



National College for
Teaching & Leadership

Mr Geoffrey Nuttall: Professional conduct panel outcome

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

June 2017

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

Teacher: Mr Geoffrey Nuttall

Teacher ref number: 9951548

Teacher date of birth: 14 December 1976

NCTL case reference: 14161

Date of determination: 30 June 2017

Former employer: Cannon Slade School, Bolton

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 28 June to 30 June 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Geoffrey Nuttall.

The panel members were Dr Geoffrey Penzer (lay panellist – in the chair), Cllr Gail Goodman (teacher panellist) and Mr John Matharu (lay panellist).

The legal adviser to the panel was Miss Anna Lois Parry of Eversheds Sutherland solicitors.

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

Mr Geoffrey Nuttall was present and was represented by Mr Andrew Faux of Cornwall Street Chambers.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 6 September 2016.

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

1. Whilst employed as a teacher at Canon Slade School he formed an inappropriate relationship with Pupil A, including that he:
 - a. communicated with her, including outside of school hours, by:-
 - i. exchanging emails;
 - ii. exchanging messages by text and/or Whatsapp;
 - iii. writing a letter to her;
 - iv. exchanging messages via Facebook;
 - b. gave her;
 - i. a gift on at least one occasion;
 - ii. his school hoodie;
 - c. exchanged messages with her which were inappropriate, including messages in which he;
 - i. sent her a picture of his face;
 - ii. asked her to send him a picture of her face;
 - iii. suggested that she consider sunbathing topless;
 - iv. suggested that he would like to see her sunbathing topless;
 - v. made comments to the effect that he would be interested in her if she was older in response to receiving a picture of her in a bikini;
 - vi. suggested that he would buy her a drink at the Leeds Festival;
2. between August 2015 and March 2016 he exchanged messages with Pupil A via Facebook;
 - a. despite knowing that she was under the age of 18;
 - b. in which he commented on his feelings for her, including by telling her;

- i. "I thought of you as s [sic] friend not a pupil";
 - ii. "I just wanted to be your friend and be there for you";
 - iii. "I really did/do care for you thats the truth whether you believe it or not";
 - iv. "You meant alot [sic] to me";
 - v. "You meant the world to me you really did";
 - vi. "I just wanted to hug you and make you realise how awesome you are xx";
 - vii. I just want you to be successful and have a great life with or without me xx";
 - viii. "I have missed you";
 - ix. "I forgot how nice it is to talk to you".
3. one or more aspects of his conduct as described at 1 and/or 2 above;
 - a. demonstrated a lack of judgment;
 - b. was sexually motivated;
 4. his conduct as described in 1(a)(iv) above was in breach of the school's policy on the use of social networking sites;
 5. he failed to follow the school's policies and procedures for safeguarding pupils in respect of Pupil A, who was a vulnerable pupil.

A Statement of Agreed and Disputed Facts was agreed between the parties on 20 June 2017. Mr Nuttall admitted some of the allegations, but did not admit all of the allegations.

Mr Nuttall admitted that some of his conduct amounted to unacceptable professional conduct and or conduct that may bring the profession into disrepute.

C. Preliminary applications

The panel considered an application from Ms Louisa Aktin that the evidence of the deputy headteacher of Canon Slade School (Witness C) should be adduced via video evidence. Ms Aktin advised the panel that this issue had been addressed at the previously adjourned hearing when the issue of re-listing the hearing had been discussed. Witness C was unable to attend the new proposed dates for the hearing in

person and it was therefore agreed that she could give her evidence via video-link to avoid having to delay the hearing until September 2017 which was the next convenient date for all parties and witnesses. As this decision was not recorded in the previous decision, the panel considered the decision afresh and considered the representations of both Ms Atkin and Mr Faux, who did not object to the application.

The panel balanced its obligation to ensure that the teacher was not put at an unfair disadvantage, against its duty to ensure that the hearing was dealt with in a just and efficient manner and decided to exercise its discretion and allow Witness C to provide her evidence by video-link.

Despite the National College's best efforts, technical difficulties were experienced with the video-link technology and the panel agreed in the end, with the consent and support of both parties, to adduce the evidence by telephone.

