



National College for
Teaching & Leadership

Mr Warrenford Everard George: Professional conduct panel outcome

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

April 2017

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

Teacher: Warrenford Everard George

Teacher ref number: 0330895

Teacher date of birth: 16 July 1954

NCTL case reference: 15202

Date of determination: 13 April 2017

Former employer: d'Overbroeck's School

A. Introduction

A professional conduct panel ("the panel") of the National College for Teaching and Leadership ("the National College") convened on 12 to 13 April 2017 at the Ramada Hotel and Suites, Butts, Earlsdon, Coventry CV1 3GG to consider the case of Mr Warrenford Everard George.

The panel members were Mr Steve Oliver (teacher panellist – in the chair); Mrs Alison Platts (lay panellist); and Mr John Pemberton (former teacher panellist).

The legal adviser to the panel was Ms Patricia D'Souza of Eversheds Sutherland (International) LLP.

The presenting officer for the National College was Ms Rebekah Hummerstone of 2 Hare Court chambers.

Mr George was not present and was not represented.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 10 November 2016.

It was alleged that Mr George was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst working as a teacher at d'Overbroeck's School ("the School") he failed to maintain appropriate professional boundaries and/or appropriate professional standards in that:

1. In 2015 he said to Pupil A:
 - a. "I am in so much trouble" or words to that effect,
 - b. "You're so amazing" or words to that effect,
 - c. "I always feel happier when around you" or words to that effect,
 - d. "You make my day" or words to that effect.
2. On 21 October 2015, he took Pupil A to a secluded location within the School and pulled her towards him and/or kissed her on the cheek.
3. On a date or dates unknown he:
 - a. Asked Pupil A for her phone number,
 - b. Contacted Pupil A via Facebook,
 - c. Asked Pupil A for a photograph of herself.
4. His actions set out at 1 and/or 2 and/or 3 above were sexually motivated.

C. Preliminary applications

The panel considered an application from the presenting officer to proceed in the absence of Mr George.

The panel had regard to letters sent by the National College to Mr George, which did not form part of the formal bundle but which were available at the hearing. A further copy of the Notice of Proceedings was sent to Mr George on 8 December 2016 and a further

letter, dated 16 February 2017, notified Mr George of the change of venue for this hearing.

The panel is satisfied that the National College has complied with the service requirements of paragraph 19 a to c of the Teachers' Disciplinary (England) Regulations 2012, ("the Regulations").

The panel noted the advice from the legal advisor that paragraph 4.14 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession, ("the Procedures") which indicates that any changes to the address for the hearing will not invalidate the Notice of Proceedings but the change must be notified to the teacher as soon as possible after it is known to the National College. The panel considered that the Notice of Proceedings is valid in accordance with paragraphs 4.12 and 4.14 of the Procedures. The panel is also satisfied that the Notice of Proceedings complies with paragraph 4.11 of the Procedures.

The panel has determined to exercise its discretion under paragraph 4.29 of the Procedures to proceed with the hearing in the absence of Mr George.

The panel understands that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one.

In making its decision, the panel has noted that Mr George may waive his right to participate in the hearing. The panel has taken account of the various factors drawn to its attention by the legal advisor from the case of *R v Jones* [2003] 1 AC 1.

The presenting officer submitted that the Notice of Proceedings dated 10 November 2016 was sent to Mr George by recorded delivery and he signed for this to acknowledge receipt. Mr George has indicated in telephone and email communications with the solicitors representing the National College that he spent time between the UK and his address abroad and would not be available to attend the hearing in April 2017. The presenting officer also submitted that in his last communication he had with the solicitors acting for the National College, on 17 March 2017, Mr George indicated that he was due to leave the UK to live abroad later that same week. The solicitors acting for the National College asked Mr George to provide a summary of any questions he would wish to be asked of any witnesses appearing on behalf of the National College but he failed to respond. It was submitted by the presenting officer that Mr George had voluntarily absented himself from this hearing and it was unlikely that an adjournment would result in his attendance.

