

THE TEACHING AGENCY

Decision of a Professional Conduct Panel and the Secretary of State

Teacher: Mr Nigel Peake
Teacher ref no: 04/65087
Teacher date of birth: 9 November 1956
TA Case ref no: 4914
Date of Determination: 17 January 2013
Former Employer: Goldenhill Primary School, Stoke-on-Trent

A. Introduction

A Professional Conduct Panel ('the Panel') of the Teaching Agency convened on 22 October 2012 and 17 January 2013 at 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH to consider the case of Mr Nigel Peake.

The Panel members were:

- Dr Dena Coleman (Teacher Panellist – in the Chair);
- Professor Ian Hughes (Lay Panellist); and
- Mr John Pemberton (Teacher Panellist).

The Legal Adviser to the Panel on 22 October 2012 was Mr Michael Williams, Counsel and on 17 January 2013 was Mr Christopher Alder of Blake Laphorn Solicitors.

The Presenting Officer for the Teaching Agency was Ms Louisa Atkin of Browne Jacobson LLP, Solicitors.

Mr Peake was present and represented by Mr Chris Holden of NASUWT.

The hearing took place in public and was recorded.

B. Allegations

The Panel considered the allegation set out in the Notice of Proceedings dated 23 March 2012.

It was alleged that Mr Peake was guilty of unacceptable professional conduct, in that:

1. Whilst employed as a supply teacher at the Goldenhill Primary School, working for the Stoke-on-Trent Local Authority, Stoke-on-Trent, between September 2008 and March 2009, he:
 - a. ran a lunchtime club for a select group of female pupils thereby treating them more favourably than other students;
 - b. acted contrary to school policy, in that he sought to prevent a group of female pupils from speaking to the Home School Link Worker about their friendship problems;
 - c. allowed a female pupil to sit on his lap and comb his hair;
 - d. had inappropriate physical contact with pupils, such as hugging and linking arms;
 - e. failed to discourage or stop pupils from engaging in inappropriate physical contact with him; and
 - f. acted contrary to school policy, in that he allowed and encouraged students to bring mobile telephones into school to take photographs of him.

2. Following the cessation of his contract of employment as a supply teacher at the Goldenhill Primary School in March 2009, he:
 - a. engaged in inappropriate and unprofessional email correspondence with pupils of the school;
 - b. acted contrary to instructions, in that he visited the school premises and caused disruption through his contact/interaction with pupils.

Mr Peake denied the allegation in its entirety.

C. Summary of Evidence

Documents

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

Section 1	Notice of Proceedings and Teacher's Response	pages 1 - 11
Section 3	Teaching Agency Witness Statements	pages 12 - 20
Section 4	Teaching Agency documents	pages 21 - 223
Section 5	Teacher's Documents	pages 225 - 235

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

Additional Documents

At the outset, Mr Holden sought to admit a document headed 'Monitoring Evidence Form' which had been completed by the Headteacher in respect of a lesson taken by Mr Peake on 21 October 2008.

Ms Atkin did not object to the late admission of those documents.

Having taken advice from the Legal Adviser, the Panel was satisfied that the document was relevant to the issues that it was called upon to decide and that it would be assisted by its admission.

The document was added to Section 4 of the papers as pages 236 – 237.

Brief Summary

Please note that this is intended to be a summary – it does not reflect the complete evidence given.

The Presenting Officer and Teacher's Representative made detailed submissions to the Panel. The Panel considered those submissions carefully.

The Presenting Officer called Witness A, the Headteacher of Goldenhill Primary School to give evidence.

Witness A confirmed the truth of the statement found at pages 13 to 17 of the bundle. He gave evidence generally in accordance with that statement, referring also to Strategy Meetings held in August and October 2009 and 'Statement of Concern' made by staff at the school.

Although not mentioned in his statement, Witness A said that on one occasion he heard Mr Peake telling pupils that they should not discuss any concerns with him, rather than other people, as he was their teacher. He was unable to explain why he had not included that evidence in his statement.

He did not witness any physical contact between Mr Peake and any pupil.

