



National College for
Teaching & Leadership

Mr Nicholas Hall Professional conduct panel outcome

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

October 2016

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

Teacher: Mr Nicholas Hall

Teacher ref number: 9539233

Teacher date of birth: 23 April 1963

NCTL case reference: 15053

Date of determination: 26 October 2016

Former employer: Soar Valley College, Leicester City Council

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 26 October 2016 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Nicholas Hall.

The panel members were Dr Robert Cawley (teacher panellist – in the chair), Professor Roger Woods (lay panellist) and Ms Alison Walsh (teacher panellist).

The legal adviser to the panel was Mr Harry Rasmussen of Eversheds LLP.

The presenting officer for the National College was Oliver Bristow of Nabarro LLP.

As this was a meeting, the parties were not present.

The meeting took place in private, save for the announcement of the panel’s decision, which was announced in public and recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 17 October 2016.

It is alleged that Mr Nicholas Hall is guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst working as an RE teacher at Soar Valley College:

- 1. In 2012, he allowed a group of year 8 pupils to watch an 18 certificate film which contained swearing and/or reference to drug use**
- 2. In or around 2014/2015, he worked as a security guard whilst off work on sick leave**
- 3. In or around December 2015, he failed to take appropriate action when a student made a comment about taking drugs**
- 4. he attended a Britain First (an extremist right wing group) public march on one or more occasions**
- 5. he expressed anti-Islamic views to a colleague**
- 6. he posted messages on a social media site which could have been deemed intolerant of other faiths and/or beliefs**
- 7. he accessed pornography on the college laptop, contrary to policy**

In the agreed statement of facts, Mr Hall admitted the facts of the allegations and that they amounted to unacceptable professional conduct and conduct which may bring the profession into disrepute.

C. Preliminary applications

Whilst there were no preliminary applications, the panel considered at the outset whether the allegation should be considered at a public hearing which the parties would be entitled to attend, or a private meeting without the parties present. The panel considered the interests of justice; Mr Hall had requested a meeting; the facts of the allegations have been admitted (in the majority); and the panel had the benefit of Mr Hall's representations. The panel also noted that Mr Hall sought to have the matter dealt with expeditiously and was therefore of the view that justice would be adequately served by considering this matter at a meeting.

The panel carefully considered the public interest. The panel noted that if the case proceeded in a meeting, there would be a public announcement of the panel's decision. The panel also had in mind that if a hearing was convened, there would be a cost to the public purse, which may not be justified if the matter could be determined in a meeting.

The panel also had regard to the delay that would be caused by convening a hearing and considered it to be in the public interest to reach a final determination in this matter.

D. Summary of evidence

Documents

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

Section 1: Chronology– pages 2 to 3

Section 2: Notice of Proceedings and response – pages 5 to 12b

Section 3: Statement of Agreed Facts and presenting officer representations – pages 13 to 22

Section 4: NCTL documents – pages 22 to 114

Section 5: Teacher documents – pages 115 to 119

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

Witnesses

The matter was convened as a meeting and no oral evidence was heard.

E. Decision and reasons

The panel announced its decision and reasons as follows:

We have 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.

Mr Nicholas Hall was employed at Soar Valley College (the “College”) as a teacher from 26 April 2001.

On 17 July 2012 Mr Hall attended an internal disciplinary interview at the College, followed by a disciplinary hearing on 18 October 2012, following allegations that he allowed year 8 students to watch an 18 certificate film, which contained swearing and/or reference to drug use.

Between 2014 and 2015 whilst on sick leave from the College, it is alleged that Mr Hall worked as a security guard. In around March 2015 it is alleged that Mr Hall attended a Britain First (extremist right wing group) march.

On 18 December 2015 Mr Hall allegedly failed to take appropriate action and follow College policy when a student made a comment about taking drugs. Additionally, Mr Hall has allegedly expressed anti-Islamic views to a colleague and has allegedly posted messages on Facebook which could have been deemed intolerant of other faiths and beliefs. Mr Hall is also said to have accessed pornography on a College laptop contrary to college policy.

On 7 January 2016 Mr Hall was suspended from the College and a LADO strategy meeting was held on 19 January 2016. Mr Hall resigned from his position at the College on 29 January 2016.

Findings of fact

Our findings of fact are as follows:

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

You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst working as an RE teacher at Soar Valley College (the "College"):

1. In 2012, you allowed a group of year 8 pupils to watch an 18 certificate film which contained swearing and/or reference to drug use

Mr Hall admitted this allegation in the agreed statement of facts signed by him on 15 August 2016 (pages 13 to 17). The panel noted that this admission is consistent with other evidence contained within the bundle of papers. The bundle includes a letter to the College, dated 30 July 2012, from the Reverend of a church local to the College, explaining that he has received a complaint that an 18 certificate film "*of extremely crude and sexual nature*" was shown in the College to 12 / 13 year old children. Additionally, the panel noted the document at page 42 of the bundle which records the account of children from Mr Hall's class, further evidencing this allegation.

