshire County Council policies as the school's own financial policies. Accordingly, it considered these allegations in that context.

In respect of particular a), there was evidence from Witness E, the auditor, that the School Budget had been used to pay for school trips. Her evidence was that, in principle, this was acceptable. However, that was on the basis that the School Budget was reimbursed from the School Fund at the first opportunity. This was not done. The audit report states that there was a surplus which was allowed to build up in the Governors' Strategic Fund, a part of the School Fund, from July 2007 to December 2008 when the bursar, Individual B, stopped the practice. The balance was never transferred prior to Mr Norris' suspension. The Governors' Strategic Fund contained £71,789.96 at the time of the audit.

The panel concluded that it had been Mr Norris' intention not to reimburse the School Budget for the cost of these trips. From his written responses to questions posed by Witness A during her investigation it was clear that his intention was to keep surplus monies back in the School Fund to avoid them being clawed back by the Local Authority. Given that Mr Norris paid for the trips from the School Budget without any intention of reimbursing it from the School Fund, the panel accordingly finds that he used the School Budget for an improper purchase and that, accordingly, particular a) is proved.

In respect to particular b), it is clear from the audit report that for the various River Dart and Isle of Wight trips in 2010 to 2012, there were contributions obtained from parents and there was a contingency excess built into those contributions. The evidence given was that that was entirely acceptable and indeed sensible. However, it was incumbent on Mr Norris to ensure that parents paid no more than the actual cost of the trips and that meant that any outstanding excess has to be reimbursed, as is clear from the financial policy on 'Charges for Educational Activities (Inc Music Tuition)'. The panel is satisfied from the evidence of Witness E that that did not happen. The panel does not accept Mr Norris' assertion in his written response to Witness A's question on this point that he was never able to get a clear picture of the final balance for each trip.

In respect to particular c), the panel considered that the giving of gifts, the purchase of alcohol and the lending of £800 to the school caretaker to assist him in finding accommodation following a relationship breakdown do not fall within the two charitable

purposes of the School Fund. Accordingly Mr Norris failed to use the School Fund properly.

In respect to particular d), the panel concluded from the evidence of Witness E that there was considerable evidence of the procurement card being used to purchase a large number of meals which were not for a legitimate purpose. Witness C gave evidence that it was Mr Norris' practice to leave school to go for lunch at least three times a week to give himself "headspace", and that he would usually purchase a pint of Stella Artois lager. She said that he did not like to eat on his own and would usually arrange for the school finance assistant to accompany him. The panel accepted this evidence. It was wholly unacceptable for Mr Norris to use the card to purchase lunch for him and sometimes one other. The Buckinghamshire County Council policies, which were adopted by the school, are clear that the procurement card is not to be used for personal purposes.

The panel noted that there are a number of occasions when the procurement card has been used to purchase meals in circumstances which would suggest that that was being done as part of a Senior Management Team away day or during an INSET day. In the panel's assessment that is an acceptable use of the procurement card.

In respect to particular f), the panel accept the evidence that the procurement card was used to purchase both the car service and sandwiches from Tesco. The use of the card for a service to Mr Norris' car was clearly personal use. The panel did not accept as credible the account he gave to Witness A that he inadvertently used the wrong card. It is right to say that the money for the service appears to have been reimbursed but nevertheless there was a period of time where Mr Norris effectively had the benefit of purchasing a car service on credit provided by the School Budget.

The panel accepts the evidence of Witness E in her witness statement where she sets out seven occasions where Mr Norris used the procurement card to purchase sandwiches at Tesco for himself. The purchase of sandwiches for a governors' meeting, for example, on the procurement card would, in the panel's view, be a legitimate use of the card. However, purchasing lunch for himself is clearly a personal use and contrary to the relevant financial policy. In his written responses to Witness A's questions, Mr Norris said that they were either purchased on his way to school if it was necessary to work through lunch, or in lieu of travel expenses if he needed to make a special journey to purchase items for school. Witness E gave evidence that it was not acceptable to use the procurement card to purchase such items in such a way. If Mr Norris felt that he was entitled to claim expenses back he must pay for them himself and then submit a form claiming them. As he was headteacher that would need to be signed off by the chair of governors. The panel accepted as accurate Witness E's evidence on this point.