Although not in his statement, he said that Individual A, the Home School Link Worker had informed him that Mr Peake had told pupils to bring mobile phones to school (in contravention of school policy). Witness A went straight to Mr Peake's classroom where he confiscated a number of mobile phones. He did not ask Mr Peake why the pupils had the phones with them. He does not know whether any photographs of Mr Peake were taken beforehand. He was unable to explain why he had not included that evidence in his statement.

Although also not in his statement, Witness A said that following the incident in the playground in April 2009, he was informed that Mr Peake had accompanied some of his former pupils to a music lesson. He was subsequently told by the music teacher that Mr Peake had sat at the teacher's table for most of the lesson. Witness A went to the classroom towards the end of the lesson and saw Mr Peake leaving that

classroom. He questioned Mr Peake regarding his presence. Mr Peake said that he had not been in the lesson.

He said that Mr Peake was made aware of school policies at an induction day held in September 2008, including the role of the Home School Link Worker.

He was cross-examined by the Teacher's Representative. He denied that his version of events may have been 'coloured' in retrospect because of the subsequent investigation into the emails passing between Mr Peake and his former pupils.

Witness A conceded that in all of the emails sent and received by Mr Peake he was addressed formally – and signed himself – as 'Mr Peake'. He also conceded that some of the content of the emails could be said to constitute 'learning beyond the classroom'. He also conceded that he had seen other, generally younger pupils link arms with other members of staff – particularly the lunch-time staff – and sit on their laps. He accepted that he believed that such contact was contrary to the school safeguarding policy but had taken no action with regard to it. He agreed that, in consequence, there was a 'grey area' as to the acceptability of such conduct.

In answer to questions from the Panel, Witness A conceded that he had not instructed Mr Peake not to attend the school premises. Their arrangement was that Mr Peake was permitted to attend the nursery class but should not see his former pupils.

The Presenting Officer called Witness B a Teacher at Goldenhill Primary School to give evidence.

Witness B confirmed the truth of the statement found at pages 18 and 19 of the bundle (having produced and identified a signed copy of that statement) and gave evidence in accordance with it.

Witness B confirmed that staff at the school received annual training on the school's safeguarding policy and maintaining appropriate boundaries with pupils. He conceded that he had not formally raised a concern regarding Mr Peake and pupil's linking arms (which he said took place 'frequently' in school assemblies but only when the Headteacher was not present), although he had discussed the issue informally with another staff member.

He was cross-examined by Mr Holden but maintained his version of events. He said that although he only saw his former class at lunch-times, break-times and when moving around the school as a group, nonetheless he felt able to say that their behaviour in school had deteriorated. He attributed that to Mr Peake's failure to maintain standards. He did not raise the issue either with Mr Peake or with school management.

He said that whilst he is not aware of any written policy regarding the use of email with pupils, it is an issue that is discussed at staff meetings.

The Teacher's Representative called Mr Peake to give evidence.

Mr Peake gave evidence on his own behalf in accordance with the statement signed by him on 14 September 2012 found at pages 225 – 235 of the bundle.

In answer to questions from his representative, Mr Peake confirmed that he had completed his QTS in August 2005. Prior to that he had worked in the ceramics industry for around 20 years.

Mr Peake had always wanted to be a teacher and he had worked with his wife on school PTA. He had worked on three primary schools in Stoke across two years of his teaching, but felt inexperienced. In relation to Goldenhill Primary School he did not know if the school had written policies which related to contacting pupils by email; the role of the Home School Link Worker. He had not been told anything specific in relation to the HSLW role, although he was aware of HSLW roles at other schools.

Mr Peake stated that Witness A had not raised any performance concerns with him – they had spoken following one lesson observation in October and again during a quick chat around Christmas 2008. He believed that Mr Wade was happy with his performance.

For his Year 5 class Mr Peake had initially encouraged lunchtime gatherings for a guided reading group. He had abandoned these because they were impractical, but the lunch time gatherings had continued. The lunch time meetings were not referred to at any time as a friendship group – pupils had merely used his room during lunch breaks and he had supervised them while he was in his room. There was no group selection and it was not a “select group”. Approximately 15 children would come in during the lunch break with 50:50 gender split. Mr Peake had respect for Individual A, the HSLW, but did not feel that resolving young girls' squabbling was part of her role. He had given specific advice to a group of five or six girls and explained that they could speak with him before going to Individual A. He confirmed that had he been given a direction by Witness A in relation to Individual A, he would not have ignored a direction from him. He had not sought to undermine Individual A, but may have spoken about her in front of a group of girls.

