

THE TEACHING AGENCY

Decision of a Professional Conduct Panel

Teacher: Mr Richard Hook

TA Case ref no: 07/47287

Teacher date of birth: 8 May 1985

TA Case ref no: 8063

Date of Determination: 23 August 2012

Former Employer: The Cherwell School, Oxford

A. Introduction

A Professional Conduct Committee convened on 23.08.12. at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Richard Hook.

The Panel Members were Mrs Gill Goodswen (Teacher Panelist – in the Chair), Mr Nicholas Andrew (Lay Panelist), Mr Stewart McKane (Teacher Panelist).

The Legal Advisor to the panel was Mr Christopher Alder of Blake Laphorn Solicitors.

The Presenting Officer for the Teaching Agency was Ms Leah Marriott of Brown Jacobson LLP. She was not present during the meeting.

Mr Hook was not present and was not represented during the meeting.

Mr Hook requested that the allegation be considered at a meeting. The meeting took place in private. The decision was announced in public and was tape recorded.

B. Allegations

The Panel considered an allegation set out in the notice of meeting dated 7 August 2012, which recorded the allegation referred to in the Notice of Referral of 7 September 2011.

It was alleged that Mr Hook is guilty of unacceptable professional conduct in that whilst employed at the Cherwell School, Oxford between September 2009 and July 2010, he;

1. Failed to maintain appropriate professional boundaries in his behaviour towards Student A during the 2009 Christmas period in that he;
 - a. Visited her at her place of work outside of school hours;

- b. Gave her a present including heart shaped earrings hidden under some chocolates and accompanied by a note;
2. Failed to maintain appropriate professional boundaries in his behaviour towards Student B, in that he;
 - a. Sent inappropriate emails from his school email account between April 2010 and July 2010;
 - b. Visited her during her work experience placement on more than one occasion between 14 June and 18 June 2010;
 - c. Sent her inappropriate emails from his personal email account between 21 May 2010 and July 2010;
 - d. Asked her to meet him outside of school on at least one occasion between April 2010 and July 2010;
 - e. Obtained her mobile phone number from another student and sent her text messages on or around 30 June 2010;
 3. Failed to maintain appropriate boundaries in his relationships with students, in that he joined in with students who were looking at images of women on the internet and made an inappropriate comment, in that he said to the students “yeah I'd shag that”;
 4. Behaved in a manner which was contrary to the guidance issued to him on 21 May 2010 by the Head Teacher, Individual A, and which he had agreed to abide by, between 21 May 2010 and 1 July 2010, in that he;
 - a. Contacted students of the school outside of school hours;
 - b. Socialised with students in the sixth form study area.

Mr Hook admitted all of the facts of the allegation and that those facts amount to unacceptable professional conduct.

C. Summary of Evidence

Documents

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

1. Anonymised Pupil List, page 2.
2. Section 2 - Notice of Referral and Response, pages 4 – 8c.
3. Section 3 - Statement of Agreed Facts/representations - pages 10 – 17.
4. Section 4 - Teaching Agency Documents, pages 19, 130

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

D. Decision and Reasons

The Panel announced its decision and reasons as follows:

We have now 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 meeting.

Summary

Mr Hook, whose date of birth is 8 May 1985, qualified as a Teacher in August 2008 and had taught Business Studies at an all boys Grammar School in Buckinghamshire in 2008/9. He was employed at The Cherwell School from September 2009 until July 2010. Mr Hook was a Business Studies Teacher at the school and was in charge of Business Studies and Enterprise Education.

In March 2010, concerns were raised regarding Mr Hook's conduct towards a female member of his tutor group, Student A. She was also taught by Mr Hook during her Business Studies class. It was alleged that in December 2009 Mr Hook had given Student A, a present as part of "a secret santa" – his gift was a box of chocolates with a note hidden inside stating "look underneath" with heart shaped earrings below. He subsequently visited her outside school hours at a garden centre where she worked. Mr Hook tendered his resignation on 13 April 2010, with effect from 31 August 2010 although no formal disciplinary steps were taken at that point.

