



National College for
Teaching & Leadership

Mr Michael Hall: Professional conduct panel outcome

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

February 2016

Contents

A. Introduction	3
B. Allegations	4
C. Preliminary applications	6
D. Summary of evidence	6
Documents	6
Witnesses	7
E. Decision and reasons	7
Panel's recommendation to the Secretary of State	24
Decision and reasons on behalf of the Secretary of State	27

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

Teacher: Mr Michael Hall

Teacher ref number: 0154987

Teacher date of birth: 3 December 1964

NCTL case reference: 12880

Date of determination: 11 February 2016

Former employer: Parkside Community School, Derbyshire (hereinafter called "the School")

A. Introduction

A professional conduct panel ("the Panel") of the National College for Teaching and Leadership ("the National College") convened on 25 to 28 January and 5 February at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH and on 8 to 11 February 2016 at The Ramada Hotel, The Butts, Earlsdon, Coventry CV1 3GG, to consider the case of Mr Michael Hall.

The panel members were Councillor Gail Goodman (teacher panellist - in the chair), Professor Ian Hughes (lay panellist) and Mr Martin Greenslade (lay panellist).

The legal adviser to the panel was Mr Paddy Roche of Blake Morgan LLP.

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

Mr Michael Hall was present (except on 11 February) and was represented by Mr Ed Brown of NASUWT.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 5 November 2015.

It was alleged that Mr Michael Hall was guilty of;

1. Conviction at any time, of the following relevant criminal offences:

a. on 12 December 1997, he was convicted at Nottingham Crown Court of the offence of theft, contrary to Section 1 of the Theft Act 1968. He committed this offence between May and August 1996;

b. on 12 December 1997, he was convicted at Nottingham Crown Court of the offence of theft, contrary to Section 1 of the Theft Act 1968. He committed this offence on or around 15 August 1996.

2. Unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that during the course of meetings on 30 March, 31 March and 5 April 2006, following his appointment at Parkside Community School, Chesterfield, he:

a. failed to provide accurate and full information relating to his criminal convictions:

i. in that he made comments indicating that his convictions for two counts of theft were "for the same thing", having referred to taking cash from the police station that was not his;

ii. in that he failed to make any mention of the fact that one of his convictions had related to an incident where he had stolen the sum of £180 from a suicide victim and had altered the suicide note to indicate that they had left £20 as opposed to £200;

iii. and, in so doing, he had intended to mislead the School as regards the circumstances of his convictions in order to improve his prospects of retaining his position at the School.

3. Unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as Leader of Design and Technology at Parkside Community School between 2006 and 2014, he:

a. made inappropriate comments to and/or about a student on one occasion or more between September 2011 and December 2013, including by:

i. referring to a student as "chicken legs";

ii. telling a student "the last time I saw legs like that I was in KFC" or words to that effect;

- iii. calling students "fat arse" or a "big butt", or words to that effect;
 - iv. telling them that they had "nice legs" and/or that they looked "nice in a skirt";
 - v. telling a student to "pull your skirt up a little, it's too low" or "pull your skirt up a little – it's hot", or words to that effect;
 - vi. telling a student to "pull your top down, you are not showing enough cleavage", or words to that effect;
- b. made inappropriate physical contact with a student on one occasion or more between September 2011 and December 2013, including by:
- i. putting his hands on Student C's shoulders and shaking them;
 - ii. touching and playing with Student D's hair;
 - iii. putting his hands on Student H's shoulders from behind;
 - iv. touching Student H's hair and twisting it around his finger;
 - v. grabbing Student H by the arm to turn her towards him.
- c. behaved in an inappropriate manner on one occasion or more towards a female colleague, including:
- i. in his behaviour towards Person B;
 - ii. in his behaviour towards Person C;
 - iii. in his behaviour towards Person D;
 - iv. in his behaviour towards Person E;
 - v. in his behaviour towards Person F;
- d. his behaviour towards one or more of his female colleagues as referred to at 3c above constituted sexual harassment;
- e. engaged in sexual activity with a female colleague, Person A, during School hours and/or on School premises on one occasion or more between 2011 – 2013, including:
- i. by having sexual intercourse in the cellar on one occasion;
 - ii. by receiving oral sex on one occasion or more in the store room adjacent to his classroom;

iii. by having sexual intercourse on one occasion or more in the store room adjacent to his classroom;

f. disregarded a reasonable management instruction, in that he contacted Person A on one or more occasions after 14 January 2014, despite having been told by the Headteacher that he was not to have contact with School staff without the Headteacher's prior agreement;

g. he behaved in the manner set out at 3f above with the intention of impeding and/or prejudicing the investigation, in that he told Person A to "deny everything" or said words to that effect.

Mr Hall admitted the facts of particulars 1(a) and (b).

Mr Hall admitted the fact of particular 3 (a) (ii).

Mr Hall admitted the facts of particulars 3 (b) (i) and (iii).

Mr Hall denied all the remaining particulars. He further denied making any inappropriate comments or behaving inappropriately in relation to any of the particulars.

Mr Hall denied that this was a case of conviction of a relevant offence(s), unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

C. Preliminary applications

There were no preliminary applications.

D. Summary of evidence

Documents

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

Section 1: Chronology, anonymised pupil list and list of key people – pages 1 to 8

Section 2: Notice of Proceedings and Response – pages 9 to 18

Section 3: NCTL witness statements – pages 19 to 63

Section 4: NCTL documents – pages 64 to 432

Section 5: Teacher documents – pages 433 to 439

In addition, the panel agreed to accept the following further documents by consent:

A full plan of B block at Parkside Community School to replace the incomplete plan at p69 of the case papers – p. 69a.