At no point had a female pupil sat on his lap – there had been an incident where a foundation stage child had sat on his knees, but he had been told that this was usual. One girl in his class had ruffled his hair and tried to comb it – he had been quite firm and told her to stop trying to ruffle or comb his hair.

Mr Peake confirmed that he had linked arms with pupils – he had not hugged any children. He had not seen this to be problematic and other teachers had linked arms with pupils. No teacher had warned him not to link arms and he believed it was inoffensive and harmless.

He did not know of a specific written policy at Goldenhill Primary School regarding mobile phones – he had never encouraged pupils to bring mobile phones in. Following a request in 2008 when a pupil had been emigrating to Australia, he had agreed that pupils could bring cameras into school to take photographs with him. He had not realised that pupils would bring in their mobile phones in order to take

photographs. When he had seen the mobile phones he had taken the mobile phones from them and locked them away.

Mr Peake confirmed that he had sent emails to pupils. He had used SCORE email system. In relation to the pupil who had emigrated to Australia he was hoping to create a contact network with her Australian school. He did not want the children to feel that they had been abandoned by him and he had only ever replied to emails – he had never initiated them.

Mr Peake had visited the school twice – this was in agreement with the Headteacher. He had not been with Year 5 children in the dining room and had been helping the class teacher with monitoring the children. On the second occasion he had needed to collect his speakers and had tried to contact the Year 6 classroom teacher. He had stayed with pupils in the music lesson while the Year 6 teacher arrived with his speakers.

During cross examination from the Presenting Officer, Mr Peake confirmed that he must have undertaken training regarding safeguarding and child protection during his PGCE year. During his time at Goldenhill Primary School he was not very experienced and had tried to learn from colleagues.

Mr Peake had considered the statements made in relation to a number of the pupils. He had no idea why children would lie about his position or his contact with them.

Mr Peake did not accept that he had run a lunchtime club or that he had treated some pupils more favourably than others. He maintained that there was a difficulty at the school in that it had a stable long term staff base. This had resulted in information not being disseminated or communicated to him because the management assumed that he had the information. At no point had Mrs Yates raised any concerns with him – his error had been to not contact Witness A to confirm Individual A's role. Mr Peake confirmed that on one occasion he had sat to the side of a table of female pupils and had listened to their petty concerns - he apologised to Individual A that her time had been wasted. He instructed the pupils to stop bickering and told them it was inappropriate for Individual A to deal with them. Individual A had not told him about that her role would involve her dealing with such concerns.

Mr Peake confirmed that one girl in his class had tried to comb his hair – he had stopped her and had given her a forceful instruction to stop. He did link arms with some pupils on occasion but maintained that this was the common thing to do at the school. He was proud and pleased that some pupils were enthusiastic about his teaching – it was an innocent linking and he knew that anything more was inappropriate. He had ruffled one male pupil's hair – this was a fatherly gesture of support. He explained that teachers have a responsibility to act in *loco parentis* – acting in this fatherly way provided support to them. He did not recall seeing a written policy – when he had started at the school he had been presented with a thick bundle of papers whereas he had expected a resumé of the policy.

Mr Peake contested that he had not given permission to pupils to bring in mobile phones – he had allowed cameras to be brought in and had not anticipated that

these cameras would be in the form of the mobile phones. He conceded that he should have sought permission from Witness A. Pupils had not brought cameras in to the school on his last day to take photographs of him. His email contact with pupils was not subversive and he maintained that he had tried to be supportive. He was not aware of an email policy and he believed that it was right and suitable to contact pupils through the proper and supervised medium.

In relation to one of the emails from a female pupil Mr Peake did not see a series of Xs as "kisses". He believed it was just a messy way of sending an email. He was asked a series of questions regarding the detail of a number of emails, but he did not accept that the emails were over familiar or undermined the year 5 teacher at Goldenhill.

In answer to questions from the Panel, Mr Peake explained that he had been visiting the school for around seven weeks before he had started work at the school. He wanted to feel comfortable in the school.