The panel also recorded that Mr Faux had confirmed that although Mr Nuttall had tendered his resignation by the time the conduct complained of in allegation 2 occurred, and there could arguably be a question about the panel's jurisdiction to decide on this allegation, this was not a point that was being pursued by Mr Faux on behalf of Mr Nuttall.

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 4

Section 2: Notice of Proceedings and response – pages 5 to 18i

Section 3: NCTL witness statements – pages 20 to 29

Section 4: NCTL documents – pages 30 to 235

Section 5: Teacher documents – pages 236 to 262

In addition, the panel agreed to accept the Statement of Agreed and Disputed Facts dated 20 June 2017, with the agreed page references of pages 18j to 18o.

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

Witnesses

The panel heard oral evidence from:

The mother of Pupil A – referred to as Mother A;

The step-father of Pupil A – referred to as Father A;

The deputy headteacher with current responsibility for care guidance and safeguarding at Canon Slade School – Witness C;

All witnesses were called by the presenting officer.

The panel also heard evidence from Mr Nuttall.

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.

Mr Nuttall had been employed as a mathematics teacher at Canon Slade School (“the School”) since around 2002. He was familiar with the School having been a pupil there himself. In September 2011, Mr Nuttall was appointed as the head of year 9 and in this role he had pastoral responsibilities for the pupils in that year.

One of the pupils for whom Mr Nuttall had pastoral responsibilities was Pupil A. Pupil A was recognised by the School as a vulnerable pupil. As was common practice within the School, Mr Nuttall moved up the school years with his cohort and was also head of year for Pupil A during her year 10 and 11 at the School. At Pupil A’s parents’ request, Mr Nuttall also provided private mathematics tuition to Pupil A.

In or around May and June 2014, when Pupil A was in year 11, Pupil A’s mother and father discovered that Mr Nuttall had been in contact with Pupil A over text, Whatsapp and Facebook messages. Their concerns were reported to the School and in June 2014, Mr Nuttall was interviewed by the police. In February 2015, the School carried out an internal investigation into the allegations. Mr Nuttall tendered his resignation on 10 February 2015.

On 20 June 2017, the parties agreed a Statement of Agreed and Disputed Facts. In that Statement of Agreed and Disputed Facts, Mr Nuttall agreed that he communicated with Pupil A from March 2014 via the School’s email system and that he exchanged messages with her via text, Whatsapp and Facebook from sometime in May 2014. He agreed that he also engaged in contact with her on Facebook on at least one occasion in or around August 2015 and subsequently in December 2015 and March 2016 when Pupil A was still under the age of 18. Mr Nuttall also accepted that he wrote a letter to Pupil A on 7 May 2014 as an alternative to writing in her leavers’ book, gave her a CD and told

her that she could keep his school hoodie. It was also accepted by Mr Nuttall that he had sent Pupil A a picture of his face and had exchanged messages with her in relation to topless sunbathing and in relation to their attendance at the upcoming Leeds Music Festival.

Mr Nuttall accepted that his behaviour demonstrated a lack of judgement but denied that his behaviour was sexually motivated.

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. Whilst employed as a teacher at Canon Slade School you formed an inappropriate relationship with Pupil A, including that you:**
 - a. communicated with her, including outside of school hours, by:-**
 - i. exchanging emails;**
 - ii. exchanging messages by text and/or whatsapp;**
 - iii. writing a letter to her;**
 - iv. exchanging messages via Facebook;**

The panel carefully considered the Statement of Agreed and Disputed Facts and noted that the allegations detailed above are admitted by Mr Nuttall.

The panel was presented with evidence to support these allegations in the form of emails that had been exchanged between Mr Nuttall and Pupil A and recovered from the School's system, as well as data produced by the police during their investigation which showed the exchange of communication via text between Pupil A and Mr Nuttall.

The panel heard evidence from Pupil A's parents that they had seen text, Whatsapp and Facebook exchanges between Mr Nuttall and their daughter and this was not denied by Mr Nuttall.

Although the panel did not see the letter that was written, Mr Nuttall admitted in his evidence that he had written a message for Pupil A to put in her leavers' book and the panel accepted that this was the letter referred to at allegation 1.a.iii. above.