Witness statement of the Headteacher Witness B – pp. 63a and b.

Copy of Case Management Hearing report/decision made on 4 January 2016 – pp 433a-f.

Witness statement of staff member Individual A – pp. 440-443.

Copy of a staff briefing note dated 2 April 2014 re Student A – p. 444

Witness statement of Individual B of the NCTL – pp. 63c and d.

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

Witnesses

The panel heard oral evidence from the following witnesses called by the Presenting Officer:-

1. Student C – former pupil at the School.
2. Student H – former pupil at the School.
3. Person F – former teaching assistant at the School.
4. Witness A – director of resources and investigation officer at the School.
5. Person B – former teaching assistant/higher level teaching assistant at the School.
6. Person D – teaching assistant at the School.
7. Witness B – headteacher at the School and investigating officer.
8. Person C – support assistant at the School.

And the following witness called by the teacher's representative:-

1. Mr Michael Hall.

E. Decision and reasons

The panel announced its decision and reasons as follows:

The panel has carefully considered the case before us and have reached a decision.

We confirm that we have read all the documents provided in the bundle.

Mr Hall commenced employment at the School in January 2006. It is not disputed that approximately ten years earlier, when he was a police officer, he committed two separate offences of theft of monies. He appeared in the Crown Court and was sentenced to consecutive terms of immediate imprisonment totalling 24 months. Following his release he qualified as a teacher, specialising in Design and Technology. In 2005 he applied for a position on the staff at the School and was successful in being appointed to the position of head of design and technology.

After his appointment in March 2006 it is alleged that he was questioned about the details of his convictions by the then Headteacher. The National College relies on notes of the meetings which were contemporaneously recorded and are exhibited in the case papers, as evidence that Mr Hall was not candid about the circumstances and nature of his offences. It is alleged by the National College that he sought to conceal the seriousness of what had occurred in order to retain his position at the School.

Mr Hall remained as a member of the School staff until July 2014 when he resigned. At the time he was the subject of a School internal investigation and facing disciplinary proceedings. He had been suspended in January 2014 pending the outcome of the investigation which was undertaken by the School's director of resources Witness A. She conducted numerous interviews with both students in Mr Hall's design and technology class and various members and former members of the School's support staff, mostly teaching assistants.

A substantial number of students alleged that in the course of lessons he made inappropriate comments about them which are particularised in the notice of proceedings. It is also alleged by some students that he made physical contact with them. The National College alleges that he behaved in class in a way that made them feel uncomfortable and was generally not consistent with the way a teacher should conduct himself towards pupils.

Several of the teaching assistants who worked in Mr Hall's class between 2006 and 2014 describe an unacceptable pattern of behaviour which consisted initially of compliments and gentle flirtation which some witnesses found unobjectionable. However, over time, the comments are said to have become more direct and salacious involving overt sexual content or unmistakable innuendo. Several of the witnesses describe their distress as the frequency and intensity of these comments increased. In some cases Mr Hall is said to have touched the witnesses in a sexual way which they found wholly objectionable. Only when the witnesses made clear to Mr Hall that his conduct was unwelcome or that their husbands were aware of what was happening did he desist. It is said by the National College that there is a clearly identifiable pattern in Mr Hall's conduct towards these witnesses and that what he did was inappropriate and amounted to sexual harassment.

The National College further alleges that Mr Hall had a sexual relationship with Person A, who was a teaching assistant at the time, and that he engaged in sexual intercourse and

other sexual activity with Person A in various locations within the School during school time. It is said that relationship lasted for up to 2 years.

Finally Mr Hall is alleged to have contacted person A during the period of his suspension and to have attempted to persuade her not to co-operate with the School's investigation and to "deny everything".

In his written submission to the National College's case (pp 434-439) and at the hearing Mr Hall accepts the fact of his convictions in 1997. He says that he made disclosure to the headteacher in March/April 2006 about all matters relating to his convictions about which he was questioned. The meetings took place after he had commenced employment at the School. He says that he was given a formal warning and was advised the matter was closed. He denies that the convictions are relevant to his fitness to be a teacher.

In relation to his alleged conduct towards students, Mr Hall admits he made some of the comments particularised but says at all times he was engaging in "light hearted banter" which was "generally well received by many students". He points to the statements of other witnesses who make no criticism of the way he conducted himself in class. In relation to some of the comments attributed to him he denies saying them.

Any touching of students, he says, occurred to prevent the risk of injury or to encourage them to get on with their work and for no other reason. He asserts that neither his comments, which were generic, nor his limited physical contact with students was inappropriate. He suggests that a number of the students' statements are tainted because of the influence of student A on other students and thus that the evidence of several students in student A's friendship group is inherently unreliable.

He denies sexually harassing any female members of staff or making inappropriate remarks to them, as alleged, and points to the fact that no complaints were made against him in the period 2006 to 2013. He denies having a sexual relationship with Person A at the School or elsewhere. He makes various observations about the witness statements made by the members of staff who have complained about his conduct and asserts that his behaviour was at all times professional and appropriate. He says that the School wished to be rid of him, principally because he was one of two union representatives at the School and he had a difficult relationship with the new headteacher. He does not explain why many of the witnesses have made false accusations against him but says the School has "manufactured" evidence in this case.

The panel finds the following particulars of the allegation(s) against Michael Hall proven, for these reasons:

1. Conviction at any time, of the following relevant criminal offences:

a. on 12 December 1997, he was convicted at Nottingham Crown Court of the offence of theft, contrary to Section 1 of the Theft Act 1968. He committed this offence between May and August 1996.

