



National College for
Teaching & Leadership

Mr Colin David Ward: Professional conduct panel outcome

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

April 2015

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

Teacher:	Mr Colin David Ward
Teacher ref no:	8272910
Teacher date of birth:	15 June 1961
NCTL case ref no:	12528
Date of determination:	16 April 2015
Former employer:	East Norfolk Sixth Form College, Norfolk

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 16 April 2015 at 53-55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Colin David Ward.

The panel members were Mr Mike Carter (teacher panellist – in the chair), Ms Alison Walsh (teacher panellist) and Mr Martin Pilkington (lay panellist).

The legal adviser to the panel was Mr Stephen Murfitt of Blake Morgan Solicitors.

The meeting took place in private and the decision was announced in public.

B. Allegations

The panel considered the allegation(s) set out in the Notice of Meeting dated 2 April 2015.

It was alleged that Mr Colin Ward was guilty of unacceptable professional conduct / conduct that may bring the profession into disrepute whilst employed at East Norfolk Sixth Form College in that he:

1. Between 28 January and 10 February 2014 engaged in an inappropriate relationship with pupil A in that he:
 - a. Gave Pupil A his mobile telephone,
 - b. Exchanged over 150 text messages with Pupil A,
 - c. Sent text messages to Pupil A on one or more occasion ending these with an 'x'.

- d. Used inappropriate language including, but not limited to:
 - i. 'I really wish I could hug you right now',
 - ii. 'Very tempting to take you for a drink get you pissed and tuck you up in bed',
 - iii. 'You have no idea how much you mean to me',
 - iv. 'Bet the thought of texting me while me in the bath brought a little grin',
 - v. 'Wish I had brought you back here and fed you now',
 - vi. 'I care so much about you'.
 - e. In his text message he referred to pupil A as:
 - i. Sweetie,
 - ii. Beautiful,
 - iii. Wonderful.
 - f. Met with pupil A, inside his car, without the permission of the College where he:
 - i. Held her hand.
 - g. Attempted to meet Pupil A on another occasion outside the College.
2. His actions at paragraphs 1a-1g were sexually motivated.

C. Preliminary applications

There were no preliminary applications.

D. Summary of evidence

Documents

In advance of the meeting, the panel received and read a bundle of documents which included:

Section 1: Chronology and Anonymised Pupil list.

Section 2: Notice of Referral, Response and Notice of Meeting

Section 3: Statement of Agreed Facts and Presenting Officer Representations

Section 4: National College for Teaching and Leadership:

A. Case Papers

B. Employee details and relevant policy documents

Section 5: Teacher Documents

Witnesses

The panel received no oral evidence.

E. Decision and reasons

The panel announced its decision and reasons as follows:

Mr Ward was employed at East Norfolk Sixth Form College as a Senior Tutor/Head of Chemistry from September 1993. Mr Ward was Pupil A's senior tutor at the Sixth Form College and it was known to Mr Ward that Pupil A was a vulnerable pupil. On 11 February 2014 Mr Ward was suspended from his post and formally dismissed from the Sixth Form College on 2 September 2014.

Findings of fact

The panel's findings of fact are as follows:

The panel has determined that the requirements for a Meeting as set out in Rules 4.83 to Rule 4.91 of the Teachers Disciplinary Procedures have been satisfied. The panel has carefully considered whether Mr Ward has admitted allegation 2. The Notice of Referral Form and the Statement of Agreed Facts contain clear statements of admittance by Mr Ward as to his conduct being sexually motivated. The letter of the 6 March 2015 contains a number of ambiguous statements from Mr Ward and the letter of 3 December 2014 denies that his actions were sexually motivated. The panel has determined that Mr Ward's admittance of allegation 2 is clearly set out both in the Notice of Referral Form and the signed Statement of Agreed Facts.

Mr Ward and the presenting officer submitted a Statement of Agreed Facts signed by Mr Ward on 6 March 2015. At paragraphs 8 to 14 of the Agreed Statement of Facts each of the particulars 1a to 1e of inappropriate communications with Pupil A, as set out in the Notice of Meeting, are repeated, and against each particular Mr Ward has agreed each event. At paragraphs 16 to 22 of the Agreed Statement of Facts the factual events leading to the meeting with Pupil A in the car are set out. Mr Ward agrees each of the listed facts and admits the meeting took place without the College's permission or knowledge.

Mr Ward accepts in the Statement of Agreed Facts that he attempted to meet Pupil A outside College on Sunday 9 February 2014. His texts included '*Want me to come over to help you calm then?*' and '*So want me to pop over and make you smile?*'.

Mr Ward also accepts in the Statement of Agreed Facts that he failed to maintain appropriate boundaries with Pupil A and that his conduct was sexually motivated.