The panel is satisfied that Mr George is actually aware of the proceedings, given the presenting officer's submission that he signed to acknowledge receipt of it. As the Notice of Proceedings is dated 10 November 2016, Mr George has been provided with more

than 8 weeks' notice of the hearing date and Mr George has responded and indicated to the National College's solicitors that he would not attend. The panel therefore considers that Mr George has waived his right to be present at the hearing in the knowledge of when and where the hearing is taking place.

The panel has had regard to the requirement that it is only in rare and exceptional circumstances that a decision should be taken in favour of the hearing taking place. There is no indication that an adjournment might result in Mr George attending the hearing.

The panel has had regard to the extent of the disadvantage to Mr George in not being able to give his account of events, having regard to the nature of the evidence against him. The panel has the benefit of transcripts of the interviews conducted by the relevant School in which Mr George commented on some of the factual particulars relating to the above allegations. The panel is therefore able to ascertain the lines of defence. The panel can ask the oral witnesses for points it can consider as mitigation and is able to take this into account at the relevant stage. The panel has noted that all witnesses relied upon are to be called to give evidence and the panel can test that evidence in questioning those witnesses, considering such points as are favourable to the teacher, as are reasonably available on the evidence. The panel is also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard Mr George's account.

The panel also notes that there are two witnesses present at the hearing, who are prepared to give evidence, and that it would be inconvenient and distressing for them to return again.

The panel has had regard to the seriousness of this case, and the potential consequences for Mr George and has accepted that fairness to Mr George is of prime importance. However, the panel considers that Mr George has waived his right to appear and there is no evidence to suggest that he would attend this hearing if it was adjourned to another date. Therefore, by taking such measures referred to above to address any potential unfairness insofar as is possible; and taking account of the inconvenience an adjournment would cause to the witnesses; that on balance, these are serious allegations and the public interest in this hearing proceeding within a reasonable time is in favour of this hearing continuing today.

D. Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 1 to 3

Section 2: Notice of Proceedings and response – pages 4 to 12

Section 3: National College's witness statements – pages 13 to 24

Section 4: National College's documents – pages 25 to 94

Section 5: Teacher documents – no pages

The presenting officer indicated to the panel that Mr George commented on the case in the course of his telephone and email correspondence with the solicitors acting for the National College and the panel may wish to see such correspondence before starting the substantive part of this hearing. The panel had regard to these documents on the presenting officer's laptop and the panel considered that in light of Mr George's absence from the hearing, it was not fair for it to admit such further documents to the hearing bundle.

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

Witnesses

The panel heard oral evidence from the following on behalf of the National College:

- Pupil A – former pupil of the School
- Witness A - the principal of the School

No witnesses gave evidence on behalf of Mr George.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

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

Mr George commenced employment at d'Overbroeck's School ("the School") on 1 October 2010 as a physics teacher. Mr George taught a range of classes from Year 9 to upper sixth years. On 21 October 2015 Pupil A, a pupil in her upper sixth year, reported to the School that she had received unwanted attention from a male teacher. The School commenced a disciplinary investigation and interviewed Pupil A. Pupil A subsequently revealed that Mr George was the male teacher. On 10 November 2015, a disciplinary

hearing was held and Mr George appealed against the outcome. An appeal hearing was held on 3 December 2015 and Mr George's appeal was rejected by the School.

Findings of fact

The panel's findings of fact are as follows:

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

Whilst working as a teacher at d'Overbroeck's School ("the School") you failed to maintain appropriate professional boundaries and/or appropriate professional standards in that:

1. In 2015 you said to Pupil A:

a. "I am in so much trouble or words to that effect,

In his witness statement, Witness A states that the School is an independent school for pupils aged 11 to 18 which has a large sixth form which includes boarding students. Pupil A joined the School as a lower sixth form boarder. When questioned by the panel, Witness A stated that he considered that Pupil A was a good student who was very conscientious and a very good singer. She is relatively shy and quiet, not a gregarious child, not a person who would seek out attention from others and was prone to anxiety before examinations. In Witness A's opinion, Pupil A enjoyed being at the School.