Mr Hall does not dispute the fact of his conviction before the Crown Court or that he was sentenced to a term of immediate imprisonment. In addition the fact of his conviction is confirmed by the enhanced disclosure form at p.252 of the case papers.

b. on 12 December 1997, he was convicted at Nottingham Crown Court of the offence of theft, contrary to Section 1 of the Theft Act 1968. He committed this offence on or around 15 August 1996.

As above Mr Hall does not dispute the fact of his conviction before the Crown Court and he has accepted that this offence was committed on a different day to the offence set out at 1(a). The enhanced disclosure form records that he was sentenced to consecutive terms of 15 months and 9 months imprisonment for two offences of theft.

2. Unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that during the course of meetings on 30 March, 31 March and 5 April 2006, following his appointment at Parkside Community School, Chesterfield, he:

a. failed to provide accurate and full information relating to his criminal convictions:

i. in that he made comments indicating that his convictions for two counts of theft were "for the same thing", having referred to taking cash from the police station that was not his;

The evidence on this particular comes principally from Witness A who gave evidence in person to the hearing. The panel judged Witness A to be a careful and truthful witness who did her best to assist the hearing. She had attended the meetings held in late March and early April 2006 between the then headteacher, Individual C, and Mr Hall. She made contemporaneous notes of the meetings which she then typed up. Those notes are exhibited at pp. 256-259 of the case papers and the panel has considered the notes carefully. In drafting the notes Witness A could not possibly have anticipated that they would be referred to in this case some 9 years later. The panel is therefore satisfied that the notes can be relied upon as an accurate record of what transpired.

It is clear to the panel from the notes that Individual C's purpose in arranging the first meeting with Mr Hall which took place on 30 March 2006 was to establish the nature of the offences which had led to his convictions before the Crown Court in 1997. Individual C had only learned, after Mr Hall's appointment to the School, of Mr Hall's convictions.

Individual C was clearly aware at the time of the meetings of the information contained on the CRB form relating to Mr Hall. At the start he is recorded in the notes as asking Mr Hall if the content of the CRB form was correct and then why Mr Hall had not declared that he had been to prison for theft.

Later in the interview Mr Hall is recorded as saying that "I took something that didn't belong to me".

At a further meeting the next day the conversation between Individual C and Mr Hall proceeds on the basis that there was only one incident as illustrated by this extract from Witness A's notes:

Mr Hall said he was deeply ashamed of **it** – it was 10 years ago.

Individual C asked if it had anything to do with violence. Mr Hall said "no".

Mr Hall said "*it was the day of the results for cancer, following 4/5 operations and scan. I took cash from station that wasn't mine. Never done it again. Resigned immediately. I have 4 children*".

Individual C advised there were two counts of theft – Mr Hall said "*it was the same thing, nothing to do with teaching, wouldn't affect teaching*".

Tellingly, Witness A decided to add the following endorsement to her notes – "Mr Hall avoided the question of 2 counts of theft – said it was the same thing".

The panel concludes from the notes of the meetings that Mr Hall did fail to provide accurate and full information relating to his convictions. The notes establish to the panel's satisfaction that the headteacher was attempting to discover the nature and circumstances that led to his Crown Court appearance and convictions. Mr Hall must have been aware that was the principal purpose of the meetings and he failed to provide straightforward and candid responses to the questions that were put to him by Individual C. Whatever his belief about the obligation to provide full disclosure to a prospective employer the meeting notes establish that he did not, in the course of these meetings, provide to the headteacher accurate and full responses to specific questions that he was asked.

Mr Hall told the hearing that he would have "volunteered" the information about the two separate offences of which he was convicted if the question had been put to him. The panel is satisfied that the question was asked and he did not provide the requested information.

ii. in that he failed to make any mention of the fact that one of his convictions had related to an incident where he had stolen the sum of £180 from a suicide victim and had altered the suicide note to indicate that they had left £20 as opposed to £200;

Mr Hall accepts that he did not give this information to Individual C in the meetings. For the same reasons as set out at particular 2(a)(i) above the panel finds this particular proved. He should have provided the information which clearly had relevance to his appointment to the School's staff. The panel is satisfied that he must have known that the questions he was being asked sought to elicit this information and by failing to provide it he left Individual C with an inaccurate and incomplete understanding of the circumstances of his offending.

iii. and, in so doing , he had intended to mislead the School as regards the circumstances of his convictions in order to improve his prospects of retaining his position at the School.

The panel finds this particular proved as Mr Hall's conduct at the meetings with Individual C in March/April 2006 and his clear lack of candour in providing the full information being sought, realistically, allows no other conclusion to be drawn. The panel concludes that Mr Hall was fearful of losing the job to which he had recently been appointed. He sought to minimise the seriousness of his repeat offending in order to enhance his prospects of remaining in post and thus revealed as little information as he could in response to Individual C's probing.

In relation to the particulars set out under paragraphs 3 (a) (i) to (vi) and 3 (b) (i) to (v) Mr Hall submits that the evidence of the students relied upon by the National College is inherently unreliable as many of them were influenced by student A who he asserts was a strong and difficult personality. He says that she was effectively excluded permanently from the School in April 2014 because of her behaviour. A briefing note prepared by the headteacher at about that time contains the following comment: "I believe this will have a significant positive impact on her peers who are easily led by her and also find it difficult to resist her influence". Mr Hall says that several of the students whose evidence is central to the National College's case were members of her close peer group. He asserts that there must have been collusion between this group of students which taints the quality of their evidence and the reliance which can properly be placed on it.