On 19 May 2010 the parents of Student B attended the school to report concerns regarding Mr Hook's relationship with their daughter. He had exchanged a number of emails with her via his school email account. Mr Hook was warned by the then Head Teacher, Individual A, against continuing to have inappropriate contact with students and he was subsequently advised in writing by letter of 21 May 2010 which stated that he should refrain from meeting or contacting any students out of school. On 21 May 2010 he sent an email to Student B from his personal email account and exchanged a number of emails with her via this account between this date and the end of June 2010. He also asked to meet the student outside of school and visited her at her placement a number of times whilst she was on work experience. Mr Hook was subsequently suspended from the school on 30 June 2010. He then obtained the student's mobile telephone number and sent a text to her and tried to call her. In continuing to contact this student and seek to spend time with sixth form Students on a social basis, it was suggested that Mr Hook failed to act in accordance with guidance given to him on 21 May 2010. An allegation was also raised which suggested that during one of his classes, Mr Hook had gone a group of students who were viewing pictures of naked women on the internet and made an inappropriate comment.

Findings of Fact

The panel considered the allegation set out in the Notice of Referral dated 7 September 2011, as repeated in the Notice of Meeting 7 August 2011.

It is alleged that Mr Hook is guilty of unacceptable professional conduct in that whilst employed at the Cherwell School, Oxford between September 2009 and July 2010, he;

1. Failed to maintain appropriate professional boundaries in his behaviour towards Student A during the 2009 Christmas period in that he;
 - a. Visited her at her place of work outside of school hours;
 - b. Gave her a present including heart shaped earrings hidden under some chocolates and accompanied by a note;
2. Failed to maintain appropriate Professional Boundaries in his behaviour towards Student B, in that he;
 - a. Sent inappropriate emails from his school email account between April 2010 and July 2010;
 - b. Visited her during her work experience placement on more than one occasion between 14 June and 18 June 2010;
 - c. Sent her inappropriate emails from his personal email account between 21 May 2010 and July 2010;
 - d. Asked her to meet him outside of school on at least one occasion between April 2010 and July 2010;
 - e. Obtained her mobile phone number from another student and sent her text messages on or around 30 June 2010;
3. Failed to maintain appropriate boundaries in his relationships with students, in that he joined in with students who were looking at images of women on the internet and made an inappropriate comment, in that he said to the students "yeah I'd shag that";
4. Behaved in a manner which was contrary to the guidance issued to him on 21 May 2010 by the Head Teacher, Individual A, and which he had agreed to abide by, between 21 May 2010 and 1 July 2010, in that he;
 - a. Contacted students of the school outside of school hours;
 - b. Socialised with students in the sixth form study area.

We have considered all of the evidence in this case. Our findings of fact are as follows:

Particular 1

We noted that Mr Hook admits the facts of this particular in that he visited her at her place of work, gave her a present including heart shaped earrings and admits that he failed to maintain appropriate professional boundaries.

We have considered the agreed Statement of Facts. We have also considered the Minutes of the Meeting with Student A and the statement provided by Student A's mother. We find the facts of particulars 1 a and 1 b proven.

Particular 2

We noted that Mr Hook admits the facts of this particular, which includes all of the sub particulars. We noted that this admission includes an acceptance that he has failed to maintain appropriate professional boundaries.

We have carefully considered the Agreed Statement of Facts, minutes of the meeting with Student B's parents. We have considered copies of the email correspondence between Mr Hook and Student B, sent from his school account and his personal hotmail account. We have also considered the handwritten statement of Student B.

On the basis of the admissions made by Mr Hook and the evidence contained within the bundle of documents, we find particulars 2 a, b, c, d and e proven.

Particular 3

We have carefully considered the Agreed Statement of Facts and all the relevant evidence.

We noted that Mr Hook admits this particular including that he failed to maintain appropriate professional boundaries. We find this particular proven.

Particular 4

We have carefully considered the Agreed Statement of Facts. We noted that Mr Hook admits the facts of particulars 4 a and b. We have considered the letter written to Mr Hook by Individual A, Head Teacher, on 21 May 2010. This letter provided guidance to Mr Hook instructing him to refrain from contacting students outside of school hours and from socialising with students in the sixth form study area.

It is clear from the evidence that despite guidance Mr Hook continued to act in a manner which did not abide with this guidance as set out in Particular 4.

We found the facts of the particulars 4 a and b proven.

Findings as to Unacceptable Professional Conduct

We have noted that Mr Hook accepts that his conduct amounts to unacceptable professional conduct.

Mr Hook failed to uphold professional boundaries with a number of students across a period of approximately 7 months, which included acting in a manner which was contrary to guidance given to him on 21 May 2010. His actions have the potential to undermine public confidence and the standards expected of the profession.