At the beginning of September 2008 there were two training days. There had been no formal staff meeting where any child protection policies were discussed. He could not recall if there was a staff handbook, but it may have been one that was attached to the notice board. He would have expected full safeguarding practices to have been explained. Mr Peake accepted that he had received training at Manchester Metropolitan University where the child protection training had focused on identifying when children were being abused at home. He felt that he had not received full training because of the manner he had ended the profession – i.e. he had come from industry and was an older individual. Other teachers had assumed that he was more experienced than he was. He was referred to the email communications and felt that the language was appropriate. His emails had not intended to be subversive. A number of the pupils did not have a father figure and, in his view, lacked a fatherly role model. Mr Peake explained that he was trying to create a fatherly impression, acting as a father figure for pupils because he believed this would help their behaviour management.

Mr Peake was concerned that the achievements he had made at the school were not reflected in the case. When he had been at the school he had got on with everybody and he had not been criticised. The criticism only came after he had left the school and after the emails had been seen.

Mr Peake gave further clarification about the safeguarding training he received during his PGCE. He confirmed that he was aware of the teacher standards at the time of his PGCE and that it was his responsibility, when he qualified, to act in accordance with professional standards. He accepted that it was his responsibility to have sought copies of the child protection policies. He accepted that emailing pupils could fall within the remit of safeguarding policy. He conceded that the Xs set out in the emails could be said to represent kisses, but that he did not construe them as kisses. Mr Peake also explained that "LOL" meant loads of laughs.

D. Decision and Reasons

The Panel announced its decision 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, those additional documents provided at the start of the hearing and we have carefully considered all of the evidence presented to us during the hearings.

We have considered the following allegation:

It was alleged that you are guilty of unacceptable professional conduct, in that:

1. Whilst employed as a supply teacher at the Goldenhill Primary School, working for the Stoke-on-Trent Local Authority, Stoke-on-Trent, between September 2008 and March 2009, you:
 - a. ran a lunchtime club for a select group of female students thereby treating them more favourably than other students;
 - b. acted contrary to school policy, in that you sought to prevent a group of female students from speaking to the Home School Link Worker about their friendship problems;
 - c. allowed a female student to sit on your lap and comb your hair;
 - d. had inappropriate physical contact with students, such as hugging and linking arms;
 - e. failed to discourage or stop students from engaging in inappropriate physical contact with you; and
 - f. acted contrary to school policy, in that you allowed and encouraged students to bring mobile telephones into school to take photographs of you.
2. Following the cessation of your contract of employment as a supply teacher at the Goldenhill Primary School in March 2009, you:
 - a. engaged in inappropriate and unprofessional email correspondence with students of the school; and
 - b. acted contrary to instructions, in that you visited the school premises and caused disruption through your contact/interaction with students.

Summary

Mr Peake was appointed to a teaching post at the Goldenhill Primary School, Stoke-on-Trent ('the school') to cover a teacher absent on maternity leave. He commenced work on 1 September 2008, teaching a Year 5 group of students. He

was a 'late entry' to teaching and at that time he had been teaching for less than two years. His date of birth is 9 November 1956

The Panel received a statement dated 22 March 2012 from the Headteacher, Witness A. According to him, Mr Peake's classroom appeared well managed in the early weeks and relationships within the school were also very positive. Support staff were very complimentary about him.

However, in the Autumn Term of 2008, Witness A became aware of concerns that had been raised by others, including that Mr Peake had informed certain students not to discuss personal concerns with the Home School Link Worker but, instead, to do so with himself.

In the Spring Term of 2009, a number of other concerns were raised with Witness A, including that an evolving lunchtime group run by Mr Peake had resulted in certain female students being treated more favourably; that he favoured girls over boys; and that in his last week he told his students to bring a mobile phone so that they could take a photograph of him, which was contrary to school policy.

Mr Peake's contract was terminated at the end of March 2009 as the teacher he was covering returned from maternity leave sooner than had been expected. Thereafter, Mr Peake asked Witness A if he could return to the school on Fridays to observe the nursery class, in order to access knowledge of assessment procedures in Foundation Stage Learning. Mr Wade agreed, with the proviso that Mr Peake was to have no contact with his Year 5 class.

However, Witness A was made aware that on his first visit, Mr Peake sought out some of his former students in the dining room. Staff raised concerns with Witness A about the emotional upset which Mr Peake's actions had caused and the effect that this had on the children concerned.