The panel was therefore satisfied that this allegation was proven.

2. In or around 2014 / 2015 you worked as a security guard whilst off work on sick leave

Mr Hall admitted this allegation in the agreed statement of facts signed by him on 15 August 2016 (pages 13 to 17). Additionally, the panel noted the account of a third party at page 23 of the bundle of papers, which supports this allegation and describes how Mr Hall would feign illness from work in order to carry out security work. Additionally, the bundle of papers contains images which are said to capture Mr Hall working as a security guard at the time (pages 25 – 28).

The panel was therefore satisfied that this allegation was proven.

3. In or around December 2015, you failed to take appropriate action when a student made a comment about taking drugs

Mr Hall admitted this allegation in the agreed statement of facts signed by him on 15 August 2016 (pages 13 to 17). The panel noted that this admission is consistent with other evidence in the bundle, particularly the account provided of the conversation between Mr Hall and the student in question and Mr Hall's failure to escalate the matter in accordance with college policy (pages 64 – 65).

The panel was therefore satisfied that this allegation was proven.

4. You attended a Britain First (an extremist right wing group) public march on one or more occasions

Mr Hall admitted this allegation in the agreed statement of facts signed by him on 15 August 2016 (pages 13 to 17). The panel also considered the account of a third party at page 23 of the bundle of papers, which supports this allegation and states that Mr Hall has attended right-wing marches. Additionally, the panel noted that the bundle of papers contains photographs of Mr Hall in attendance at what appears to be a right-wing march or demonstration (pages 35 – 38). The panel considered these photographs to be persuasive (rather than compelling) evidence given that it is difficult to properly discern that Mr Hall is at a 'Britain First public march' from them.

The panel was therefore satisfied that this allegation was proven.

6. You posted messages on a social media site which could have been deemed intolerant of other faiths and/or beliefs

Mr Hall admitted this allegation in the agreed statement of facts signed by him on 15 August 2016 (pages 13 to 17). The panel found that this admission is consistent with the evidence in the bundle of papers, particularly the documents at pages 31 – 34 of the bundle, which set out a series of comments made on social media. The comments appear to have been made by Mr Hall, and clearly demonstrate a vociferous attack on the Islamic faith across a string of messages.

The panel was therefore satisfied that this allegation was proven.

7. You accessed pornography on the college laptop, contrary to policy

Mr Hall admitted this allegation in the agreed statement of facts signed by him on 15 August 2016 (pages 13 to 17). Additionally, the panel found that this admission is consistent with the evidence at page 50 of the bundle which sets out Mr Hall's internet search history and indicates that Mr Hall accessed a variety of

pornographic websites on 15 July 2012. Whilst the internet search history at page 50 does not clearly show that such websites were viewed on a College laptop, the panel concluded that the information at page 50 is persuasive, when taken along side Mr Hall's admission of this allegation.

The panel was therefore satisfied that this allegation was proven.

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

5. You expressed anti-Islamic views to a colleague

You expressed anti-Islamic views to a colleague. The panel noted that Mr Hall did not admit to this allegation in the agreed statement of facts signed by him on 15 August 2016 (pages 13 to 17), in which he stated "I was off sick then" and "Do yes but not remember". The panel also noted that this allegation was denied by Mr Hall in his response to the Notice of Referral, signed by him on 15 June 2016 (pages 9 – 11).

The panel observed that the email from Mr Hall, dated 18 July 2016, states that he "[...] admit[s] to whatever the allegations are" (page 115). However, given the previous denials from Hall in relation to this allegation and the lack of evidence supporting this allegation, the panel finds that this allegation is not proven.

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

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 and/or conduct that may bring the profession into disrepute.

In doing so, the panel has had regard to the document Teacher Misconduct: The Prohibition of Teachers, which the panel refers to as "the Advice".

The panel is satisfied that the conduct of Mr Hall in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Hall 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:
 - [...] 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

- not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
- teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach [...].
- teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel is satisfied that the conduct of Mr Hall fell significantly short of the standards expected of the profession.

The panel has also considered whether Mr Hall's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice.

The panel has found that the offence of intolerance and / or hatred on the grounds of religion is relevant. The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel notes that allegations 4 and 6 took place outside of the education setting. The panel is of the view that the conduct displayed by Mr Hall in relation to these allegations affects the way in which Mr Hall fulfils his role as a teacher, or may lead to pupils being exposed to or influenced by his behaviour in a harmful way. Allegations 4 and 6 relate to Mr Hall's right-wing beliefs and attitude of vehement intolerance toward people of other faiths. The panel believes that such an attitude is completely incongruous with Mr Hall's role as a teacher, but particularly his role as an RE teacher of the College.