In her witness statement, Pupil A stated that between 2014 and 2016 she attended the School as a sixth form student. She first knew of Mr George when she was in the lower sixth year as he was her physics teacher. In her oral evidence, Pupil A confirmed that she did not study physics in her upper sixth year.

The presenting officer submitted that Pupil A did not initially consider that there was anything wrong in the communications she had with Mr George. However, things changed and Pupil A became more wary as the nature of their communications changed around October 2015. In her closing remarks, the presenting officer invited the panel to consider that Pupil A gave her oral evidence in a measured and honest way and that she bears Mr George no "ill will".

In her oral evidence, Pupil A stated that the initial nature of her discussions with Mr George was about her decision to "drop" physics and physics in general. These discussions would take place in different places on School premises in a corridor, outside or in the car park when the School was open. Pupil A explained to Mr George that she did not have confidence in her ability to undertake physics and he wanted to build up her confidence. Pupil A stated in her witness statement that she recalled Mr George once suggested that they should see each other more often in order to discuss physics.

When questioned by the panel, Pupil A stated that Mr George would have one to one discussions with other pupils about their studies. He was a friendly teacher and it was his

practice to seek to support students. Pupil A confirmed that Mr George had no specific pastoral obligations towards her.

The panel had regard to the written statement of Witness A, included in the bundle which states that Pupil A confirmed in her interview with the School on 22 October 2015, that she went to M & S coffee shop with a male teacher, who she later revealed to be Mr George. Witness A's witness statement states that Pupil A indicated that Mr George said "I am in trouble".

The notes of Witness A's interview with Pupil A on 22 October 2015 reflect Pupil A stating that after her fifth lesson of the day, Mr George suggested she and he had a chat. During this conversation, Mr George stated "I'm in so much trouble". In her oral evidence, Pupil A stated that she felt that Mr George inferred, by using this expression, that he did not know what to do about his feelings as he had some sort of infatuation with her.

The panel noted from the record of the disciplinary hearing on 10 November 2015, that Mr George stated that the expression "I'm in so much trouble" is not a Warrenism" i.e. the type of expression that he would use regularly. When asked directly, in the disciplinary hearing, whether he did not say this, he responded, "No, not at all. It's not possible". The panel considered that it is not a clear denial of this allegation. As there are no teacher documents included in the bundle, there is no further evidence from Mr George to rebut this allegation.

The panel found the oral evidence of Pupil A to be credible, and taking all the evidence into account, the panel considered that this allegation was proven on the balance of probabilities.

b. "You're so amazing" or words to that effect,

In her witness statement, Pupil A stated that Mr George told her "you're amazing" during their discussion on 21 October 2015. She believed that the general tone of his comment was that he enjoyed being around her and had great affection for her but he was worried. Further in her statement, Pupil A stated that Mr George continued that his feelings were strong and said he had not felt like this about anyone.

In her oral evidence, Pupil A stated that she did not know what Mr George expected her to say or what he hoped to get out of this conversation. In her statement, she went on to state that she froze, she could not believe what was happening and she did not know what to say or how to respond.

The panel considered that the records of the School's disciplinary process did not reflect that Mr George was asked whether he stated that "you're amazing" to Pupil A. However, the record of the disciplinary hearing on 10 November 2015 stated that Mr George said, "...I don't think this child is a liar...I don't think [Pupil A] tells lies".

As stated previously, the panel found Pupil A's oral evidence credible. Even though Pupil A did not comment on this allegation in her oral evidence, the panel considered her

account of this particular comment being made to her, in her witness statement, was more likely than not to be accurate. Therefore, taking all the evidence into account, the panel considered that this allegation is proven on the balance of probabilities.

c. “I always feel happier when around you” or words to that effect,

d. “You make my day” or words to that effect.