In relation to a few of the particulars in this part of the allegation Mr Hall has entered admissions that he made some of the comments specified and that there was some limited physical contact with students in the course of lessons. However he is clear that any comments that he admits making were generic in nature and not directed at any specific student. He says the comments were made in the course of the banter that was an integral part of his lessons and style of teaching – they were well received by the students and certainly were not intended to be offensive. He says that no adverse comments had been made during his classroom teaching observations. Any touching

that occurred consisted of either a fleeting contact to encourage students to focus on their work or was in furtherance of keeping their hair from contacting with potentially dangerous equipment they were using.

In considering these submissions the panel has looked at the methodology of the investigation as described in detail by Witness A and the manner in which interviews were conducted, notes produced and checked, and witness statements prepared. The panel has already indicated above, its assessment of Witness A as a witness and the reliance it feels able to place upon her evidence. She told the hearing that a large number of student witnesses were interviewed – some more than once. She explained the process of note-taking at the investigation interviews, preparation of typed notes and the procedure for checking notes with the interviewee. She also told the hearing that measures were taken to ensure – as far as possible – that the students were seen individually and the risk of collusion was minimised. The panel recognises that in a school environment there is inevitably a risk that students will talk to each other but the panel is persuaded that the risk of collusion was addressed and great care was taken in the management of the School's disciplinary investigation. Indeed the panel is satisfied from Witness A's evidence that it was both thorough and fair.

In support of that view the panel notes that a significant number of the student witnesses said that they liked Mr Hall, some made no complaint about his style of class management and were favourable towards him. On the other hand some of the student witnesses who did complain about comments he made or physical contact they experienced, or saw, were not among those who were identified by Mr Hall as being in student A's group of friends.

Mr Hall complains that the headteacher had unfairly refused to interview other students in Year 11 which he had requested her to do so that the investigation was more balanced. The headteacher explained, when she gave evidence, that her decision not to involve Year 11 students in the enquiry was made partly because she had no wish to widen the pool of witnesses as it ran the risk of generating speculation about Mr Hall within the School community. However she was principally concerned not to involve them because of the proximity of their public examinations. In any event as these particulars concern alleged events in Mr Hall's year 10 group the panel does not understand how the decision not to involve Year 11 students causes any prejudice to Mr Hall. Nor does the panel judge that the headteacher's decision can be categorised as unreasonable. The headteacher did, in fact, instead, interview other students in Year 10 who were outside student A's friendship group. If anything, the panel judges that this confirms the integrity of the enquiry.

The panel was also able to assess the quality of the live evidence given by two student witnesses, C and H. They appeared by video link and were cross examined by the teacher's representative and questioned by the panel. There was no hint in the accounts they gave that they were describing events they had not observed and it was not put to

them that their evidence was tainted by any influence exerted by student A or anyone else.

Finally the panel cannot identify any motive these students would have to make false allegations against Mr Hall who, as the panel has noted above, was regarded by many students as a popular teacher. The very substantial number of students who provided evidence in recorded interviews and written statements, as well as the students who gave evidence by video link, who have made specific allegations against Mr Hall leads the panel to reject the suggestion that this is the result of some inappropriate influence exerted by student A. That consideration together with the way the School's investigation was conducted, the nature of the live evidence the panel heard and the general volume and weight of evidence adduced, which is broadly consistent, leads the panel to conclude that the following particulars are all proved. The panel has considered each particular separately and independently and judges it is able to rely on the evidence identified under each particular as set out below.

3. Unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as Leader of Design and Technology at Parkside Community School between 2006 and 2014, he:

a. made inappropriate comments to and/or about a student on one occasion or more between September 2011 and December 2013, including by:

i. referring to a student as "chicken legs";

Oral evidence of Student H as at p.22 of case papers in her witness statement – "he would call me chicken legs whenever I wore a skirt" and at p.219 of case papers in her investigation interview. Also mentioned by Student A in her investigation interview – "Calls student E chicken legs" – p.210.

Student F – " In year 9 Mr Hall called me chicken legs and said I had a fat arse. I told him to pack it in. He said "No"." – p.214.

ii. telling a student "the last time I saw legs like that I was in KFC" or words to that effect;

Admitted by Mr Hall.

In evidence given to the hearing by Mr Hall, he accepted that he made reference to "legs in KFC" to both male and female pupils. Sometimes it happened when boys came in wearing shorts from PE. It was said as a laugh and a joke with them and it never upset them.

Mentioned by Student E – Mr Hall said "the last time I saw legs like that I was in KFC" – p 212.

Student C – investigation interview – "Once I came in my PE kit..... Mr Hall kept commenting on my legs saying I've seen better legs on a table" – p.207.

Student M – investigation interview – " I used to wear a skirt in year 8 but I stopped wearing it because Mr Hall commented that he had seen better legs in KFC" – p.227.

iii. calling students "fat arse" or "big butt", or words to that effect;

Student C – witness statement/oral evidence – "Mr Hall would always be making comments about girls' bums, saying things like " you have got a big butt" or "you have got a big ass" – p.20.

Student H – witness statement/oral evidence – "he would tell me that I had a fat arse" – p.22.

Student F – said "I had a fat arse" – investigation interview – p.214.

Student A – he nicknames some students "big bum" – handwritten statement – p. 201.

Student D – Mr Hall used to say things like "your bums getting bigger", "your bums big" – investigation interview – p.205.

iv. telling them that they had "nice legs" and/or that they looked "nice in a skirt";

Student H – "A couple of times he told me that I looked nice in a skirt and after this I started to wear trousers" - witness statement/oral evidence – p.22.

Student C – " he would also tell me I had nice legs" – witness statement/oral evidence – p.20.

v. telling a student to "pull your skirt up a little, it's too low" or "pull your skirt up a little – it's hot", or words to that effect;

Student C – Mr Hall said "your skirts too low, put it up". Comment made to Student H – investigation interview – p.207/p.217.

