



National College for
Teaching & Leadership

Mr Jamie Hancock: Professional conduct panel outcome

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

November 2017

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

Teacher: Mr Jamie Hancock

Teacher ref number: 0962804

Teacher date of birth: 15 March 1980

NCTL case reference: 15685

Date of determination: 29 November 2017

Former employer: The Roseland Academy, Cornwall

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 27 to 29 November 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Jamie Hancock.

The panel members were Mr Paul Hawkins (teacher panellist – in the chair), Ms Fiona Tankard (teacher panellist) and Mr Martin Greenslade (lay panellist).

The legal adviser to the panel was Mr Nick Leale of Blake Morgan solicitors.

The presenting officer for the National College was Mr Andrew Cullen of Browne Jacobson LLP solicitors.

Mr Hancock was present and was represented by Mr Philip Dayle of Counsel.

The hearing took place mostly in public and was recorded. Some parts of the hearing took place in private when issues relating to Mr Hancock’s health were the subject of evidence.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 20 September 2017 (with amendments as included below).

It was alleged that Mr Hancock was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that he:

1. Failed to maintain professional boundaries with one or more pupils including that he:
 - a. Sent inappropriate messages to them including, but not limited to, words to the effect of:
 - i. "Don't make me beat you into submission";
 - ii. "Wraps leg round you to keep you in place";
 - iii. "Gives you belly rubs";
 - iv. "Surreptitiously checks out your butt";
 - v. "You know what happens to bad butts";
 - vi. "Pulls you in for a hug and strokes your hair";
 - vii. "One day I'm going to take you up on that snuggle";
 - viii. "Pulls at lower lip with teeth";
 - ix. "Pins your hand crossed over your head and leans out of biting";
 - x. "I release my grip on your hands and take hold of your hair, tugging gently as my kiss becomes a little harder";
 - xi. "Entwines my fingers with yours, pinning a little harder as the tip of my tongue traces the outline of your lips";
 - b. Met them outside of the school setting including:
 - i. Driving them in your car;
 - ii. Visiting Pupil C in hospital in or around Easter 2016;
 - c. Viewed pornographic imagery on a Tumblr blog that Pupil A directed you to;
 - d. Gave Pupil A a mobile phone;

- e. Kissed Pupil F on the side of their head on an occasion on or around 12 May 2011;
2. Your conduct towards Pupil A at 1.a. and/or 1.c. above was sexually motivated;
3. Your actions at 1.a. and/or 1.c. above were contrary o the School's 'Computer Resource Resources – Acceptable Use Policy'.

The above factual particulars 1.b.ii. and 1.c. were amended, by agreement of both parties, from the allegations that appear in the Notice of Proceedings. The panel were content that such amendments could properly be made in the interests of justice as per paragraph 4.56 of the Teacher misconduct: Disciplinary procedures for the teaching profession (“the Procedures”) .

Mr Hancock made admissions in relation to the following factual particulars:

1..a., 1.b., 1.c. (with the exception of any admission that the imagery was pornographic), 1.d., 1.e. and 3. (in relation to 1.a. only). The preamble to factual allegation 1. was also admitted i.e. that Mr Hancock failed to maintain professional boundaries with one or more pupils.

The only facts in dispute at the hearing were therefore whether the imagery referred to at factual allegation 1.c. was pornographic in nature; whether the conduct demonstrated towards Pupil A was sexually motivated and whether the actions alleged at 1.c. were contrary to the school's computer use policy.

Mr Hancock denied that he was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

C. Preliminary applications

The only preliminary application, that did not relate to admissibility of documents, was to amend the factual allegations as detailed above.

D. Summary of evidence

Documents

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

Section 1: Chronology and list of key people – pages 2 to 5;

Section 2: Notice of Proceedings and Response – pages 7 to 14;

Section 3: NCTL documents – pages 16 to 431;

Section 4: Teacher documents – pages 433 to 495.

The documents at pages 21 and 461 to 495 had been submitted less than 28 days before the hearing but both parties were content that they were admissible documents that the panel could properly consider as evidence in the case.

In light of this the panel were content that these documents could be admitted and considered by way of paragraph 4.19 of the Procedures.

The panel members confirmed that they had read all of the documents in advance of the hearing. They had some difficulty considering the Facebook print-outs and these were therefore provided in an enlarged and coloured form. These documents were given the page numbers 431.i. to 431.xxxiii.

Witnesses

The panel heard oral evidence from:

- Witness A – Deputy headteacher at Roseland Academy (“the School”);
- Mr Jamie Hancock.

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.

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing.

This is a case about a teacher who embarked on a course of conduct with students that it was alleged exceeded proper professional boundaries. His conduct involved exchanging numerous social media messages with students that included messages containing sexual overtones and it was alleged were therefore created with sexual motivation. He also viewed pornographic activity on a social media blog that he had been directed to by a student. He also drove students in his car, gave a student the gift of a mobile phone and visited a student in hospital, all in circumstances that exceeded proper professional boundaries. He was also alleged to have breached the School's computer use policy.