Accordingly, in light of the admission made and the evidence available to the panel, the panel finds the allegations in 1.a.i to 1.a.iv proven.

- b. gave her;**

- i. a gift on at least one occasion;**
- ii. your school hoodie;**

The panel had regard to the Statement of Agreed and Disputed Facts. These allegations are not disputed and are corroborated in Mr Nuttall's evidence.

Mr Nuttall addressed these allegations at paragraphs 42 and 43 of his statement and stated that he gave Pupil A one of his CDs that he no longer needed, knowing that she was a fan of that artist. In respect of the school hoodie, Mr Nuttall's evidence was that after Pupil A took his school hoodie from his office he told her that she could keep it. The panel accepted this evidence.

The panel considered it important to note that the school hoodie had Mr Nuttall's name on the back and did not therefore consider that Mr Nuttall's actions in allowing Pupil A to keep his hoodie was cynical or an attempt to give her a gift in secrecy.

In light of the admission and the evidence provided by Mr Nuttall, the panel finds the allegations in 1.b.i to 1.b.ii proven.

- c. exchanged messages with her which were inappropriate, including messages in which you;**
 - i. sent her a picture of your face;**

The panel considered the Statement of Agreed and Disputed Facts and noted that this allegation is admitted by Mr Nuttall.

The panel also had regard to the association chart produced by the police, and in particular to the message sent by Mr Nuttall on 22 May 2014 where he asked Pupil A whether she had received his picture. This allegation was also admitted by Mr Nuttall during his first interview with the police as evidenced at page 141 of the bundle.

The allegation has been admitted and therefore is found proven.

- iii. suggested that she consider sunbathing topless;**

In the Statement of Agreed and Disputed Facts, Mr Nuttall accepts that he exchanged messages with Pupil A in relation to topless sunbathing. It is accepted that there had been talk between Mr Nuttall and Pupil A when she expressed concern that she would look "hideous" in a bikini.

In addition to the admission by Mr Nuttall, evidence to corroborate this allegation was available to the panel in the record of Mr Nuttall's first interview with the police at page 69 of the bundle where he confirmed to the police that he recalled a Facebook conversation about topless sunbathing.

The allegation has been admitted and therefore is found proven.

iv. suggested that you would like to see her sunbathing topless;

Mr Nuttall accepted in the Statement of Agreed and Disputed Facts that in response to Pupil A expressing concern that she would look “hideous” in a bikini, he said something along the lines of “well go topless then and no one’ll notice”.

The panel also had regard to the association chart prepared by the police which showed a message sent from Mr Nuttall to Pupil A on 3 June 2014 at page 130 of the bundle which said “rubbish although id [sic] prefer you in just bikini bottoms :)”

The panel heard oral evidence from Father A that he had seen an exchange between Mr Nuttall and Pupil A on Facebook regarding sunbathing topless. According to Father A, Pupil A told Mr Nuttall that no one would be interested in seeing her sunbathing topless to which Mr Nuttall replied “I would”. The nature and context of the communication described by Father A was consistent with the context of the message seen by the panel in the bundle. The allegation was not denied by Mr Nuttall and the panel accepted Father A’s evidence.

This allegation was therefore found proven on the balance of probabilities.

v. made comments to the effect that you would be interested in her if she was older in response to receiving a picture of her in a bikini;

This allegation is admitted by Mr Nuttall. The panel also had regard to Mr Nuttall’s first interview with the police at page 72 of the bundle where he admitted making a comment to this effect.

Mr Nuttall did not deny this allegation during his oral evidence but did explain the context of this comment to the panel. He explained that he was talking about a hypothetical future if the two of them had met under completely different circumstances. Mr Nuttall submitted that he was not suggesting that he was waiting until she was older so that they could start a relationship together.

This allegation has been admitted and therefore is found proven.

vi. suggested that you would buy her a drink at the Leeds Festival;

Mr Nuttall admits that he exchanged messages with Pupil A in relation to the Leeds Music Festival. In response to the suggestion by Pupil A that Mr Nuttall could buy her and her friend a drink, Mr Nuttall replied, “yeah, I’ll buy you a coke”.