The following week Mr Peake went into the main playground. Staff became alarmed as a small group of girls were crying and upset and a number crowded round Mr Peake hugging him. It was reported to Witness A that Mr Peake was doing nothing to prevent that behaviour.

Witness A spoke to Mr Peake about those situations and it was agreed that he should not return to the School thereafter.

In June 2009, Witness A was informed that a student had mentioned to her Teacher that Mr Peake was upset that students had stopped sending him emails. That resulted in an investigation being initiated.

As part of that investigation, the email records for the School email system (known as 'SCORE') showed that Mr Peake had emailed certain students after his contract had been terminated. Witness A concluded he had had contact with significantly more female students than male students and that the emails to the female students were more extensive and more emotive. Some of the emails sent to female students also contained reference to Mr Peake's personal life and encouraged

continued contact with him. One female student sent over 80 emails to Mr Peake between 16 December 2008 and 19 June 2009.

Findings

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

Particular 1 a

We have considered all of the relevant evidence, which includes the oral evidence of Witness A and we have considered your evidence very carefully.

We found Witness A to be a credible witness. His evidence was consistent with other evidence which formed part of the school investigation.

We have carefully considered the wording of the particular. It is clear from Witness A's evidence and your evidence that you started and facilitated a lunchtime gathering for students initially to assist with reading. The group developed and became what could commonly be phrased to be a social lunch club. From your and Witness A's explanation and description of the group we are satisfied that it appeared to have the atmosphere of an informal club and by default appeared to become a select group.

The lunchtime gatherings did not continue as a group for guided reading and you gave evidence of how the group evolved. This description is broadly in line with Witness A's evidence. You described how that group had benefits to girls with social problems and you continued to allow them to meet in your classroom. Whilst there is no evidence that you specifically selected the students or about how to it was coordinated, we are satisfied that the individuals involved did appear to become a select group.

We carefully considered the conflict between your evidence and that of Witness A. We found Witness A to be a credible and compelling witness. We have given weight to his testimony. We preferred his evidence to yours, where there was conflict. It was clear that Witness A had concerns that the group was being treated more favourably. We consider that those students had extra contact with you, a teacher at the school, which could indicate that you treated them more favourably. We are satisfied on the evidence that by facilitating the lunchtime meeting you were treating those students more favourably.

Given the evidence of Witness A and your description of the group, its makeup and its evolution we find the facts of this particular proven.

Particular 1 b

We have considered all of the relevant evidence, which includes considering your evidence very carefully. We have also considered the statement of Individual A the Home School Link Worker (HSLW) and have given weight to this statement.

We have also considered Witness A's oral evidence. We have considered your evidence which was that you decided to put a stop to students having 'automatic' access to Individual A. This is consistent with concerns which Individual A had raised.

Having considered your evidence during questioning from the Presenting Officer, you explained that you instructed a group of female students not to speak to Individual A about what you called their "petty" friendship issues and "squabbles". You gave evidence that that conversation was with the group in front of Individual A.

We accepted Witness A's evidence that it was school policy that students were to contact the HSLW directly and that your actions were in breach of that policy.

Given your evidence and its consistency with elements of the evidence presented in written form by Individual A and in oral evidence by Witness A we find the facts of this particular proven.

Particular 1 c

We have carefully considered the evidence which is relevant to this particular. This has included the evidence which Witness A gave in oral testimony.

You gave evidence that there was one female student who ruffled your hair and attempted to comb your hair. You told us how you sought to stop her from doing so.

We are not satisfied on the evidence available that you permitted a female student to sit on your lap or comb your hair. We do not find, on the balance of probability, that there is sufficient evidence to prove this particular.

Particular 1 d

We have considered all of the relevant evidence. This has included considering the evidence of Witness A and your evidence very carefully. Your evidence was that you did allow students to link arms with you.

We have seen no evidence that, although you did link arms and that students may have held you, you hugged students.

We carefully considered the evidence of Witness A and Witness B – both of whom gave oral evidence before us. Their evidence was that linking arms with students in the manner you did was inappropriate. Witness B gave evidence that when the students were in his Year 4 class the students did not or did not need to link arms with him. We found Witness B to be a credible witness. His evidence was that linking arms with students in Year 5 in your class, given their age, raised concerns for him.