Student N – "It was on a non uniform day in Year 8. Student M was wearing a skirt with a split half way down her leg. I heard Mr Hall say "Pull your skirt up a little bit – it's hot". Student M said "shut up sir" – p.228.

vi. telling a student to "pull your top down, you are not showing enough cleavage", or words to that effect.

Student B – Mr Hall to Student M "pull your top down, you are not showing enough cleavage" – investigation interview – p.209/219.

Student N – "Another comment was to Student H when we were in Year 8, she was wearing a vest top. Mr Hall said "pull your top down, you are not showing enough cleavage." Student H ignored him and went into the workshop." – p.228.

Students C and H underwent the stressful experience of giving evidence by video link and having their evidence tested by questioning . The panel assesses that they gave credible evidence. Much of what they said is supported by written accounts provided by others and the panel is satisfied that the consistent nature of the evidence establishes a pattern of behaviour by Mr Hall which goes beyond his own description of making only generic comments to the class as a whole which was merely unobjectionable banter.

The panel is satisfied that many of the comments he made routinely were directed at individuals and were inappropriate in a classroom setting when directed towards students. While it may be the case that some students were able to cope with the sort of comments that the panel has found were made there is ample evidence that students felt uncomfortable with many of the personal comments and it is the judgement of the panel that the remarks particularised in this paragraph had no place in the classroom and were inappropriate.

b. made inappropriate physical contact with a student on one occasion or more between September 2011 and December 2013, including by:

i. putting his hands on Student C's shoulders and shaking them;

Admitted by Mr Hall.

Student C - "Sometimes Mr Hall would come up behind me to put his hands on my shoulders and would shake them and say "come on do your work", even though I was already working. I would just nudge my shoulder to say get off me. Mr Hall did this to some of the other girls as well. I think he did it to me about three times." – witness statement/oral evidence – p.20/21.

ii. touching and playing with Student D's hair;

Student D – "When Mr Hall was coming over to check your work, he would touch the ends of my hair, pulling it through his fingers, I said "stop it", but I took it and made a joke of it, he moved away and talked to another student." – investigation interview – p 205.

Student D – "said he had only done it a couple of times when he was checking her work and it had made her feel uncomfortable. She did not think anything of it but knew that it wasn't quite right but she is not the type of person to make a fuss."

And, "said it sounds much worse than it was."

And, "Asked whether or not Mr Hall would have any reason to touch her hair i.e. to move it out of the way for health and safety. She said no, he did not say anything about moving her hair" – investigation interview – p.218.

iii. putting his hands on Student H's shoulders from behind;

Admitted by Mr Hall.

Student H – "Mr Hall also once came up behind me and put his hands on my shoulders and I told him to get off." – witness statement/oral evidence – p.22.

iv. touching Student H's hair and twisting it around his finger;

Student H – Mr Hall also touched my hair a few times by taking a bit and twisting it round his finger. I remember once asking him what he was doing and he said something like " Nothing, you've got right silky hair." I think that he only started touching my hair when I was in year 8." – witness statement/oral evidence – p.22.

Student H – Student H said that he used to play with her hair. Witness B asked what she meant. Student H said that he used to play with her ponytail. Witness B asked how often this had happened and where she was when it happened. She said it had happened about three times. Twice when she was in a room on her own because she was supposedly being disruptive and once in front of others. Witness B asked what she did when he (Mr Hall) played with her hair. She said that once when she was in the classroom on her own, she moved away and asked if she could go and see Individual F. He said "no". Another time, he had done it in front of others and she had told him to go away. He had responded by saying " I'm only messing with you" – investigation interview – p.220.

v. grabbing Student H by the arm to turn her towards him.

Student H – "I felt uncomfortable around Mr Hall. In year 9 I ended up being excluded from his lesson because I told him to "fuck off." The reason why I told him this was because he had touched my back and had then grabbed my arm in order to turn me towards him so that he could blob his tongue out at me.....I didn't like the fact that Mr Hall touched me and was standing so close to me which is why I told him to "fuck off" – witness statement/oral evidence – p.23 and investigation interview p. 219.

The panel notes also that at p.228 in her investigation interview Student N says: "Mr Hall is a bit touchy feely. He goes behind girls only and rubs their shoulder". (Student N demonstrated putting her hand on one shoulder and rotating it again and again). "He did this mostly with girls who sat on the back row; he would stroke their hair, running his fingers through it, or sit or kneel next to them and do it".

As indicated above Mr Hall asserts in his evidence to the hearing that on the occasions he did make any physical contact with students it was done fleetingly and was

unobjectionable in that he was seeking to encourage them to get on with their work. Alternatively he might touch their hair in the interests of safety. That limited admission contrasts with the accounts given, in particular, by Student H and Student N. The panel judges that it is never appropriate for a teacher to make physical contact with students in the classroom unless there is a compelling justification. None of the student witnesses mention Mr Hall moving their hair in the interests of their safety as he claims. Students H and D describe him playing with their hair on more than one occasion. Student H describes being grabbed by him to turn her around. Student N describes him being a bit touchy, feely, rubbing girls shoulders and stroking their hair, running his fingers through it. In the panel's judgement all of those behaviours are inappropriate.

c. behaved in an inappropriate manner on one occasion or more towards a female colleague, including:

i. in his behaviour towards Person B;

ii. in his behaviour towards Person C;

iii. in his behaviour towards Person D;

iv. in his behaviour towards Person E;

v. in his behaviour towards Person F;

In relation to the particulars at 3 c.(i) to (v) above Mr Hall says the events and conduct described by these five adult members of staff – most of whom were teaching assistants – did not happen. Of the five persons concerned all but one (Person E) gave evidence in person on oath or affirmation to the hearing. The panel, thus, had every opportunity to assess the witnesses, to hear them deal with cross examination by Mr Hall's representative and to put the panel's own questions to them. Two of the witnesses (Person C and Person D) gave evidence behind screens, one witness (Person F) gave evidence by video link and the last witness required no special measures at all to be adopted.