The panel noted that his admission is supported in his first police interview at page 67 of the bundle and in Mr Nuttall’s witness statement at page 247 of the bundle.

The allegation has been admitted and therefore is found proven.

2. between August 2015 and March 2016 you exchanged messages with Pupil A via Facebook;

a. despite knowing that she was under the age of 18;

The panel considered that Mr Nuttall knew that Pupil A's birthday was in March. He had been Pupil A's head of year for 3 years and would have known that she would not have been 18 until March 2016. The panel also noted that there was reference to Pupil A not being 18 in the Facebook exchanges.

This allegation has been admitted and therefore is found proven.

- b. in which you commented on your feelings for her, including by telling her;**
 - i. "I thought of you as s [sic] friend not a pupil";**
 - ii. "I just wanted to be your friend and be there for you";**
 - iii. "I really did/do care for you thats the truth whether you believe it or not";**
 - iv. "You meant alot [sic] to me";**
 - v. "You meant the world to me you really did";**
 - vi. "I just wanted to hug you and make you realise how awesome you are xx";**
 - vii. "I just want you to be successful and have a great life with or without me x";**
 - viii. "I have missed you";**
 - ix. "I forgot how nice it is to talk to you".**

Mr Nuttall did not dispute these allegations. The panel was also presented with evidence by way of screen shots of the Facebook messages exchanged between Pupil A and Mr Nuttall and saw evidence of the messages detailed in sub-paragraphs 2.b.i. to 2.b.ix. above at pages 188 to 235 of the bundle.

In light of the admission and the evidence presented to the panel the allegations detailed in 2.b i. to 2.b.ix. are found proven.

3. one or more aspects of his conduct as described at 1 and/or 2 above;

a. demonstrated a lack of judgment;

Mr Nuttall admitted that his conduct demonstrated a lack of judgment. The panel noted that his admission was supported in both his oral and written evidence.

His written evidence was that he recognised that his relationship with Pupil A was inappropriate and that he had been put out of his depths in terms of her emotional needs. He acknowledged that some of his actions were "plainly wrong".

Mr Nuttall's oral evidence was entirely consistent with this. He fully accepted that his judgment had been poor and that he had become too involved in the care and support for Pupil A. He made no attempts to exculpate himself.

The panel considered that Mr Nuttall's conduct was ill thought through. He acted beyond his capabilities and demonstrated a disregard of the School's policies and procedures. He showed poor judgment and this led to him breaching his position of trust and transgressing the appropriate professional boundaries between teachers and pupils.

The allegation has been admitted and therefore is found proven.

4. your conduct as described in 1(a)(iv) above was in breach of the school's policy on the use of social networking sites

The panel considered the School's policy on the use of social networking sites. The panel noted that Mr Nuttall had indicated his acceptance of this policy by signing a statement agreeing to adhere to it.

Mr Nuttall accepted that he did exchange messages with Pupil A on Facebook. The panel saw evidence of those messages and also heard evidence from Father A that he had seen a number of Facebook exchanges. It was evident to the panel that this conduct was a clear breach of the School's policy on the use of social networking sites.

In addition, the allegation has been admitted and the panel therefore found this allegation proven.

5. you failed to follow the school's policies and procedures for safeguarding pupils in respect of Pupil A, who was a vulnerable pupil.

The panel heard evidence and accepted that Pupil A was a vulnerable pupil. The panel further accepted, as did the parties, that the safeguarding policies and procedures in place at the School required members of staff to:

- a. record safeguarding concerns in writing on the Child Protection file of the relevant pupil;
- b. report safeguarding concerns to one of the Child Protection/ Safeguarding Officers

The panel heard oral evidence from Mr Nuttall that although he had responsibility for reporting safeguarding concerns, he would not have been responsible for writing in Pupil A's child protection file, which was kept in a locked cabinet. This was the responsibility of the designated safeguarding officer at the School.