Teachers have a responsibility to act in a manner which upholds high standards of professional conduct. Teachers have a responsibility to maintain appropriate professional boundaries with students. Mr Hook failed to uphold such boundaries and has acted in a way which was against guidance which had been given to him, which would suggest that he has failed to uphold school procedures in a responsible or appropriate way. He has failed to maintain reasonable standards in his behaviour and we are satisfied that his actions have fallen below the standards of conduct expected of the profession.

On the basis of the facts we have found proven, we find that Mr Hook's conduct amounts to unacceptable professional conduct.

Recommendation to Secretary of State

We have considered this case very carefully and have considered all of the evidence available. We note that Mr Hook has admitted the facts of the particulars and that his actions amount to unacceptable professional conduct. We note that he states that "as mitigation I have asked the case to be considered without a hearing and I have left the General Teaching Council, Association of Teachers and Lecturers and have no intentions to ever return to the teaching profession." We have noted that the Independent Safeguarding Authority has concluded that it is not necessary to restrict Mr Hook's ability to work with children.

We considered whether to conclude this case without imposing a sanction but we have decided that the issues raised in this case are so serious that a sanction is necessary and appropriate.

We have noted that Mr Hook engaged in behaviour across a significant period of time in which he did not maintain appropriate professional boundaries with a number of students. From 21 / 22 May 2010 Mr Hook continued to behave in a manner which failed to maintain appropriate professional boundaries despite clear guidance issued to him by the Head teacher. We are not satisfied that Mr Hook has shown insight or understanding in relation to the inappropriateness of his behaviour. His actions have the potential to bring the profession into serious disrepute. It is a fundamental aspect of the teaching profession that Teachers uphold and maintain appropriate professional boundaries with students. Such expectations are necessary to ensure public confidence, to uphold the reputation of the Profession as well as to ensure the maintenance of confidence in those standards. Mr Hook failed to uphold such expectations.

We have decided that it is necessary and proportionate to recommend that a Prohibition Order be imposed in this case. We have reached this decision after careful consideration. We have reminded ourselves that a sanction is not intended to act punitively but is imposed to reflect the seriousness of behaviour, to uphold public confidence in the standards of conduct expected of the profession and to protect the public and/or pupils. A Prohibition Order is necessary in this case in order to reflect the seriousness of Mr Hook's behaviour as well as to uphold public trust and confidence and standards of conduct expected of the profession.

We carefully considered whether to allow Mr Hook the opportunity to apply to set aside the Prohibition Order. We have been concerned that Mr Hook has not currently shown insight or reflection in relation to his behaviour. However, at the time of the incidents he was a young, inexperienced teacher. We have seen no evidence of support, if any, offered to him by the school. It has not been alleged that Mr Hook has acted in a manner which was sexually motivated or that he sought to groom or harm children. There is no evidence that any student suffered harm or distress as a consequence of his behaviour. For these reasons we believe that it is appropriate to recommend that Mr Hook be entitled to apply for the Prohibition Order to be set aside after a period of 3 years.

We note that the minimum period to be able to apply to set aside an Order is 2 years. We believe that a duration of 3 years is appropriate and proportionate because this period acknowledges the seriousness with which we view Mr Hook's conduct. It is also an appropriate period which allows Mr Hook the opportunity to apply to set aside the Order after a timescale which equates to 5 years from the date of his dismissal from the school. This duration is also appropriate because it gives Mr Hook sufficient opportunity to mature, gain experience and reflect on the expectation of the profession which we are not satisfied would be achieved over a lesser period.

Secretary of State's Decision and Reasons

I have considered this case and the recommendation of the panel carefully.

Mr Hook has admitted the facts relating to each particular and has accepted that they amount to unacceptable professional conduct. Mr Hook engaged in behaviour across a significant period of time in which he did not maintain appropriate professional boundaries with a number of students even after receiving clear guidance from the Head Teacher.

The panel recommend that a prohibition order be imposed and I support that for the reasons given.

In terms of the review period, the panel have considered the seriousness of the case and recommended a review period of at least three years. I also support that recommendation. [He may apply for the Prohibition Order to be set aside, but not until 31 August 2015, 3 years from the date of this order at the earliest.]

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

**NAME OF DECISION MAKER: Paul Heathcote
Date: 24 August 2012**