It was clear to the panel that all of them found the experience of giving evidence stressful and difficult – some more than others. At least one witness (Person D) was hugely distressed by the experience and the hearing had to be suspended to allow her time to regain her composure. When she learned in cross examination – apparently for the first time – that Mr Hall was suggesting that, in effect, her evidence was fabricated she became so upset that she was almost unable to continue.

The panel assessed each of these witnesses individually and in respect of each of them the panel is satisfied that they were telling the truth. We believed them. These witnesses gave accounts of Mr Hall's interaction with them which were similar in the following respects. The majority of the witnesses were teaching assistants who for some of the School week, at least, supported students in Mr Hall's design and technology classroom.

The majority could be described as vulnerable or at a low ebb because of marital difficulties, family illness or similar. They described Mr Hall being sympathetic initially, apparently concerned and supportive of them. He often remarked that they looked nice or complimented them on their dress sense and made them feel good. As the relationship developed Mr Hall began to flirt with them. He would make remarks which carried some sexual innuendo or were overtly sexual – e.g. "I'm admiring your underwear what have you got on?" or "I will climb aboard and make you squeal". They began to feel very uncomfortable about his behaviour but were too worried about how it would look to the School if they made a complaint about him. Some were concerned about whether they would be believed as he was a well-regarded teacher.

Some of the witnesses described in graphic detail unwelcome physical contact from Mr Hall of a sexual nature e.g. him putting his hand on the witness's bottom or placing the witness's hand on his penis (over his trousers). Most described that when, finally, they managed to persuade Mr Hall that his advances and behaviour towards them were neither welcomed nor reciprocated his overall attitude towards them changed. He stopped making these remarks and the physical contact. He also became very "off" with them.

All, bar Person F, said that his advances caused them alarm and distress and the picture painted by these witnesses was that Mr Hall was very persistent, pursuing a course of conduct, until he recognised that his attention was entirely unwelcome.

The panel did not hear from Person E whose account given in her investigation interview appears at pp 369 - 377 in the case papers but it contains so many of the elements itemised above that it is, in the view of the panel, a document that the panel is able to rely upon even though it has not been tested.

In response to the accounts given by these witnesses, Mr Hall says that the detailed descriptions of his sexual comments, unwelcome touching and determined pursuit of each of these witnesses simply did not happen. He says, in any event, there was no opportunity within the School for him to have behaved as is alleged and had he done so then students would soon have become aware and it would have been all around the school community. He points to the absence of any complaint about him from any of these witnesses and says that if he had been behaving as they suggest they would have made a complaint.

He further alleges that the School has "manufactured the evidence" and the School's motivation for so doing is related to his role as one of two union representatives within the School and the antagonistic relationship he had with the recently appointed new headteacher Witness B. When the suggestion of false evidence being manufactured was put to Witness A and Witness B on their being recalled to give further evidence, it was roundly rejected.

The panel has carefully considered Mr Hall's assertions. There is no evidence to support his claim that the evidence of these witnesses has been fabricated. Their statements are very detailed and make reference to specific comments, particular acts of physical contact and similar. The panel found all of these witnesses to be credible and the similarities in the accounts they gave lent support to the truthfulness of what they told the hearing rather than the reverse. The panel does not believe either that there was an attempt by the School to fabricate evidence or that these four witnesses have attended the hearing to give false evidence. It follows therefore that, although the panel has considered all the particulars 3(c) (i) to (v) separately our reasons for finding each particular proved are as set out above in each case.

d. his behaviour towards one or more of his female colleagues as referred to at 3c above constituted sexual harassment.

In relation to this particular the National College's witnesses who gave evidence in person, other than Person F, left the panel in no doubt that they were caused alarm and distress by Mr Hall's course of conduct towards them. The panel is satisfied that even if he did not know that was the impact of his conduct, by its very nature, he should have been aware that was the likely result. Thus the panel is satisfied that this particular is proven. The panel noted also that Mr Hall was asked by the presenting officer whether he agreed that, if he had made the remarks and behaved as these witnesses said, this would have been inappropriate. He agreed that it would be both inappropriate and would amount to sexual harassment.

e. engaged in sexual activity with a female colleague, Person A, during School hours and/or on School premises on one occasion or more between 2011 – 2013, including:

i. by having sexual intercourse in the cellar on one occasion;

ii. by receiving oral sex on one occasion or more in the store room adjacent to his classroom;

iii. by having sexual intercourse on one occasion or more in the store room adjacent to his classroom;

The panel did not hear from this witness. She was not called to give evidence. The National College rely principally on her signed witness statement at pp.24-29 of the case papers. The statement contains the factual assertions on which this particular is based and accounts of the various acts of sexual activity set out at i, ii, and iii above. Mr Hall denies absolutely that he had any physical relationship at any time with this witness. He says it didn't happen. He also points out that in her first disciplinary investigation interview, Person A denied that she had had a relationship with him and changed her account after she had met later on the same day with Witness A. Witness A was asked about that meeting and described engaging Person A in conversation as it was clear to

Witness A that Person A appeared to be greatly troubled in the interview with the headteacher which had just taken place. In a later investigation interview on 6 May with Witness A (pp.316 -317) Person A describes the sexual relationship which developed with Mr Hall and explained that she had not felt able to say anything to Witness B at the previous interview because she felt disgusted with herself.