Mr Nuttall gave evidence that he had received extensive child protection training and was aware of his safeguarding obligations. He was an experienced teacher at the time of the alleged misconduct and, as one of the heads of year at the School, had additional

pastoral responsibilities for the pupils within his year group. The panel considered that his safeguarding obligations should therefore have been at the forefront of his mind.

The panel noted from the Statement of Agreed and Disputed Facts that it was accepted that prior to the 2013/2014 academic year, Mr Nuttall had shared safeguarding concerns regarding Pupil A with the child protection officer.

Mr Nuttall's evidence was that he had regular discussions about Pupil A with her parents. This was supported by Mother A's oral evidence. Mr Nuttall also gave evidence that he regularly reported his concerns about Pupil A to the child protection officer at the School. The panel accepted that Mr Nuttall took his safeguarding duties seriously and had discussions with the relevant members of staff about his concerns regarding Pupil A.

Having considered all the evidence available to it, the panel accepted that, overall, Mr Nuttall acted properly with regard to the reporting of safeguarding concerns. The panel found that he did, on the whole, report his concerns about Pupil A in accordance with the School's safeguarding policies and procedures. However, the panel found that there was at least one very serious incident concerning Pupil A, who was a vulnerable pupil, which Mr Nuttall did not, by his own admission, report to the child protection officer. The panel considered that the incident which was not reported was sufficiently serious that it should have been reported and found that Mr Nuttall's failure to report the incident was a breach of the School's policies and procedures for safeguarding. During his oral evidence, Mr Nuttall recognised this and accepted that the particular incident in question should have immediately been reported.

The panel was not persuaded by any other evidence in relation to this particular allegation and found the evidence to be inconclusive. The panel could not conclude, on the balance of probabilities, whether there had been any other occasions when Mr Nuttall had failed to follow the School's policies and procedures for safeguarding pupils.

However, on the basis of Mr Nuttall's own admission, the panel found this allegation proven.

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

- 1. Whilst employed as a teacher at Canon Slade School you formed an inappropriate relationship with Pupil A, including that you:**
 - c. exchanged messages with her which were inappropriate, including messages in which you;**
 - ii. asked her to send you a picture of her face;**

The evidence in relation to this particular allegation was conflicted. Mr Nuttall denied asking Pupil A to send him a picture of her face. However, the evidence provided by

Pupil A in her interview to the police on 26 June 2014 as evidenced at page 111 of the bundle was that Mr Nuttall had asked for a picture of her face. The panel had regard to the fact that the other allegations made by Pupil A around the same time during her police interview were all admitted by Mr Nuttall. However, the panel took account of the fact that they had not had the opportunity to assess Pupil A's evidence in oral examination.

Mr Nuttall denied this allegation in his oral evidence. The panel was struck by the fact that Mr Nuttall had been open and honest about a number of allegations and did not consider that Mr Nuttall had reason to lie about this particular allegation.

The only evidence in support of this allegation was Pupil A's hearsay evidence which the panel did not find persuasive.

The panel accepted Mr Nuttall's evidence and in light of the lack of persuasive evidence to the contrary, did not find this allegation proven on the balance of probabilities. .

3. one or more aspects of his conduct as described at 1 and/or 2 above;

b. was sexually motivated;

Mr Nuttall strenuously and consistently denied this allegation in both his written and oral evidence. The panel had the opportunity to test and assess his evidence and, in relation to this particular allegation, found his oral evidence to be compelling and credible. The panel considered that he showed every sign of trying to be frank and answered questions as thoroughly as he could. Mr Nuttall was honest about what he could and could not remember.

The panel scrutinised the content of the messages exchanged between Mr Nuttall and Pupil A. The panel considered that the messages contained some concerning elements, particularly in relation to the discussions regarding Pupil A sunbathing topless and carefully considered whether it was more likely than not that his conduct was sexual.

The panel did not have the opportunity to assess Pupil A's evidence as she was not called by the National College as a witness in the light of her vulnerabilities. The panel was assisted by the evidence of her parents who had seen the content of some of the exchanges between Mr Nuttall and Pupil A.

