



National College for
Teaching & Leadership

Mr Peter Sugden: Professional conduct panel outcome

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

May 2017

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

Teacher: Mr Peter Sugden
Teacher ref number: 0341510
Teacher date of birth: 1 January 1981
NCTL case reference: 14943
Date of determination: 25 May 2017
Former employer: Bedford High School

A. Introduction

A professional conduct panel (“the panel”) of the National College for Teaching and Leadership (“the National College”) convened on 24 May 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Peter Sugden.

The panel members were Mr Peter Cooper (teacher panellist – in the chair), Ms Polly O’Malley (lay panellist) and Mr John Matharu (lay panellist).

The legal adviser to the panel was Ms Angharad Shurmer of Eversheds Sutherland (International) LLP.

The presenting officer for the National College was Mr Tom Day of Counsel briefed by Nabarro LLP.

Mr Peter Sugden was not present but was represented by Mr Stephen Bishop of Counsel.

The hearing took place in public and was recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 9 November 2016.

It was alleged that Mr Peter Sugden was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that he failed to maintain appropriate professional boundaries and/or appropriate professional standards whilst working as a teacher at Bedford High School (the "School") between 1 September 2012 and 31 December 2015 in that:

1. In 2013 he:
 - a. In relation to Former Pupil A:
 - i. Exchanged email messages with her from his personal email account;
 - ii. Arranged to meet and/or met her outside of School;
 - iii. Went to her house on one or more occasions;
 - iv. Had a meal at her house;
 - v. Kissed her;
 - vi. Engaged in sexual activity with her and/or had sexual intercourse with her.
2. In relation to Former Pupil B:
 - a. When she was rubbing the white board he said "you're fingering that too hard" or words to that affect;
 - b. Hugged her;
 - c. Kissed her on the cheek and/or lips;
 - d. Sent her an email ending with "x";
3. His actions set out at 1 and/or 2 above were sexually motivated;
4. On his application form for the post at the School he:
 - a. Stated he had left Barlow Roman Catholic School on 31 August 2010 when he actually left on 30 April 2010;
 - b. Stated his reason for leaving was because of "family illness" when the correct reason for him leaving was due to him having been investigated about an inappropriate relationship with a pupil and he left his employment under a Compromise Agreement;

5. His actions set out at 4 above were dishonest in that he attempted to conceal the correct date, and true reason why, he left Barlow Roman Catholic School.

Mr Sugden admitted the facts of allegations 1.a.i., 1.a.ii., 1.a.iii., 1.a.iv., 1.a.v., 2.b., 2.d. insofar that he sent Former Pupil B one email ending with “x”, 4.a., and 4.b. insofar as there was a family illness and he did leave his previous employment as a result of a compromise agreement however, the reason for his leaving was not due to being investigated about an inappropriate relationship with a pupil.

Mr Sugden admitted that those allegations admitted above constituted an admission of unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

The following allegations remained in dispute (in addition to the elements of the allegations partially admitted above namely 2.d. and 4.b.), 1.a.vi., 2.a., 2.c., 3 and 5.

C. Preliminary applications

The panel considered an application by Mr Sugden’s representative to have further documents admitted to the bundle. The documents consisted of four sides of A4 of personal references in addition to details of medical appointments and medical evidence. The presenting officer did not oppose the application. The panel therefore exercised its discretion pursuant to paragraph 4.18. of the Teacher misconduct - Disciplinary procedures for the teaching profession (“the Procedures”) and allowed the teacher’s representative to submit the additional documents as it was fair to do so. The documents assisted the panel in considering the teacher representative’s application to proceed in the absence of the teacher as detailed below. The documents were added to the bundle as pages 191 to 212.

The panel has considered whether this hearing should continue in the absence of the Teacher.

The panel is satisfied that National College for Teaching and Leadership has complied with the service requirements of paragraph 19.a. to 19.c. of the Teachers’ Disciplinary (England) Regulations 2012, (the “Regulations”).

The panel is also satisfied that the Notice of Proceedings complied with paragraphs 4.11. and 4.12. 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 the teacher.