On the basis of the evidence of Witness A, Witness B and your evidence we find it proven that you had inappropriate physical contact with students by linking arms with them.

We find this element of the particular proven.

Particular 1 e

For the reasons set out above we considered Witness A and Witness B to be credible witnesses. We refer to our findings of fact in relation to particular 1 d above

which are clearly relevant to the issue raised in this particular. We have also considered the minutes of the safeguarding meeting of 7 January 2010 in which Individual A refers to the issue of you linking arms with students. We have no reason to doubt the veracity of these minutes given that the content is consistent with Mr Bagley's and your evidence.

Witness B gave evidence that you did not discourage students who wanted to link arms with you. Whilst there is no suggestion that you initiated such contact the evidence, including your evidence, indicates that you did not discourage such contact. Mr Wade was clear that such contact with students of the age of your Year 5 class was inappropriate.

We find this particular proven.

Particular 1 f

We carefully considered the evidence of Witness A in relation to the relevant school policy. The evidence shows, and your evidence is, that you did allow students to bring mobile telephones into school, insofar as you allowed students to bring cameras to school on one occasion. However, we are not satisfied that it is proven that you allowed and encouraged students to bring mobile telephones in order to take photographs of you on this occasions.

We do not find this particular proven.

Particular 2 a

We have considered all of the relevant evidence. We have considered the evidence of Witness A who we found to be a credible witness. We have considered the transcripts of the email correspondence you held with students at the Goldenhill Primary School once you had left its employment.

We have carefully considered the nature of the emails, their content, their number and their duration. The content of a number of the emails is personal and we believe fail to maintain appropriate professional boundaries. We have noted that the email correspondence continued into July 2009. You did not initiate the emails, but a number of the emails show that you encouraged further dialogue.

By way of example a number of the emails were personal in nature given that some referred to your home, garden, holidays and job prospects. One email you sent to a student stated, *"don't worry even after I have left Goldenhill you will still be able to email me on the same address"*; to another you forwarded an image to her; to another *"you shouldn't cry we had a great time together and I have not died or anything"*, which was in sent in response to an email from the girl which said, *"I miss you very very much I am crying"*; and a number of the emails from the students contained a series of Xs which could clearly constitute 'kisses'; one further email shows that you were attempting to arranged social interaction, *"has A's grandma mentioned anything about the disco next Tuesday. I am at Moorpark I can't promise though as it is up to her"*. In our assessment, your explanation for continuing to send emails was not credible.

Having considered the evidence of Witness A to be credible and our assessment of the emails we find it proven that the emails are inappropriate and unprofessional.

Particular 2 b

We have considered all of the relevant evidence. We have carefully considered your evidence and that of Witness A. Whilst we found Witness A to be a credible witness, we are not satisfied on the balance of probabilities that it is proven that you were given clear instructions regarding your visit to the school.

Witness A had granted permission to you to visit the school and, as you accept that your presence did cause some disruption, given the lack of clarity regarding the instructions which were given to you, we do not find this particular proven.

Finding as to Unacceptable Professional Conduct

We have carefully considered whether the facts we have found proven amount to unacceptable professional conduct.

We have considered the current Teachers' Standards and are clear that Teachers must uphold public trust in the profession and maintain the highest standards of ethics and behaviour within and outside school and must have proper and professional regard for the ethos, policies and practice of the school in which they teach.

For completeness we have also considered the former GTCE Code of Conduct and Practice for Registered Teachers.

We are clear that it has been a consistent expectation of the profession and public that teachers have a fundamental duty to maintain and uphold appropriate professional boundaries and that teachers must take reasonable care of students under a teacher's supervision with the aim of ensuring their safety and welfare. Your actions, which have been proven through the alleged particulars, have shown that you have failed to uphold these expectations.

Given the findings we have made, we are satisfied that your behaviour has fallen significantly and seriously short of the standard of conduct expected of a registered teacher and is behaviour which involves a breach of the standards of propriety expected of the profession.

By disregarding the school's policy, treating some students more favourably than others, having inappropriate physical contact with students and engaging in inappropriate and unprofessional email correspondence, you failed to acknowledge and maintain appropriate and proper boundaries with students. In that regard, you demonstrated a serious lack of professional judgement and your actions had the potential to not only damage your own reputation, the reputation of the school and the profession as a whole.