Accordingly the panel is satisfied that the facts set out in the Notice of Meeting are proved.

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

The panel is satisfied that the conduct of Mr Ward in relation to the facts found proved involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Ward is in breach of the following Standards:

- A teacher is expected to demonstrate consistently high standards of personal and professional conduct.
- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour.
- 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.
- Showing tolerance of and respect for the rights of others.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.

The panel has noted that Pupil A was a vulnerable pupil, and has noted the failure on the part of Mr Ward to direct Pupil A to appropriate support and assistance. The panel is satisfied that the conduct of Mr Ward fell significantly short of the standards expected of the profession. Accordingly the panel is satisfied that Mr Ward is guilty of unacceptable professional conduct and conduct that may bring the profession into disrepute. The conduct of Mr Ward would have a negative impact on an individual's status as a teacher and potentially damage the public's perception of the teaching profession.

Panel's recommendation to the Secretary of State

The panel has made factual findings as to the particulars set out in the Meeting Notice and it has been necessary for the panel 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 considered whether it is a proportionate measure and if 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 a punitive effect.

The panel has considered the public interest, and in particular:

- The protection of children;
- The maintenance of public confidence in the profession;
- Declaring and upholding proper standards of conduct.

The panel has considered the advice on Teacher Misconduct in relation to the Prohibition of Teachers, and has concluded that the following are relevant:

- Serious departure from the personal and professional conduct elements of the latest Teachers' Standards, as published by, or on behalf of, the Secretary of State.
- Misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk.
- Abuse of position of trust or violation of the rights of pupils.
- Deliberate behaviour that undermines the profession, the school or colleagues.
- Sexual misconduct e.g. involving actions that were sexually motivated.

The panel has found that the allegations against Mr Ward involved acts of abuse of trust and the violation of pupil rights, which affect the reputation of the teaching profession. The conduct of Mr Ward was planned, deliberate and maintained over a period of time.

Similarly, the panel considers that public confidence in the profession could be weakened if such conduct, as the panel has found proved, were not treated with seriousness when regulating the conduct of the profession. The factual findings against Mr Ward raise important public interest considerations in declaring proper standards of conduct for the teaching profession. Teachers are at all times role models and are expected to act with integrity.

Notwithstanding the public interest considerations that were present, the panel has to consider carefully whether or not it would be proportionate to impose a prohibition order. The panel has taken careful note of the mitigating circumstances listed by Mr Ward at pages 170-175 of the meeting bundle in a letter written on 13 December 2014. The panel has noted that the letter contains different representations to the Statement of Agreed Facts, and in particular that the latter document accepts that Mr Ward's actions were sexually motivated. The panel has dealt with this apparent conflict earlier in the reasons. The panel does not accept, however, Mr Ward's assertion that he was acting in the best interests of Pupil A; the best interests of Pupil A would have been for Mr Ward to direct Pupil A to appropriate support and guidance in accordance with the safeguarding policies and procedures of the College. Mr Ward does express remorse and an unreserved apology for what took place. The panel has noted that there were no previous matters of a regulatory nature recorded against Mr Ward and he has been a teacher for over 30 years.

In carrying out the balancing exercise the panel has decided that the public interest considerations outweigh the interests of Mr Ward. Accordingly a consideration of the public interest requires the panel to make a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel has considered whether it would be appropriate to recommend that a review period of the order should be considered. The panel has been mindful that the advice given is that a prohibition order applies for life, but there may be circumstances in any given case that may make it appropriate for a review period of not less than two years to be recommended in order for the teacher to apply to set aside the order. The panel is satisfied that the facts admitted by Mr Ward are incompatible with Mr Ward being a teacher and that in those circumstances a review period would not be appropriate. Accordingly the panel recommends a prohibition order without 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 all the allegations proven and have judged that the facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

Mr Ward has entered into an inappropriate relationship with Pupil A and furthermore the panel have concluded that his actions were sexually motivated. In considering whether to recommend a prohibition order the panel have found a number of public interest considerations to be relevant to this case; namely:

- The protection of pupils;
- The maintenance of confidence in the profession; and
- The declaring and upholding of proper standards of conduct.

The panel have acknowledged Mr Ward's previous good history and that he has expressed remorse and apologised for his actions.

Nevertheless the panel are of the clear view that the public interest considerations outweigh those of the teacher and have recommended a prohibition order as an appropriate and proportionate sanction. I agree with their recommendation.

The panel are further satisfied that Mr Ward's actions are fundamentally incompatible with being a teacher and recommend that the order should be without the opportunity to apply for it to be set aside. I agree with their judgement.


This means that Mr Colin David Ward 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 Colin David Ward 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 Colin David Ward has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this order.

NAME OF DECISION MAKER: Paul Heathcote

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

Date: 17 April 2015

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