Having found particulars 4 a) to d) and 4 f) proved, the panel went on to consider whether Mr Norris' actions in respect of each particular were dishonest, as alleged in particular 4 g). The panel considered this question in the context of a school where Mr Norris had

established a situation where only he had an understanding of the financial situation of the school in its entirety.

In respect of particular a), the panel finds that Mr Norris, on the balance of probabilities, did not think that what he was doing was wrong as this was not unusual practice at the time among schools. The panel considered that it was likely that at the time Mr Norris was aware that what he was doing was not appropriate accounting. The panel also considered that acting as Mr Norris did, in the knowledge that what he was doing was not appropriate accounting, would be considered dishonest by the standards of reasonable and honest teachers. However, the panel finds that, on the balance of probabilities, Mr Norris did not believe that what he was doing was dishonest. He has not sought at any stage during Witness A's investigation to hide the fact that he was seeking to avoid the money being clawed back by the Local Authority. It is most likely that he believed that what he was doing was for the good of the school and in the interests of pupils.

Accordingly the panel found that Mr Norris' actions as particularised in particular a) were not dishonest.

In respect of particular b), the panel finds that Mr Norris knew that he was building in a contingency into the money taken from parents for the various residential trips. It was noted in the audit report that he had signed to acknowledge that he had read the financial policies and that he had agreed to comply with the procedures set out. Having read them he would have known that he was obligated to reimburse excess monies given by parents; indeed, common sense should have said so. The panel finds that to not reimburse parents' financial contributions with the knowledge that that was what was required would be considered dishonest by the standards of reasonable and honest teachers. The panel further considered that Mr Norris must have known this.

Accordingly, the panel finds that Mr Norris' actions as particularised in particular b) were dishonest.

In respect of particular c), the panel find that Mr Norris must have known that the School Fund had charitable objectives, neither of which permitted the use of the account for the purposes of purchasing staff gifts, alcohol, or making personal loans to members of staff. The account was fundamentally for the benefit of the pupils and the school and, in any event, Mr Norris would have been aware that there were unreturned funds from parents who had contributed monies on the understanding that they would be put towards the cost of school trips for their children. To use the School Fund in this way would be considered dishonest by the standard of reasonable and honest teachers and the panel finds that Mr Norris must have known that.

Accordingly, the panel finds that Mr Norris' actions as particularised in particular c) were dishonest.

In respect of particular d), the panel finds that Mr Norris must have known that the purpose of the school procurement card was not for buying lunch for himself and another member of staff. He was aware of a document which stated that it was not for personal use. To use school funds via that card on a regular basis to purchase lunch for himself would be considered by any reasonable and honest teacher to be dishonest. Mr Norris must have known this.

Accordingly, the panel finds that Mr Norris' actions as particularised in particular d) were dishonest.

In respect of particular f), the panel has found that Mr Norris knew that he was not entitled to use the procurement card for personal purposes and it does not accept his account that he inadvertently used the wrong card to purchase the service for his car. The panel does not accept as credible that he genuinely believed that it was legitimate for him to offset a claim for travel expenses by the purchase of sandwiches with the procurement card. The panel considers that the use of that card to purchase a service for his car and sandwiches would be considered dishonest by the standards of reasonable and honest teachers and that Mr Norris must have known this.

Accordingly, the panel finds that Mr Norris' actions as particularised in particular f) were dishonest.

We have found the following particulars of the allegation(s) against Mr Norris not proven, for these reasons:

1. On 5 March 2007 in respect to Pupil L, a child with autism, he:

a) Forced open his bedroom door;

The panel considered that the evidence adduced by the NCTL did not discharge the burden of proof. The only evidence that Mr Norris forcibly opened the bedroom door by pushing through a barricade apparently erected by Pupil L was from the account given by Pupil L to his mother on his return from school. The panel noted that Pupil L's mother did not observe Mr Norris entering Pupil L's room and did not go into his room at any time prior to his return to it. Whilst she gave evidence that she heard noises upstairs, they do not seem to have been sufficient to lead her to go upstairs to investigate after Pupil L had left the house with Mr Norris. As a result the panel cannot be satisfied that Mr Norris forced his way into Pupil L's bedroom.