Mother A's evidence was that Mr Nuttall was "crafty" and psychologically "chipped away" at Pupil A's self-esteem. The panel considered Mother A's evidence to be guarded but accepted that this was her impression of Mr Nuttall's conduct. Insofar as this may have occurred, the panel did not feel it was deliberate and did not feel that it supported an allegation that Mr Nuttall's behaviour was sexually motivated.

The panel had regard to Father A's evidence that when he first discovered the messages, he had no reason to be alarmed. He felt that the content of the messages, on the whole, was innocuous and his impression was that Mr Nuttall was trying to give Pupil A the confidence that she was lacking. This was consistent with Mr Nuttall's evidence.

Father A did not consider Mr Nuttall to be a threat until he saw reference to the topless sunbathing.

Mr Nuttall offered an explanation in relation to the discussions about topless sunbathing and told the panel that his motivation had been to re-assure Pupil A about her body image. Mr Nuttall gave evidence that he did not want Pupil A to think that she was being rejected as this could have fuelled her low self-esteem and negative thoughts. The panel carefully considered this evidence when determining Mr Nuttall's motivation.

The panel had no doubt that some of the comments made by Mr Nuttall were inappropriate. This was not denied by Mr Nuttall. The panel also accepted that when Mr Nuttall opened new lines of communication with Pupil A outside of the School's system, he may have been motivated in part by a desire to maintain a close relationship with Pupil A. The panel saw limited evidence which might infer that the nature of the communication exchanged between Pupil A and Mr Nuttall was of a sexual nature. However, the evidence was hearsay and was not supported by further evidence within the bundle. The panel did not consider that there was sufficient evidence to support a contention that Mr Nuttall's behaviour was sexually motivated.

The panel looked at the overall relationship between Pupil A and Mr Nuttall and at how it developed. There was undoubtedly a personal friendship between Mr Nuttall and Pupil A. Mr Nuttall is a highly intellectual individual. He was an experienced and well trained teacher at the time of the allegations and should have recognised the inappropriate nature of his friendship with Pupil A. The panel did not consider that Mr Nuttall's conduct was naïve, but rather thoughtless and irresponsible. The panel was persuaded that Mr Nuttall was motivated by a misplaced and misguided desire to assist Pupil A and found no evidence to persuade it that the relationship was designed to obtain sexual gratification.

Having considered the evidence available to it in its entirety, the panel accepted Mr Nuttall's account and was not persuaded, on the balance of probabilities, that Mr Nuttall's motivation was sexual.

This allegation is therefore not proven.

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

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

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

The panel is satisfied that the conduct of Mr Nuttall in relation to the facts found proven, involved breaches of the Teachers' Standards. A teacher is expected to demonstrate

consistently high standard of personal and professional conduct. The panel considers that by reference to Part Two, Mr Nuttall 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.
- 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 Nuttall fell significantly short of the standards expected of the profession. He engaged with a pupil outside of school hours and demonstrated a complete lack of judgement by engaging in correspondence that was inappropriate.

Mr Nuttall's conduct in engaging with Pupil A blurred the boundaries appropriate to his professional position. The panel accepts that his actions were motivated by a misplaced desire to help a vulnerable pupil but consider that his actions placed him in breach of his position of trust.

Mr Nuttall disregarded the policies and practices of the School by failing to follow the appropriate ways of communicating with and supporting Pupil A to ensure that her well-being was protected at all times. The panel considered that by failing to appropriately report a serious concern regarding Pupil A Mr Nuttall did not act within the statutory framework which defines his professional safeguarding responsibilities. Mr Nuttall accepted, with regret, that his conduct had a negative impact on Pupil A's well-being.

The panel also considered whether Mr Nuttall's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice. The panel has found that none of these offences are relevant.

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 considered that the failings identified by them would be viewed negatively by the general public and that the public's confidence in the profession would not be

maintained if such conduct was thought to be acceptable. Mr Nuttall enjoyed the privilege of teaching and whilst the panel accepted that in some aspects he was an excellent teacher and role model, in other aspects he failed and brought his profession into disrepute.

The panel therefore finds that Mr Nuttall'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 a 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 protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and the interest of retaining the teacher in the profession.