Accordingly, the panel is satisfied that Mr Hall is guilty of unacceptable professional conduct.

The panel has taken into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

The findings of misconduct are serious and the conduct displayed by Mr Hall would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception. The panel therefore finds that Mr Hall's actions constitute conduct that may bring the profession into disrepute.

Having found the facts of allegations 1 to 4 and 6 to 7 proven, the panel further finds that Mr Hall's conduct amounts to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, 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 Advice and having done so has found a number of them to be relevant in this case, namely: the protection of pupils and the protection of other members of the public; the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Hall, which involved showing a certificate 18 film to children of 12 / 13 years old, there is a strong public interest consideration in respect of the protection of pupils.

Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Hall were not treated with the utmost seriousness when regulating the conduct of the profession. With this, the panel had particular regard to the wholly inappropriate and offensive remarks that Mr Hall has publically made on social media in addition to his public attendance at right-wing extremist marches.

The panel considered that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Hall was outside that which could reasonably be tolerated.

Notwithstanding the clear 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 Hall.

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 Hall. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours, those that are relevant in this case 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
- actions or behaviours that undermine fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs; or that promote political or religious extremism
- a deep-seated attitude that leads to harmful behaviour
- violation of the rights of pupils

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 mitigating factors to militate 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 there was no evidence that Mr Hall's actions were not deliberate, nor was there any evidence to suggest that he was acting under duress; rather, the panel found that Mr Hall's actions (in respect of some of those allegations found proven) were self-motivated. The panel accepts that Mr Hall had a good teaching record at the College, save for the disciplinary process in which he was involved in 2012 (which related to the conduct giving rise to allegation 1). The panel has seen no evidence of good character adduced in favour of Mr Hall. Whilst the panel accepts, with reference to paragraph 118 in the bundle, that Mr Hall suffered a period of ill health in 2015 and experienced stress following his divorce in 2009, it does not accept that such information is sufficient to militate against a prohibition order being imposed.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mr Hall. Mr Hall's deep-seated and harmful views and disregard for the welfare of children in his care were significant factors in forming that opinion. 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 recommend that a review period of the order should be considered. The panel was mindful that the Advice 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 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include intolerance and / or hatred on the grounds of religion. The panel has found, with reference to the proven allegations 4 and 6, that Mr Hall has been shown to display such behaviour. In this regard, the panel particularly notes some of the comments made by Mr Hall on social media as follows: *“what a sick religion islam is”* and *“we will leave them alone when the plague of Islam is [eradicated] from our planet [...]”* (pages 33 to 34 in the bundle).

The panel has seen no evidence of any insight or remorse from Mr Hall in respect of his actions. 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 considered very carefully the findings and recommendations of the panel in this case, both in terms of sanction and review. The panel has found a number of the allegations proven. Where the allegations have not been found proven I have put these from my mind.

Mr Hall has been found guilty of unprofessional conduct and conduct which may bring the profession into disrepute.

The panel has considered the particular public interest considerations set out in the Advice and having done so finds a number of them to be relevant in this case, namely: the protection of pupils and the protection of other members of the public; the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct.

In light of the panel’s findings against Mr Hall, which involved showing a certificate 18 film to children of 12 / 13 years old, I agree with the panel that there is a strong public interest consideration in respect of the protection of pupils.

I agree with the panel that public confidence in the profession could be seriously weakened if Mr Hall’s conduct was not treated with the utmost seriousness when regulating the conduct of the profession.

I agree with the panel, that the behaviours relevant in this case 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
- actions or behaviours that undermine fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs; or that promote political or religious extremism
- a deep-seated attitude that leads to harmful behaviour
- violation of the rights of pupils

I note that the panel had taken particular regard to the wholly inappropriate and offensive remarks that Mr Hall has publically made on social media in addition to his public attendance at right-wing extremist marches.

I have taken into account the guidance published by the Secretary of State. I have taken into account the need to balance the interests of the public with those of Mr Hall and the need to be proportionate.

I have considered the public interest in this case. The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mr Hall. I agree with that view and that prohibition is both proportionate and appropriate.

I now turn my mind to the consideration of a review period. The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include intolerance and / or hatred on the grounds of religion. I note the panel has found that Mr Hall has been shown to display such behaviour.

I note the panel found no evidence of any insight or remorse from Mr Hall in respect of his actions.

Due to the serious nature of this case and for the reasons set out above, I agree with the panel's recommendation, that a prohibition order should be imposed and that no review period should be allowed.

This means that Mr Nicholas Hall 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 Hall 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 Hall 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 'JM', with a small dot at the end of the signature.

Decision maker: Jayne Millions

Date: 27 October 2016

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