Findings of fact

Our findings of fact are as follows:

The panel has found the following particulars of the allegations against you proven, for these reasons:

1. Failed to maintain professional boundaries with one or more pupils including that he:

a. Sent inappropriate messages to them including, but not limited to, words to the effect of:

- i. "Don't make me beat you into submission";**
- ii. "Wraps leg round you to keep you in place";**
- iii. "Gives you belly rubs";**
- iv. "Surreptitiously checks out your butt";**
- v. "You know what happens to bad butts";**
- vi. "Pulls you in for a hug and strokes your hair";**
- vii. "One day I'm going to take you up on that snuggle";**
- viii. "Pulls at lower lip with teeth";**
- ix. "Pins your hand crossed over your head and leans out of biting";**
- x. "I release my grip on your hands and take hold of your hair, tugging gently as my kiss becomes a little harder";**
- xi. "Entwines my fingers with yours, pinning a little harder as the tip of my tongue traces the outline of your lips";**

These facts were admitted in full. There is clear evidence in the papers of these social media exchanges by way of the transcripts provided. They were conducted in private with a student without the School's permission. The language used by Mr Hancock was clearly inappropriate in a student/teacher relationship and indeed the wider exchanges inappropriately referred to his colleagues in an unacceptable way. Such exchanges very clearly went beyond proper professional boundaries. As Mr Dayle stated, they 'utterly exploded' proper professional boundaries.

b. Met them outside of the school setting including:

- i. Driving them in your car;**
- ii. Visiting Pupil C in hospital in or around Easter 2016;**

These facts were admitted in full. In the panel's view, while it could be proper to give a student a lift despite being their teacher, in relation to both events Mr Hancock's behaviour was inappropriate and went beyond proper professional boundaries. He did

not seek sufficient advice or take proper account of School policies. With regard to the hospital visit, he may have been trying to help but his course of conduct was quite wrong given Pupil C was a pupil at the School and he was suspended from his role at the time.

c. Viewed pornographic imagery on a Tumblr blog that Pupil A directed you to;

The only part of this allegation that was in dispute was whether the imagery was pornographic. The panel is satisfied that it was pornographic as Mr Hancock stated in his police interview that it was so. The panel is satisfied that he would not have said that if the imagery had not been pornographic. The panel did not accept Mr Hancock's account that he had said this in interview without properly understanding the definition of 'pornographic' and because he was tired and under pressure.

d. Gave Pupil A a mobile phone;

This fact was admitted in full. The panel finds that the direct passing of such a gift from a teacher to a student clearly goes beyond proper professional boundaries. The panel accepted Mr Hancock's account that he did this purely because Pupil A's phone had broken and that he had informed Pupil A's mother of the gift after he had passed it to Pupil A. The panel accepted that it was an old phone that he no longer used. However he had not followed professional protocols in advance of giving the gift and therefore exposed himself to risk.

e. Kissed Pupil F on the side of their head on an occasion on or around 12 May 2011;

This fact was admitted in full. Clearly, kissing a student at school and in the presence of other students and other members of staff, demonstrates a failure to maintain proper professional boundaries. The panel noted that Mr Hancock received a verbal warning for this conduct.

2. Your conduct towards Pupil A at 1.a. and/or 1.c. above was sexually motivated;

The panel is satisfied that Mr Hancock's conduct was sexually motivated and so find this allegation proved. The initial exchanges may well have been conducted in a role-play setting but as they progressed they very obviously became sexually descriptive and included reference to sexual fantasies. The panel is satisfied that there is no other feasible explanation for why Mr Hancock took part in these exchanges, given their nature, other than for the purposes of sexual gratification. His motivation was therefore sexual. The panel gave very careful consideration to Mr Hancock's explanation for these exchanges, in particular his claim that they were in support of Pupil A. However it cannot ever be appropriate for a teacher to support a pupil by communicating with them in such a way. Even if the exchanges were part of a role-play game they still contained sexual

descriptions that were wholly inappropriate in a teacher/student relationship and must have involved Mr Hancock's imagining the activities he was describing.

3. Your actions at 1.a. and/or 1.c. above were contrary to the School's 'Computer Resource Resources – Acceptable Use Policy'.

These facts were admitted in part in relation to factual allegation 1.a. The panel finds the allegation proved in full. Clearly it is in contravention of the School's relevant policy to exchange private messages with a student on social media platforms, let alone those of a sexual nature.

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

Having found a number of the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel has had regard to the document Teacher misconduct: The prohibition of teachers, which the panel refers to as “the Advice”.

At the heart of this case, in amongst other admitted allegations, is a relationship that Mr Hancock formed with Pupil A that extended to the exchange of sexually motivated social media messages that made reference to sexually descriptive actions. He also visited the Pupil's Tumblr account to view pornographic material and gave a gift by way of a mobile phone. His inappropriate relationships with students extended to others by way of the other admitted facts.

The panel is satisfied that the conduct of Mr Hancock in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Hancock 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;

The panel is satisfied that the conduct of Mr Hancock amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession. His relationship with Pupil A in particular went far beyond the proper boundaries of a teacher/student relationship. It very clearly amounts to unacceptable professional conduct.