The panel had regard to the notes of Witness A’s interview with Pupil A on 22 October 2015. These notes reflect Pupil A stating that on 20 October 2015 she was walking to a specific location in a different part of the School for a singing lesson. The notes reflect Pupil A stating that she saw Mr George in his car and started a conversation with him. She became worried by this conversation during which Mr George stated that he always felt happier when around Pupil A and that she “made his day”. This account was corroborated by Pupil A’s witness statement.

When questioned by the panel, Pupil A stated that these expressions were not examples of typical things that Mr George would state to pupils.

The panel noted from the record of the disciplinary hearing with Mr George which took place on 10 November 2015, Mr George stated that he did not recognise, stating “you make my day” and he could have said, “I feel happier when I’m around you”. This, in the panel’s view, is not an express denial of allegations 1.c. and 1.d.

The panel again preferred the oral and written evidence of Pupil A and find allegations 1.c and 1.d. proven on the balance of probabilities.

2. On 21 October 2015, you took Pupil A to a secluded location within the School and pulled her towards you and/or kissed her on the cheek.

In her statement, Pupil A stated that on 21 October 2015, she bumped into Mr George in the afternoon after her fifth lesson and they chatted for a while. Mr George told her he wanted to talk to her before she went home that day. That afternoon instead of going home at the usual time, Pupil A waited for Mr George in the study room for about 10 or 15 minutes. Further in her statement, Pupil A states that Mr George found her and told her to come with him and took her into a room which was like a small storage area which, Witness A’s stated in oral evidence, had stairs leading to a staff room. In her oral evidence, Pupil A stated that some pupils came into this storage area at the time to ask after Mr George.

Witness A’s oral evidence was that this small storage area was generally not used by pupils.

Pupil A's further oral evidence was that she felt uncomfortable with the situation. In her statement, she said that she felt nervous at this time and wanted to leave, however, she did not want to jump to the wrong conclusion.

She went on to explain further, in her oral evidence, that she felt awkward and Mr George told her that he had strong feelings for her and he had not felt like this before. He held out his left hand and in her statement, Pupil A stated that she took his hand (but she did not know why), Mr George pulled her towards him and he kissed her cheek. After the kiss, Pupil A further states, in her statement, that she was of the opinion that Mr George thought the conversation had gone well. Mr George subsequently said, "let's go for coffee", and in her oral evidence Pupil A stated that she did not want to upset Mr George or hurt his feelings and she did not know how to respond or say no.

After Pupil A left the store room, she stated, in both her oral evidence and written statement, that she went to the bathroom and she sat down on the floor and panicked. She did not know what to do. However, after calming down she went to the local M & S coffee shop to meet Mr George.

The panel had regard to the witness statement of Witness A which states that during a meeting with the School on 27 October 2015, Mr George admitted having kissed Pupil A on the cheek and visiting the M & S coffee shop with her. Witness A further stated, in his written statement, that Mr George made admissions early on in the interview and Witness A had the "sense" that Mr George was being "perfectly honest" and straight. The record of Mr George's interview with the School on this date, included in the bundle, records Mr George as stating that at the top of the stairs there was a backroom and a little cubby-hole. He explained he was there looking for batteries. He said that a student came up the stairs and she said that she had never seen this part of the School before and she then walked down the stairs, he took her hand, he kissed her cheek and then he said to the student to get out and they went to M & S for a coffee. The panel noted that Mr George's account of this incident conflicted with Pupil A's account. The panel also noted that Mr George did not indicate, in his account, whether he pulled Pupil A towards him before he kissed her cheek.

In the record of the disciplinary hearing on 10 November 2015, Mr George is recorded as stating that Pupil A had a look of despair on her face as a result of mock examinations and he then "involuntarily" reached out and gave Pupil A a kiss on the cheek.