3. Failed to take appropriate action in respect of safeguarding issues disclosed by pupils, in particular:

c) In respect of Pupil F he

- d) failed to report to Children's Social Care issues relating to disclosures about Pupil F's father's ability to care for her due to his alcohol consumption;**

Mr Norris' account is that when Pupil F made the relevant disclosure that he spoke to Pupil F's mother with a view to making a referral. He stated that the mother had said that she was aware of that disclosure and it was not a cause for concern for her and that she was very clear that Pupil F was safe with the father. There is no evidence to suggest that this account is inaccurate. Witness B's evidence was that, if this is what occurred, it would not be necessary to make a referral. Accordingly the panel concluded that there was no duty on Mr Norris to report the matter to Children's Social Care.

4. Failed to adhere to School financial policies, in that he;

- e) Purchased or authorised the purchase of alcohol with meals during the school day and/or with meals after school;**

The panel did not consider there to be any school financial policy which precluded the purchase of alcohol with meals either during the school day or after school. Accordingly the panel did not find this allegation proved. For the purposes of completeness, as this allegation was not found proved by the panel, the allegation of dishonesty in respect of it does not fall to be considered.

5. Allowed a culture of alcohol consumption within the school, specifically in that he:

- a) Arranged staff lunches with alcohol both during school days and at staff evening meals.**
- b) Allowed staff to consume alcohol in front of children during school residential trips and school events.**

The panel first considered the meaning of "in the school" within the context of the drafting of this Allegation. The panel considered that "in the school" must be properly read to relate to the physical environs of the school. Were it to have a wider meaning than that then some greater specificity in the particularisation would be required.

The panel found that there is no evidence of any staff lunches or evening meals with alcohol taking place within the school. Any consumption of alcohol by staff members with a meal took place away from the premises. Whilst the panel did find that during the River Dart trips alcohol was certainly consumed by staff, it was not persuaded that that alcohol was consumed in front of children. It accepted Mr Norris' account that the only occasion on which alcohol was consumed in front of children at a school event was at a Year 6 BBQ when parents brought along alcohol themselves which they offered to members of staff. The panel does not consider that members of staff drinking in that situation can

contribute to a finding that Mr Norris allowed a culture of alcohol consumption in the school.

Findings as to unacceptable professional conduct

Having found a number of the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct.

In doing so, the panel has had regard to the document Teacher Misconduct: The Prohibition of Teachers, which we refer to as “the Advice”.

Having found the facts of particulars 1 b) and c), 2, 3 a) and b), 3 d), 4 a) to d), and 4 f) and g) proved, we further find that Mr Graham Norris’ conduct amounts to unacceptable professional conduct.

Mr Norris' actions in respect of Pupils L, Z, A, C and F all demonstrate a significant falling short of the standard to be expected of a headteacher who was the safeguarding lead within a junior school. This is exacerbated by the fact that he was a child protection trainer and had sole responsibility for training staff within the school. It is entirely unacceptable for a teacher to have the sort of physical contact he did with Pupils L, Z and the other, unidentified, pupils he hit during the 'River Dart Prep' PE lesson.

In addition, the panel considered that Mr Norris' actions with respect to the safeguarding issues raised as a result of the various disclosures from Pupils A, C and F fell significantly short of what was required.

The panel considered that Mr Norris demonstrated blatant and deliberate financial mismanagement of the school's finances. He ensured that he alone fully understood the full picture of the school finances and deliberately manipulated them for purposes to which they should not be put. Both the School Budget and the School Fund contained monies which are intended to be put to uses which further the interests of the school and which benefit pupils. Mr Norris has shown that he was content to use that money for his own personal benefit or for quite improper purchases, such as to subsidise alcoholic drinks for staff during school trips.

The panel considers that Mr Norris has breached part two of the Teachers' Standards in a number of respects. Firstly, his actions in respect of Pupils L and Z amount to a breach of the requirement to treat pupils with dignity and to observe proper boundaries. Secondly, his failures with regard to Pupils A, C and F breach the requirement to have regard to the need to safeguard pupils' well-being. Thirdly, Mr Norris' financial mismanagement and dishonesty breach the requirement to have proper and professional regard to the policies and practices of the school, as well as the requirement to always act within the statutory frameworks which set out teachers' professional duties and responsibilities.