In light of the panel's findings against Mr Nuttall, which involved an inappropriate relationship with a vulnerable pupil and the finding that there had been a breach of safeguarding policies and procedures, there is a strong public interest consideration in respect of the protection of pupils. The panel found that Mr Nuttall's conduct had been irresponsible but was motivated by a misplaced and misguided desire to assist Pupil A. His misconduct was not the result of a deliberate disregard for her well-being.

The panel has found conduct that may bring the profession into disrepute, and therefore public confidence in the profession could be seriously weakened if conduct such as that found against Mr Nuttall were not treated with the utmost seriousness when regulating the profession. The panel considered that the conduct found against Mr Nuttall was outside that which could reasonably be tolerated.

The panel considered that there was a public interest consideration in retaining the teacher in the profession. The panel acknowledged that Mr Nuttall was a good mathematics teacher who was passionate about helping pupils enjoy the subject of mathematics and reap the benefits of problem solving. The panel considered that the

profession would benefit from having a teacher like Mr Nuttall practice in it and that Mr Nuttall could make a valuable contribution to the profession.

In view of 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 Nuttall.

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 Nuttall. 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 listed below:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;

The panel made findings of unacceptable professional conduct, which involved breaches of the Teachers' Standards, and this factor is therefore a relevant one. The panel considered that this factor was particularly relevant as Mr Nuttall failed to have regard to the School's policies and practices despite being an experienced teacher who had received extensive training. Mr Nuttall breached the School's safeguarding policies and procedures on at least one occasion and failed to act within the statutory framework even though he had pastoral responsibilities.

- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;

The panel considered that Mr Nuttall's misconduct constituted a course of behaviour and that the inappropriate friendship he developed with Pupil A did affect her well-being. Mr Nuttall did not deliberately damage Pupil A's well-being but his actions were at the very least careless. Whilst the panel accepts that although Mr Nuttall's interactions with Pupil A may not have damaged her at the time, the consequences of his actions which led to him tendering his resignation and a subsequent police investigation did have a damaging impact on Pupil A.

- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;

The misconduct concerned a vulnerable pupil and Mr Nuttall had pastoral responsibilities towards this pupil, this factor is therefore relevant. The panel considered that Mr Nuttall's relationship with Pupil A was borne out of the position of trust that he was in. Further, Pupil A's parents had placed their trust in Mr Nuttall. The panel considered that Mr Nuttall's misconduct was the result of a misplaced overconfidence in his abilities to protect her. However, his efforts to protect a vulnerable pupil and to take matters, to a certain degree, into his own hands were inappropriate and went beyond his role as head of year. His failure to comply with safeguarding procedures was also an abuse of trust.

Even though there were 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 the imposition of a prohibition order, particularly taking into account the nature and severity of the behaviour in this case. Mr Nuttall's actions were deliberate and he was not acting under duress. Mr Nuttall does, however, have a previous good record.

The deputy headteacher at the School observed one of Mr Nuttall's lessons and described it as a good lesson. The panel also saw an observation form which praised Mr Nuttall's teaching abilities. The panel noted that no references have been provided from any colleagues that can attest to his abilities as a teacher but the panel did see evidence in the form of character references from parents at the School of the positive impact Mr Nuttall had on pupils' education and well-being.

In his evidence, Mr Nuttall recognised the errors of his conduct and that his actions led to him getting out of his depth.

The panel had regard to the degree of insight demonstrated by Mr Nuttall. Mr Nuttall expressed remorse regarding the relationship he developed and recognised that he had crossed the line of appropriate professional conduct and that the boundaries had been blurred. Mr Nuttall had been motivated by a desire to protect Pupil A but acted beyond his capabilities. Mr Nuttall also expressed regret that his conduct had caused damage to Pupil A and her family.

The panel heard representations from Mr Faux of mitigating circumstances and Mr Nuttall himself gave evidence about the ways he has responded to losing his job as a teacher. The panel recognises that he has recently begun working towards contributing positively to his local community.

However, the panel did have some concern about the degree of insight shown by Mr Nuttall and felt that he had not demonstrated sufficient insight, particular with regard to his breach of safeguarding practices and policies. The panel noted that the passing of time since the misconduct had allowed Mr Nuttall to develop insight and reflect on his actions and felt that Mr Nuttall would benefit from further time to deepen his insight.