The panel again preferred the evidence of Pupil A. The panel considered that the evidence established that on 21 October 2015, Mr George took Pupil A to a secluded location within the School. Even though Mr George is not recorded as stating that he pulled Pupil A towards him, the panel found Pupil A's evidence in this regard credible, in that he pulled her towards him with his hand. Mr George admits that he kissed Pupil A on the cheek. This allegation is therefore found proven.

3. On a date or dates unknown you:

a. Asked Pupil A for her phone number,

The panel had regard to the notes of Witness A's interview with Pupil A on 22 October 2015, in which Pupil A is recorded as stating that a few days before visiting the M & S coffee shop with Mr George, he had asked for her telephone number but Pupil A declined. Whilst they were in M & S, Mr George raised this issue and said he was sorry if that had upset her. In her oral evidence, Pupil A stated that Mr George asked for her telephone number only once.

In her oral evidence, Pupil A further stated that she believed Mr George was upset that he would not see her during half term and that is why he asked for her telephone number. Pupil A's oral evidence was that she refused to give her number to Mr George as it was inappropriate.

When asked in his interview with Witness A if he had asked for Pupil A's telephone number, Mr George is recorded as stating that he did not recall this and this was not possible. Again, in the panel's view, this is not an express denial of this allegation.

Taking all the evidence into account, the panel found this allegation proven on the balance of probabilities.

b. Contacted Pupil A via Facebook,

In her witness statement, Pupil A states that in October 2015, she received some Facebook messages from Mr George. The first was in the evening on the 20 October 2015 and consisted of random letters, which she considered had been sent by accident. She further indicated in her statement that on 23 and 24 October 2015 she received further Facebook messages from Mr George which were links to physics' articles. In her oral evidence, Pupil A stated that she found it odd that he sent these messages even though she maintained a passing interest in physics.

The panel noted, from Pupil A's oral evidence, that Mr George would have to look for her profile on Facebook to enable him to send her a message.

In the record of Mr George's interview with Witness A of 27 October 2015, when asked if he had contacted Pupil A by Facebook, Mr George stated, "this was about physics/cosmology". Mr George is also recorded as stating in the record of his disciplinary hearing on 10 November 2015, and the appeal hearing on 3 December 2015, that he communicated with Pupil A on Facebook about physics materials.

The panel finds this allegation proven.

c. Asked Pupil A for a photograph of herself.

The notes of Witness A's interview with Pupil A on 22 October 2015 indicates that whilst in M & S, Mr George asked Pupil A for a photograph of herself. The notes reflect Pupil A stating she was not comfortable with that and Mr George said that this was fine. Pupil A's oral evidence is that she believes that Mr George wanted a photograph of her as he would not see her over the half-term break.

When asked in his interview with Witness A if he had asked Pupil A for a photograph of herself, Mr George is recorded as stating that he did not recall this and he further stated he could not see why he would have asked and "who asks for photographs these days".

In the record of the appeal hearing which took place on 3 December 2015, Mr George was repeatedly asked for clarification as to whether he had asked Pupil A to provide a photograph. Mr George is recorded as stating that he could not see "for the life of" him why he would. He was pretty rattled and he would say that it never happened. However, Mr George is also recorded as stating that Pupil A was not a liar. The panel again considered that this was not an express denial of this allegation.

Taking all the evidence into account, the panel found this allegation proven on the balance of probabilities.

Overarching stem of the allegations in respect of maintaining appropriate professional boundaries and/or appropriate professional standards

The panel had regard to the School's code of conduct which states that, "*teachers and other members of staff in any school need to take care to ensure that their behaviour does not inadvertently lay them open to allegations of abuse....At the heart of this ethos lies trust, mutual respect...*"

The code of conduct also states "*Communication with students must always be professional in nature and in motivation...We all have a responsibility to ensure that our behaviour is totally beyond reproach and...It is good practice to avoid one-to-one meetings with students in remote or secluded areas of the school...*"

This code of conduct goes on to state that there are "*occasions when it is entirely appropriate and proper for staff to have physical contact with students, but it is crucial that they do so only in ways which are appropriate to their professional role. Staff should, therefore, use their professional judgment at all times... Physical contact should never be secretive, or for the gratification of the adult, or represent a misuse of authority*".