The panel further considered that Mr Norris' actions in respect of Pupils L and Z engaged one of the factors set out on page 8 of the Advice, namely 'violence', although it considered that the violence in question was very much at the lower end of the spectrum. In addition, the panel considered that Mr Norris' dishonest actions engaged the 'fraud or serious dishonesty' factor in the Advice, although it again considered that the dishonesty was very much at the lower end of the spectrum.

Panel's recommendation to the Secretary of State

The panel recommends to the Secretary of State that a prohibition order be imposed on Mr Norris, with the ability for him to apply for it to be set aside after a period of 4 years.

The panel was particularly concerned about the multiple safeguarding issues raised by Mr Norris' conduct. He failed to appreciate that his behaviour towards Pupils L and Z was inappropriate and that, having behaved in that way, his actions were a safeguarding matter which required him to take some action. In addition, his actions in response to the disclosures made by Pupils A and C, and to a lesser extent Pupil F, were woefully inadequate and demonstrated an abject failure to discharge his duties as the school's headteacher, the designated safeguarding lead and the designated safeguarding training officer.

Although the panel found that Mr Norris acted in a dishonest manner in a number of different respects, it nevertheless considered that it was very much at the lower end of the scale of dishonesty. It was relatively unsophisticated and the amount of personal gain made was very much characterised by small benefits, albeit on repeated occasions, such as the purchase of sandwiches and lunch. Nevertheless, the panel was particularly concerned that Mr Norris appeared to have been less than transparent about the school's financial position and that the governors were unaware of much of what was going on. Mr Norris appears either not to appreciate the requirements of the financial policies he has read and agreed to, or simply decided to ignore them when it suited him. There is no evidence to suggest that this attitudinal problem has been resolved.

The panel accepted that Mr Norris was a teacher with no previous adverse findings against him, who had been a teacher for 33 years and under whose leadership Bedgrove Junior School had been rated outstanding by Ofsted in March 2010. However, it concluded that his actions were deliberate and that there was no duress.

The panel concluded that a prohibition order was necessary for the purposes of the protection of pupils, the maintenance of public confidence in the profession, and to declare and uphold proper standards of conduct. In coming to that conclusion the panel took into account the influential role which teachers, and headteachers in particular, play in the formation of pupils' views and behaviours.

The panel considered that the following factors set out the advice are engaged:

- 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;
- A deep-seated attitude that leads to harmful behaviour;
- Abuse of position of trust or violation of the rights of pupils; and
- Dishonesty especially where there have been serious consequences, and/or it has been repeated/and or covered up.

Accordingly the panel considers that the appropriate and proportionate response to the unacceptable professional conduct found by the panel is to recommend to the Secretary of State that a prohibition order be made.

The panel considered that the conduct of Mr Norris and his attitudinal problems are capable of remediation. The panel therefore considers that it would be disproportionate on the facts of this case for Mr Norris to have no opportunity whatsoever to apply for the prohibition order to be set aside. The panel considered that a recommendation that Mr Norris be permitted to apply for the order to be set aside after four years was a proportionate and appropriate balance between reflecting the gravity of his conduct but nevertheless acknowledging that it is possible that Mr Norris may be able to demonstrate in the future that he has remedied his current attitudinal problems and safeguarding deficiencies.

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 has found a range of allegations proven and determined that the facts amount to unacceptable professional conduct.

The facts relate to safeguarding issues, a failure to adhere to school policies and a finding of dishonesty.

The panel has properly balanced the interests of the public with those of the teacher. It has recommended that prohibition would be an appropriate and proportionate sanction for the purposes of the protection of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct. The panel has seen no evidence that his attitudinal problems have been resolved. The panel has concluded that Mr Norris actions were deliberate and he was not acting under duress. I agree with their recommendation.

The panel considers that the conduct of Mr Norris and his attitudinal problems are capable of remediation. It considers that Mr Norris should be permitted to apply for the order to be set aside after four years. Taking account of the gravity of his conduct but nevertheless acknowledging that it is possible that Mr Norris may be able to demonstrate in the future that he has remedied his current attitudinal problems and safeguarding deficiencies, I agree with that recommendation.

This means that Mr Graham Norris is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 13 October 2019, 4 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Graham Norris remains prohibited from teaching indefinitely.

This order takes effect from the date on which it is served on the teacher.

Mr Graham Norris 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.

Decision maker: Paul Heathcote

Date: 5 October 2015

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