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 determined that applying the standard of the ordinary intelligent citizen, recommending no prohibition order would not be a proportionate and appropriate outcome. Publication of adverse findings alone is insufficient and would unacceptably compromise the public interest considerations present in this case, despite the severity of consequences for Mr Nuttall of prohibition.

Having carefully considered all of the above, 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 Geoffrey Nuttall. Mr Nuttall's breach of his position of trust, the inappropriate content of the communication exchanged with a vulnerable pupil in breach of school policies and practices and his failure on at least one occasion to adhere to the School's safeguarding policies and practices were significant factors in reaching that conclusion. Accordingly, the panel recommends to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate to decide 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 a review period being recommended. The panel found no evidence of these behaviours.

The panel felt its 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 period.

The panel considered that the appropriate and proportionate review period would be two years. The panel felt that this period would allow Mr Nuttall sufficient time to develop a deeper insight into his misconduct and why it was inappropriate. It would also provide time for Mr Nuttall to reinforce his knowledge and understanding of school safeguarding policies and procedures and to recognise that safeguarding duties are the responsibility of all teachers and not something that an individual teacher should take into their own hands.

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 the sanction and the 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 some of 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 did not find all the allegations proven. Where the panel did not find the allegations proven, I have put those allegations entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Nuttall should be the subject of a prohibition order, with a review period of 2 years, which is the minimum period set out in the legislation.

In particular, the panel has found that Mr Nuttall 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.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

Mr Nuttall engaged with a pupil outside of school hours and demonstrated a complete lack of judgement by engaging in correspondence that was inappropriate.

Mr Nuttall's conduct in engaging with Pupil A blurred the boundaries appropriate to his professional position. I have noted that the panel accepted that Mr Nuttall's actions were motivated by a misplaced desire to help a vulnerable pupil but that they considered that his actions placed him in breach of his position of trust.

Mr Nuttall disregarded the policies and practices of the School by failing to follow the appropriate ways of communicating with and supporting Pupil A to ensure that her well-being was protected at all times. The panel considered that by failing to appropriately report a serious concern regarding Pupil A Mr Nuttall did not act within the statutory framework which defines his professional safeguarding responsibilities. Mr Nuttall accepted, with regret, that his conduct had a negative impact on Pupil A's well-being.

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 Nuttall, 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 Mr Nuttall's behaviour "involved an inappropriate relationship with a vulnerable pupil and the finding that there had been a breach of safeguarding policies and procedures." I do note however that the panel found "His misconduct was not the result of a deliberate disregard for her well-being."

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, "the panel did have some concern about the degree of insight shown by Mr Nuttall and felt that he had not demonstrated sufficient insight, particular with regard to his breach of safeguarding practices and policies."

In my judgement the lack of sufficient insight means that there is some risk of the repetition of this behaviour and this risks future pupils' well-being and safeguarding. 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, "public confidence in the profession could be seriously weakened if conduct such as that found against Mr Nuttall were not treated with the utmost seriousness."

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 also 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 Nuttall himself. I have noted the panel's comments, "the panel did see evidence in the form of character references from parents at the School of the positive impact Mr Nuttall had on pupils' education and well-being."

A prohibition order would prevent Mr Nuttall from continuing to teach and 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 sufficient insight. I have given less weight in my consideration of sanction therefore, to the contribution that Mr Nuttall has made and is making 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 sufficient

remorse or insight does not in my view satisfy the public interest requirement concerning public confidence in the profession.

I have given significant weight to the panel's comment, "Mr Nuttall's breach of his position of trust, the inappropriate content of the communication exchanged with a vulnerable pupil in breach of school policies and practices and his failure on at least one occasion to adhere to the School's safeguarding policies and practices were significant factors in reaching that conclusion."

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 whether a 2 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 consider that a 2 year review period is sufficient and is proportionate.

I consider therefore that a 2 year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Geoffrey Nuttall 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 10 July 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 Geoffrey Nuttall remains prohibited from teaching indefinitely.

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

Mr Geoffrey Nuttall 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: 4 July 2017

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