In all of the circumstances, the Panel is satisfied that your conduct fell well short of the standard expected of the profession and amounts to 'unacceptable professional conduct'."

Panel's Recommendation to the Secretary of State

We have considered this case very carefully and have considered the mitigation and evidence presented by Mr Peake. We have considered the evidence and representations which Mr Peake has provided very carefully and this has included that, although he was a qualified teacher, he was a relatively inexperienced one.

We consider Mr Peake's actions represent a serious departure from the standards expected of the profession and we believe that his actions could have affected the education and wellbeing of students.

We believe that Mr Peake's actions in sending email communications to students over a period of time were deliberate. We have noted that he was not acting under duress. Whilst we do not believe that his actions were intended to harm pupils, his actions have shown a disregard for his professional safeguarding and child protection responsibilities. We have noted that he had access to the email details for students through the Stoke-on-Trent SCORE network and he used those details to contact students once he had left the School.

In our view, Mr Peake's conduct has fallen significantly below the standards expected of a teacher. We are of the view that his behaviour has the potential to undermine the reputation of the profession and to significantly damage public confidence in the standards expected of Teachers. His actions show that he has failed to maintain the fundamental requirement for teachers which is to act in a way which safeguards pupils and ensures their wellbeing. He failed to observe and maintain appropriate professional boundaries – our view is that his actions fundamentally depart from the standards of conduct which can appropriately be expected of the profession.

Mr Peake's actions had the potential to place students at risk, but we have noted that there was no evidence to suggest that his actions did cause damage to any student. His actions did, though, place a number of female students' wellbeing and the reputation of the profession at risk. Throughout the hearing, Mr Peake has not demonstrated that he understood the importance of safeguarding and/or child protection in the circumstances of the case. His evidence and representations did not give us the reassurance that he has insight into the concerns that have been raised and, having considered his evidence, we have not been satisfied that Mr Peake has shown insight, remorse or recognition about the seriousness of his actions.

We have considered whether to conclude this case without recommending the imposition of a sanction. We have decided that the issues raised in this case are so serious that a prohibition order is necessary and appropriate. 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 and proportionate in this case in order to reflect the seriousness of Mr Peake'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 Peake the opportunity to apply for the Prohibition Order to be reviewed. We have been significantly concerned that Mr Peake has not shown insight or reflection in relation to his behaviour. Whilst we have noted that he was an inexperienced teacher, we are concerned, given his age and life experience, that he did not show an apparent concern for safeguarding provisions or appear to acknowledge the importance of maintaining appropriate professional boundaries. He has not acknowledged that his behaviour could have presented a risk to students. During the hearing Mr Peake sought to justify his behaviour, in part on the basis that he was acting to develop a father-like relationship with a number of the students – we are concerned that this shows a lack of insight and understanding of the role of a teacher especially in a primary school environment.

The mitigation and explanation which Mr Peake has presented has not reassured us that he will not behave in a similar way in the future. In our decision, which reflects the evidence we have reviewed as part of this case, we are concerned that Mr Peake represents a risk to the safety and wellbeing of children. In addition to ensuring that we protect children, we are aware of our responsibility to protect the reputation of the profession and to maintain confidence in the standards expected of the profession. For these reasons we have decided that it would not be appropriate to recommend that Mr Peake be given the opportunity to apply to review the Order.

Secretary of State's Decision and Reasons

I have given very careful consideration to this case and to the recommendations of the panel.

Mr Peake has been found guilty of unacceptable professional conduct. His behaviours that have been found by the panel represent a significant departure from the standards expected of a teacher. In particular his actions showed a disregard for child protection policies and safeguarding. Although the panel did not believe that his actions caused actual harm, there is no doubt that there was a risk of harm, coupled with a risk of damage to the reputation of the profession.

I support the recommendation of the panel that Mr Peake should be prohibited from teaching, having given consideration to the proportionality of this action and to the public interest.

Furthermore in the light of the lack of insight and remorse shown by Mr Peake, I support the recommendation that there should be no review period in this case.

This means that Mr Nigel Peake 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 Nigel Peake 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 Nigel Peake 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: Alan Meyrick
DATE: 21 January 2013