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 the teacher may waive his right to participate in the hearing. The panel has taken account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC1. The panel is satisfied that the teacher is aware of the proceedings and sufficient notice has been provided as the notice was sent to an address the teacher has responded to. The teacher is legally represented at the hearing and has indicated that he will not attend. The panel therefore considers that the teacher 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 the teacher attending the hearing.

The panel has had regard to the extent of the disadvantage to the teacher 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 representations made by the teacher's representative and is able to ascertain the lines of defence. The panel has not identified any significant gaps in the documentary evidence provided to it and should such gaps arise during the course of the hearing, the panel may take such gaps into consideration in considering whether the hearing should be adjourned for such documents to become available and in considering whether the presenting officer has discharged the burden of proof. 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 the teacher's account.

The panel also notes that there is a witness present at the hearing, who is prepared to give evidence, and that it would be inconvenient for her to return again.

The panel has had regard to the seriousness of this case, and the potential consequences for the teacher and has accepted that fairness to the teacher is of prime importance. However, it considers that in light of the teacher's waiver of his right to appear; by taking such measures referred to above to address that 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.

The panel considered an application by the presenting officer to amend the date of allegation 1 from 2015 to 2013. The panel considered that the amendment caused no

unfairness to the teacher and the teacher's representative made no objection in this regard therefore the application was approved.

The panel considered an application by the presenting officer to have further documents admitted to the bundle. The documents consisted of two separate bundles of documents of correspondence with Former Pupil A and Former Pupil B respectively. The teacher's representative did not oppose the application. The panel therefore exercised its discretion pursuant to paragraph 4.18. of the Procedures and allowed the presenting officer to submit the additional documents as it was fair to do so. The panel were assisted by the additional documents when considering the application in respect of admitting the evidence of Former Pupil A and Former Pupil B as hearsay evidence as detailed below. The documents were added to the bundle as pages A1 to 30 and B1 to 15.

The panel considered an application by the presenting officer to admit the evidence of Former Pupil A and Former Pupil B as hearsay evidence as they did not attend to provide oral evidence.

The panel considered that the evidence should not be submitted based on the test set out in *Thorneycroft v Nursing and Midwifery Council* [2014] EWHC 1565. The panel exercised caution given that this hearing is proceeding in the absence of the teacher however it felt that given the witness evidence of Former Pupil A and Former Pupil B was the sole evidence in respect of the allegations contained in allegations 1.a.i to 1.a.vi. and 2.a. to 2.d. and seriousness of the allegations it was unfair to admit the evidence as hearsay. Former Pupil A and Former Pupil B had been asked to attend the hearing on more than one occasion and the National College had been aware of the possibility that Former Pupil A would be unwilling and/or unable to provide evidence to the panel since August 2016. The National College were aware of the possibility that Former Pupil B would be unwilling and/or unable to provide evidence to the panel since November 2016. Having considered the evidence available to the panel within the additional documents, it was concluded that there was no real prospect of Former Pupil A or Former Pupil B attending. On balance it was decided that the seriousness of the allegations outweighed quality of hearsay evidence.

The panel also gave consideration to the test in *R (on the application of Bonhoeffer) v GMC*

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 2 to 4

Section 2: Notice of Proceedings and response – pages 6 to 21

Section 3: NCTL witness statements – pages 23 to 37

Section 4: NCTL documents – pages 39 to 150

Section 5: Teacher documents – pages 152 to 190

In addition, the panel agreed to exercise its discretion afforded by the Procedures and accept four sides of personal references in addition to details of medical appointments and medical evidence provided by Mr Sugden's representative (pages 191 to 212) and two bundles of correspondence in respect of Former Pupil A and Former Pupil B respectively provided by the presenting officer (A1 to 30 and B1 to 15).

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 headteacher of Bedford High School.

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 and those documents produced during the hearing.

Mr Sugden commenced working at the School in September 2012 as a science teacher. Mr Sugden was subsequently promoted to lead practitioner in science. At the end of March 2015, the headteacher was informed of allegations of an inappropriate relationship between Mr Sugden and Former Pupil A and Former Pupil B.