The panel has considered carefully Person A's witness statement. If it is wrong, as Mr Hall suggests, it must be fabricated. There is detail contained in it which allows no room for mistake in the view of the panel. Person A must know whether or not she engaged with Mr Hall in the sexual activities particularised and in the school locations specified.

The statement contains a significant number of the elements describing the development of her relationship with Mr Hall which are common to and resonate with the accounts described above given by Persons B to F. There is the same readily identifiable pattern of conduct.

The panel has already rejected the claim made by Mr Hall that statements of other witnesses in this case have been fabricated and that the School has "manufactured" evidence. In addition, the panel recognises that Person A's disclosure of this alleged relationship and sexual activity on School premises and in school hours would inevitably lead to disciplinary action being taken against her.

There is also evidence in the case papers from other witnesses not called at the hearing that Person A had, some time previously, confided that she was engaged in a relationship with Mr Hall. At p.346 of the case papers in her investigation interview with Witness A on 16 April 2014 Individual D says that Person A "just told me that she was seeing Mr Hall and that they were having sex, but the relationship was taking place in School".

Earlier in the same interview she says "Person A spent a lot of time down in B Block, once she arrived late to my lesson, she was supporting a student, she was all red and flustered. I asked her if she was alright, clearly she wasn't. I took her into the store cupboard, that's when she told me that she was seeing Mr Hall, she had tears in her eyes, I said "Oh my God Person A, what are you doing?".

In her investigation interview on 1 May 2014 Individual E also says that she was told by Person A that she was having a sexual relationship with Mr Hall in School and at her home. She disclosed it was happening in a cupboard and in the cellar. Person A said intercourse took place in school regularly in his office/store cupboard pp.364-5.

Person D's witness statement contains the following: "At some point I became aware that Mr Hall was seeing Person A and that they were having a sexual relationship.....My friendship with Person A suffered and I felt in the middle because I knew she was seeing Mr Hall but he still wanted me. I think she thought I was doing things to attract Mr Hall's

attention." She goes on to say Mr Hall "said something about how he would leave me alone because Person A was willing and I wasn't".

These additional, independent, corroborative pieces of evidence persuade the panel that the written statement of Person A is truthful and accurate both as to the existence of a sexual relationship between Mr Hall and Person A and in relation to her account of the sexual activity that took place and where it occurred. Accordingly the panel finds this particular proved.

The panel has found the following particulars of the allegations against Mr Hall not proven, for these reasons:

f. disregarded a reasonable management instruction, in that he contacted Person A on one or more occasions after 14 January 2014, despite having been told by the headteacher that he was not to have contact with school staff without the headteacher's prior agreement;

The National College's case on this particular relies solely on the untested hearsay account contained in Person A's witness statement at pp 27 and 28. It is hearsay evidence and there is no support or corroboration of the claim made by Person A which supports what she says. This particular has not been proved on the balance of probabilities.

g. he behaved in the manner set out at 3f above with the intention of impeding and/or prejudicing the investigation, in that he told Person A to "deny everything" or said words to that effect

As particular 3f above has not been proven the College's case on this particular also fails.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or conviction of a relevant offence

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, the teacher 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

- 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..
- 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. This is a serious case which has established that the teacher has :-

- misrepresented to his headteacher the full extent and nature of his criminal convictions in order to preserve his job
- been involved in making unacceptable personal comments made to students in class
- been involved in unjustified physical contact with students in a variety of circumstances
- been involved in physical contact and making remarks to female members of staff which were unacceptable, caused offence and amounted to sexual harassment
- been involved in sexual activity with a member of staff on school premises, in school time on a number of occasions.

In totality the panel's view is that these behaviours fall significantly short of the standard of behaviour expected of a teacher.

Accordingly, the panel is satisfied that the teacher 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. Mr Hall's conduct towards both pupils and other junior members of staff together with his involvement with Person A on school premises and in school time has damaged the collective reputation of the profession. He has fallen far below the standards of behaviour the public is entitled to expect of members of the teaching profession.

The panel therefore finds that Mr Hall's actions also constitute conduct that may bring the profession into disrepute.

The panel is satisfied that in relation to particular 1 Mr Hall was convicted of two separate counts of theft when a serving police officer. The case was dealt with in the Crown Court and he was sentenced to 2 years immediate imprisonment. Given his position as a police officer, at the time of the offences, the case represents a breach of trust which is reflected in the sentence imposed. The panel has had regard to the Advice and has determined that these are relevant offences which touch on his fitness to be a teacher.

The panel has also taken account of how the teaching profession is viewed by others. The panel considers that Mr Hall's behaviour in committing the offences could affect public confidence in the teaching profession given the influence that teachers may have on pupils, parents and others in the community.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct, conduct that may bring the profession into disrepute and conviction of a relevant offence, 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 all elements of the public interest to be engaged in this case, namely the protection of pupils, 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 findings of sexual impropriety on School premises, sexual harassment of junior colleagues, inappropriate comments and conduct towards students and a lack of openness in disclosing details of previous criminal offences there is a strong public interest consideration in maintaining public confidence in the profession and declaring and upholding proper standards of conduct.

There is a further public interest consideration in respect of the protection of pupils given the panel's findings in relation to Mr Hall's classroom management which involved inappropriate comments and physical contact with students which caused many of them

to feel uncomfortable. The panel, however, does not judge that Mr Hall's style of class management, which it is clear that he did not regard as inappropriate, would have seriously affected the education or wellbeing of pupils. It was, however, inappropriate.

The panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Hall towards students and his sexual harassment of more junior members of staff were not treated with seriousness when regulating the conduct of the profession. It is clear that a number of the adult witnesses who gave evidence in this case in the face of Mr Hall's entrenched denials have been very badly affected by their interaction with him and even now – many months after these events – are still evidently distressed by the consequences of their involvement with him.

Notwithstanding the clear public interest considerations that were present, the panel has 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 factors both in favour of and against prohibition, as well as the interests of the teacher. The panel has taken 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;
- a deep-seated attitude that leads to harmful behaviour;(particularly in this case in relation to the teaching assistants as the evidence demonstrates that he behaved towards them repeatedly in a sustained way that was wholly unacceptable and caused them significant distress).
- violation of the rights of pupils;
- deliberate behaviour that undermines pupils, the profession, the school or colleagues;
- sexual misconduct,

Even though there were behaviours that would point to a prohibition order being appropriate, the panel has considered 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. There is no evidence before the panel that the teacher's behaviour was anything other than deliberate. There is no evidence to suggest he was acting under duress. The panel is told that no previous findings are recorded against Mr Hall but the panel has no other positive information as to his previous record in the teaching profession and is therefore unable to judge whether the teacher has a previous good history. The panel has also not been provided with any references or testimonials.

The panel also notes that the incidents and behaviours that have brought Mr Hall before this conduct hearing span over 5 years. The panel has found the vast majority of the particulars proved in the face of claims by Mr Hall that the sexual allegations had not happened and, thus, that many of the witnesses have given false accounts on oath/affirmation and that the School and its principal officers were engaged in "manufacturing" evidence.

The panel is of the view that prohibition is both proportionate and appropriate. This recommendation is based on the cumulative impact of a number of different unacceptable behaviours found proved spanning a very lengthy period. It also reflects the panel's concerns over Mr Hall's lack of insight and deep seated attitude particularly in relation to his sexual conduct with other colleagues in circumstances where he used his professional position to influence and exploit them. The seriousness of this case is aggravated by the fact that much of the sexual activity found proved against the teacher occurred in and around the School premises and during School time. The sexual harassment of the teaching assistants was targeted at junior colleagues some of whom can be properly described as vulnerable. Some of the sexual activity with Person A also occurred on the School site. Although the panel judges that the classroom management issues and Mr Hall's behaviour towards his students was probably less damaging it also contributes to our recommendation as does his lack of candour in the 2006 meetings with Individual C which are well documented earlier in this report.

In making this recommendation we have considered the available mitigation set out above which we judge is very limited.

The panel has also decided that although we find Mr Hall's previous convictions from 1997 to be "relevant convictions" as defined, the panel has disregarded these convictions in making its recommendation for the imposition of a prohibition order. The panel recognises that the offences occurred nearly 20 years ago before Mr Hall qualified as a teacher, he has not re-offended and it is clear he is ashamed of the convictions and regrets his behaviour. In all the circumstances the panel judges it would not be proportionate to impose a prohibition order for these convictions.

Finally, in deciding whether a review period should be allowed we have considered all the reasons set out above. The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. One of these behaviours involves serious sexual misconduct as disclosed here. The panel has also taken into account the number of examples of unacceptable conduct exposed by the evidence in this case together with our judgement that Mr Hall shows no insight into the gravity of his behaviour, its impact on others affected by it and the public perception of how a teacher is expected to conduct himself professionally. The panel has 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 given very careful consideration to this case and to the recommendation of the panel in respect of both sanction and review.

I have noted those facts that the panel has found proven and those that the panel have found not proven. I have put from my mind the allegations where the panel have found them not proven.

I have also taken into account the importance of balancing the public interest with the interests of the teacher. I have taken into account the need to be proportionate.

This is a very serious case, in which the panel has found that Mr Hall has:

- misrepresented to his headteacher the full extent and nature of his criminal convictions in order to preserve his job;
- been involved in making unacceptable personal comments made to students in class;
- been involved in unjustified physical contact with students in a variety of circumstances;
- been involved in physical contact and making remarks to female members of staff which were unacceptable, caused offence and amounted to sexual harassment;
- been involved in sexual activity with a member of staff on School premises, in School time on a number of occasions.

These findings show that Mr Hall has fallen far below the standards of behaviour the public is entitled to expect of members of the teaching profession. Mr Hall's actions also constitute conduct that may bring the profession into disrepute.

I have taken into account the advice published by the Secretary of State 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;
- a deep-seated attitude that leads to harmful behaviour;(particularly in this case in relation to the teaching assistants as the evidence demonstrates that he behaved towards them repeatedly in a sustained way that was wholly unacceptable and caused them significant distress).
- violation of the rights of pupils;

- deliberate behaviour that undermines pupils, the profession, the school or colleagues;
- sexual misconduct.

For these reasons I support the recommendation of the panel that Mr Hall should be subject to a prohibition order. I have also noted that in respect of the relevant convictions, that the panel judges it would not be proportionate to impose a prohibition order for these convictions.

I have gone on to consider the issue of review. I have considered carefully the advice published by the Secretary of State. That advice indicates that there are behaviours that, if proven, would militate against a review period. One of these behaviours involves serious sexual misconduct as disclosed here. The panel has also taken into account the number of examples of unacceptable conduct exposed by the evidence in this case together with its judgement that Mr Hall shows no insight into the gravity of his behaviour, its impact on others affected by it and the public perception of how a teacher is expected to conduct himself professionally. I agree with the panel that it is proportionate in all the circumstances for the prohibition order to be without provision for a review period.

This means that Mr Michael 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 Michael 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 Michael 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.



Decision maker: Alan Meyrick

Date: 15 February 2016

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