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

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

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it is necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel has to consider whether it is an appropriate and proportionate measure, and whether it is in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel has considered the particular public interest considerations set out in the document *Teacher misconduct: The prohibition of teachers ("the Advice")* and having done so has found a number of them to be relevant in this case, namely: the protection of pupils; the maintenance of public confidence in the profession; and the declaring of and upholding of proper standards of conduct.

In light of the panel's findings against Mr Hancock, which involved numerous failures to maintain proper professional boundaries and sexually motivated social media exchanges with a pupil, there is a strong public interest in consideration of the sanction in this case.

Notwithstanding the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Hancock.

In carrying out the balancing exercise, the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Hancock. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position.

Even though there were a number of behaviours that would point to the appropriateness of a prohibition order, the panel went on to consider whether or not there were sufficient mitigating factors to militate against the appropriateness and proportionality of a prohibition order, while taking into account the nature and severity of the behaviour in this case. After careful consideration the panel concluded that there was insufficient mitigation present to militate against a prohibition order. Mr Hancock disputed the sexually motivated nature of his actions and has therefore not offered any genuine remorse or remediation in relation to his conduct. His actions were entirely deliberate and a number of factors incompatible with remaining a teacher are present. He does have a previous good history and the panel has noted this. The panel has read and considered the character statements put forward on his behalf and noted his medical history.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mr Hancock. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for them to recommend that a review period of the order should be considered. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances in any given case that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against the recommendation of a review period. These behaviours include serious sexual misconduct, e.g. where the act was sexually motivated and resulted in or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person. The panel has found that Mr Hancock has been responsible for sexually motivated social media communications with a pupil and other activity that failed to maintain appropriate professional boundaries. However, the panel did not feel this amounted to sexual misconduct of such a serious nature as to justify prohibition without the ability to apply for review. The panel noted that the actions of the teacher did not result in harm or progress to any physical contact or relationship.

The panel felt the findings indicated a situation in which a review period would be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provision for a review to be allowed after a period of five years. At any such review, Mr Hancock would have to demonstrate a full commitment to following the policies and procedures of the educational setting in which he would work and satisfy any future panel that he could demonstrate clear insight into his behaviour and the consequences of not adhering to proper professional boundaries.

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 sanction and 5 year review period.

In considering this case, I have also given very careful attention to the Advice that is published by the Secretary of State concerning the prohibition of teachers.

In this case, the panel has found the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel has made a recommendation to the Secretary of State that Mr Hancock should be the subject of a prohibition order, with a review period of five years.

In particular the panel has found that Mr Hancock 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;

The panel finds that the conduct of Mr Hancock fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of sexual motivation.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself whether or not a less intrusive measure, such as the published

finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Hancock, and the impact that will have on him, is proportionate.

In this case I have considered the extent to which a prohibition order would protect children. The panel has observed its findings, “involved numerous failures to maintain proper professional boundaries and sexually motivated social media exchanges with a pupil.” A prohibition order would therefore prevent such a risk from being present. I have also taken into account the panel’s comments on insight and remorse which the panel sets out as follows, “Mr Hancock disputed the sexually motivated nature of his actions and has therefore not offered any genuine remorse or remediation in relation to his conduct.” The panel has also commented that Mr Hancock’s actions were, “entirely deliberate and a number of factors incompatible with remaining a teacher are present.” In my judgement the lack of insight means that there is some risk of the repetition of this behaviour and this risks future pupils’ safety. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe that the, “findings of misconduct are serious and the conduct displayed would likely have a negative impact on the individual’s status as a teacher, potentially damaging the public perception.” I am particularly mindful of the finding of sexual motivation in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that failure to impose a prohibition order might be regarded by the public as a failure to uphold those high standards. In weighing these considerations I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Hancock himself. The panel say Mr Hancock did, “have a previous good history”. A prohibition order would prevent Mr Hancock from working in the teaching profession. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case I have placed considerable weight on the panel's comments concerning the lack of insight or remorse. The panel has said, "that there was insufficient mitigation present to militate against a prohibition order."

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Hancock has made to the profession. In my view it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision that is not backed up by remorse or insight does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the aims which a prohibition order is intended to achieve.

I have gone on to consider the matter of a review period. In this case the panel has recommended a 5 year review period.

I have considered the panel's comments on Mr Hancock's actions that, "the panel did not feel this amounted to sexual misconduct of such a serious nature as to justify prohibition without the ability to apply for review."

The panel has also said that a 5 year review period would, "be appropriate" and as such the panel decided, "it would be proportionate in all the circumstances."

I have considered whether a 5 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, I am of the view it does.

I consider therefore that a five year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Jamie Hancock is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 13 December 2022, 5 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Hancock remains prohibited from teaching indefinitely.

This order takes effect from the date on which it is served on the teacher.

Mr Hancock has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'Dawn Dandy', with a stylized, looping flourish at the end.

Decision maker: Dawn Dandy

Date: 7 December 2017

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