When questioned by the panel, Witness A confirmed that he wrote the code of conduct and it is regularly reviewed. The panel noted that the version of the code of conduct included in the bundle is dated September 2015, which the panel assumes was the version in force at the time of the allegations. Witness A further stated, in oral evidence,

that the code of conduct was designed to encapsulate the ethos of the School which values positive cordial interactions with pupils.

The panel considered that Mr George's conduct, in relation to all the allegations it has found proven at 1.a to 1.d., 2 and 3.a. to 3.c., were examples of Mr George's failure to maintain the appropriate professional boundaries between himself and Pupil A. The panel also determined that this same conduct was a failure, by Mr George, to maintain appropriate professional standards and were in direct breach of the School's code of conduct.

4. Your actions set out at 1 and/or 2 and/or 3 above were sexually motivated.

The legal advisor advised the panel that it may find it helpful to ask itself whether on the balance of probabilities reasonable persons would think the words/actions found proven against Mr George could be sexual. If so, the panel will then need to go on to ask itself a second question: whether, in all the circumstances of the conduct in the case, it is more likely than not that the purpose of Mr George's words/actions was sexual.

The presenting officer submitted in her opening remarks that Mr George's expression of his feelings towards Pupil A and conduct on or around October 2015 towards Pupil A was sexually motivated. The presenting officer submitted that the feelings that Mr George declared to Pupil A on 21 October 2015 were clearly not of a paternal/pastoral nature. It was Pupil A's opinion that Mr George believed that Pupil A had taken his declaration of affection well. It was Pupil A's oral evidence that Mr George's request for her photograph was prompted by him not being able to see her over the half-term break. This in the presenting officer's submission was motivated by feelings of sexual attraction towards Pupil A. It was further submitted by the presenting officer that Mr George's suggestion that he was concerned about Pupil A's welfare and her anxiety over upcoming mock exams, was implausible.

The presenting officer submitted that Mr George's conduct was sexual activity of a very minor nature and it is not suggested by the National College that Mr George acted in a "predatory" manner.

Pupil A stated, in her statement, that Mr George had previously asked her about whether she was seeing anyone which she found slightly odd, but when Mr George made a comment like this he would tell Pupil A not to worry as he was not "hitting" on her. In her oral evidence, Pupil A stated that this was the first time that she thought she needed to be cautious as these comments made her worry about Mr George's behaviour around her.

Witness A's written statement indicates that Mr George was very regretful and he indicated that his behaviour was not premeditated and was a one-off prompted by Pupil A manifestly feeling and looking very anxious.

The panel noted from the notes of Pupil A's discussion with Witness A, Pupil A believed that Mr George was not acting maliciously and he did not want to force Pupil A to do anything, he was just lonely. Pupil A corroborated this in her oral evidence.

In his oral evidence, Witness A stated that in the course of his initial investigation of the allegation raised by Pupil A against Mr George, he formed the view that Mr George was not seeking to "groom" Pupil A. Witness A believed these incidents were not an example of a specific course of conduct which had "roots". In the interview that Witness A conducted with Mr George on 27 October 2015, Mr George was very frank and he voluntarily offered information about kissing Pupil A. Witness A's oral evidence was that Mr George was manifestly upset during this interview and by his demeanour it was clear that he knew he had done something wrong.

The panel considered that reasonable persons would consider that all of Mr George's conduct relating to allegations 1.a. to 1.d., 2 and 3.a. to 3.c. was sexually motivated and the panel also determined, based on the evidence presented, that the purpose of Mr George's actions relating to these same allegations, was sexually motivated.

The panel therefore finds allegation 4 proven in relation to allegations 1, 2 and 3.

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

Having found all 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 George in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr George 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
- teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality

- 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 George fell significantly short of the standards expected of the profession. By singling out Pupil A and using emotionally charged phrases, taking Pupil A to a secluded area of the sixth form building of the School and kissing her cheek, and then subsequently asking her to go for coffee are examples of behaviour that should not be undertaken by a teacher and breached the Teachers' Standards referred to above. The panel considered that Pupil A's well-being was affected by Mr George's behaviour, he caused her to panic and feel awkward at the time of the kiss and subsequently after.

The panel has also considered whether Mr George's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel has found that the offence of sexual activity is relevant albeit that the conduct found proven is at the lowest possible end of the spectrum and happened in a very short space of time. The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct. Accordingly, the panel is satisfied that Mr George is guilty of unacceptable professional conduct.

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

The panel considers that its findings of misconduct are serious and the conduct displayed by Mr George would likely have a negative impact on his status as a teacher, potentially damaging the public perception of the profession. In particular, members of the public would not expect pupils to receive a kiss on the cheek from a teacher whilst in a secluded part of the School. The panel therefore finds that Mr George's actions constitute conduct that may bring the profession into disrepute.

Having found the facts of particulars 1 to 4 proved, the panel further finds that Mr George's conduct amounts to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

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

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

In light of the panel's findings against Mr George, which involved sexually motivated behaviour towards Pupil A, there is a strong public interest consideration in respect of the protection of pupils.

Similarly, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Mr George were not treated seriously when regulating the conduct of the profession.

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

In view of the 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 George.

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 George. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk

- 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 behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case.

There was no evidence that Mr George's actions were not deliberate or that he was acting under duress. There was limited evidence available to the panel relating to Mr George's previous history. There was no evidence that Mr George had been subject to previous disciplinary proceedings and therefore the panel was content to assume that he was of good history.

The presenting officer submitted to the panel that there are no previous disciplinary orders relating to Mr George.

Pupil A's oral evidence was that Mr George was a very relaxed and friendly teacher and he had a relaxed style of teaching; he would set work and then monitor pupils' progress. He would talk to everyone and he would share jokes with most of the pupils. Her oral evidence was that Mr George was not a bad person, he was "an idiot" and he made a mistake in the way he behaved towards her. Pupil A considered there had been limited negative effects on her.

Witness A's oral evidence was that Mr George came to teaching later in life and cared a lot for his students. He is a very gregarious man and very "smiley". He enjoyed the feeling that he was helping his pupils to understand and learn. He was a warm hearted man who greeted staff and pupils warmly and he always enquired about people's lives. He liked to form a personal relationship with his students. Further in his oral evidence, Witness A stated that some pupils found Mr George to be a good teacher and others considered that they did not learn much from him whereas other pupils expressed a lot of regret when he left the School.

Witness A went on to state, in oral evidence, that Mr George was very personable and he would teach in a way that would engage pupils as people rather than simply delivering a lesson.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel is sufficient.

The panel is of the view that applying the standard of the ordinary intelligent citizen recommending no prohibition order is not a proportionate and appropriate response. Recommending that publication of adverse findings is sufficient in the case would unacceptably compromise the public interest considerations present in this case, despite the severity of consequences for Mr George of prohibition.

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 George. Mr George used emotionally charged language towards Pupil A which caused her to feel uncomfortable, which then led to Facebook messages and a request for Pupil A's telephone number and photograph. These were examples of Mr George abusing his position of trust as a teacher. These actions, together with Mr George kissing Pupil A's cheek whilst in a secluded area of the School, amounted to a serious departure from personal and professional conduct elements of the Teachers' Standards. These were significant factors in forming the panel's opinion. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

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

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include 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 or persons. Although the panel has found that Mr George has exercised sexually motivated behaviour towards Pupil A, as his conduct was at the lowest possible end of the spectrum, the panel did not consider his actions amounted to serious sexual misconduct. The panel was mindful of Pupil A's oral evidence that she had suffered no lasting impact as a result of Mr George's behaviour and that he was not a "bad man". This further demonstrated to the panel why serious sexual misconduct is not relevant in this case.

The panel noted from the record of Mr George's interview with Witness A, included in the bundle, that Mr George was upfront and honest about his actions relating to kissing Pupil A on the cheek. The notes of this interview reflect, Mr George stating that "I consider it inappropriate..." Witness A's oral evidence was that Mr George volunteered information about his conduct during this interview and clearly accepted that he had done something wrong. In his witness statement, Witness A stated that Mr George was "apologetic about the mistake... [he] was clearly very regretful". Although Mr George has not engaged in

these proceedings, the panel considers that Mr George demonstrated some remorse and insight over the inappropriateness of his actions during the School's disciplinary process.

The panel therefore determined that its findings indicated a situation in which a review period would be appropriate. As Mr George's conduct was at the lowest possible end of the spectrum and there was no evidence of any other sexual activity beyond a kiss on the cheek, the panel decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review period of 2 years.

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 review period.

In considering this case I have 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 George should be the subject of a prohibition order, with a review period of two years.

The panel has found that Mr George 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
- teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality
- 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 George fell significantly short of the standards expected of the profession. By singling out Pupil A and using emotionally charged phrases, taking Pupil A to a secluded area of the sixth form building of the School and kissing her cheek, and then subsequently asking her to go for coffee are examples of behaviour that should not be undertaken by a teacher and breached the Teachers' Standards referred to above. The panel considered that Pupil A's well-being

was affected by Mr George's behaviour, he caused her to panic and feel awkward at the time of the kiss and subsequently after.

The panel has also considered whether Mr George's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel has found that the offence of sexual activity is relevant albeit that the conduct found proven is at the lowest possible end of the spectrum and happened in a very short space of time.

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 George, 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 "that the public interest considerations outweigh the interests of Mr George. Mr George used emotionally charged language towards Pupil A which caused her to feel uncomfortable, which then led to Facebook messages and a request for Pupil A's telephone number and photograph. These were examples of Mr George abusing his position of trust as a teacher." A prohibition order would therefore prevent such a risk from being present in the future.

In this case the panel observed that "There was no evidence that Mr George's actions were not deliberate or that he was acting under duress. There was limited evidence available to the panel relating to Mr George's previous history. There was no evidence that Mr George had been subject to previous disciplinary proceedings and therefore the panel was content to assume that he was of good history."

I have also taken into account the panel's comments on insight and remorse which the panel sets out as follows, "Mr George demonstrated some remorse and insight over the inappropriateness of his actions during the School's disciplinary process."

In my judgement this degree of "some" insight means that there is some risk of the repetition of this behaviour and this risks future pupils being subject to similar behaviours.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "...view that applying the standard of the ordinary intelligent citizen recommending no prohibition order is not a proportionate and appropriate response. Recommending that publication of adverse findings is

sufficient in the case would unacceptably compromise the public interest considerations present in this case, despite the severity of consequences for Mr George of prohibition”.

I agree 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 considered 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 George himself. A prohibition order would prevent Mr George teaching and would deprive the public of his contribution to the profession for the period that it is in force. I have not seen any evidence from the panel that Mr George was such an outstanding teacher that his value to the profession outweighs the need to deal with the misconduct that has been found proven through a prohibition order.

Overall I have placed considerable weight on the panel’s statement: “These actions, together with Mr George kissing Pupil A’s cheek whilst in a secluded area of the School, amounted to a serious departure from personal and professional conduct elements of the Teachers’ Standards.”

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 2 year review period.

I have considered the panel’s comments. The panel has also said that a 2 year review period would be proportionate. I agree. I do not believe there are any factors present that would lead to that period needing to be extended.

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

This means that Mr George Warrenford 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 2019, 2 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 George Warrenford remains prohibited from teaching indefinitely.

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

Mr George Warrenford 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: 18 April 2017

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