It was alleged that Mr Sugden had developed a relationship with Former Pupil A during the summer of 2013 after Former Pupil A completed her GCSEs. It was alleged that Mr Sugden had also developed a relationship with Former Pupil B during the summer of 2013 after Former Pupil B completed her GCSEs.

The matter was referred to the police and Mr Sugden was suspended from teaching in March 2015. Mr Sugden resigned in December 2015.

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. In 2013 you:

a. In relation to Former Pupil A:

i. Exchanged email messages with her from your personal email account

The panel noted that in the response to the Notice of Proceedings dated 1 December 2016 and in his representative's opening statement, Mr Sugden admitted that he exchanged messages with Former Pupil A from his personal email account. The panel heard evidence from the headteacher the School that corresponding with pupils via personal email addresses was against the school's rules and Mr Sugden would have been aware of this. The headteacher referred the panel to a Staff Common Agreement Form, signed by Mr Sugden confirming that he had considered various school policies. One of the policies referred to within this form was an e-safety policy. The panel were not provided with a copy of this policy.

The panel was satisfied that emails were exchanged between Former Pupil A and Mr Sugden and this allegation is proven on the balance of probabilities.

ii. Arranged to meet and/or met her outside of School

The panel noted that in the response to the Notice of Proceedings dated 1 December 2016 and in his representative's opening statement, Mr Sugden admitted that he arranged to meet and met Former Pupil A outside of school. The panel is therefore satisfied that this happened and the allegation is proven on the balance of probabilities.

iii. Went to her house on one or more occasions

Mr Sugden admits within his response to the Notice of Proceedings dated 1 December 2016 that he went to Former Pupil A's house on one or more occasions. This was also admitted during a disciplinary procedure and an interview with the police. The panel is therefore satisfied that this happened and the allegation is proven on the balance of probabilities.

iv. Had a meal at her house

Mr Sugden's response to the Notice of Proceedings dated 1 December 2016 confirms that he had a meal at Former Pupil A's house. This was also admitted during a

disciplinary procedure and in an interview with the police. The panel is therefore satisfied that this happened and the allegation is proven on the balance of probabilities.

v. Kissed her

The panel noted that Mr Sugden's response to the Notice of Proceedings dated 1 December 2016 contains an admission of kissing Former Pupil A. This was also admitted during a disciplinary procedure and in an interview with the police Mr Sugden admitted that he did kiss Former Pupil A passionately. The panel is therefore satisfied that this happened and the allegation is proven on the balance of probabilities.

vi. Engaged in sexual activity with her and/or had sexual intercourse with her

This allegation was withdrawn by the presenting officer as no evidence was put before the panel in this regard. The teacher's representative's position is that this allegation should be found not proven as there was no evidence to prove the allegation. The panel considered the positions of both parties and agreed that the allegation was not proven.

2. In relation to Former Pupil B:

a. When she was rubbing the white board you said "you're fingering that too hard" or words to that affect

This allegation was withdrawn by the presenting officer as no evidence was put before the panel in this regard. The teacher's representative's position is that this allegation should be found not proven as there was no evidence to prove the allegation. The panel considered the positions of both parties and agreed that the allegation was not proven.

b. Hugged her

The teacher admitted in the witness statement before the panel and in a disciplinary hearing and to the police that he hugged Former Pupil B. The teacher contends that the hug was a "friendly hug". The panel concludes, on the evidence before it, that this allegation is proven.

c. Kissed her on the cheek and/or lips

This allegation was withdrawn by the presenting officer as no evidence was put before the panel in this regard. The teacher's representative's position is that this allegation should be found not proven as there was no evidence to prove the allegation. The panel considered the positions of both parties and agreed that the allegation was not proven.

d. Sent her an email ending with "x";

The teacher admits sending an email to Former Pupil B ending with "x". The panel has seen a copy of the alleged email and is satisfied that this allegation is proven.

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

The panel carefully considered the allegation that the actions in allegations 1 and/or 2 were sexually motivated. In respect of Former Pupil A the panel heard representations that Former Pupil A first contacted Mr Sugden during the summer holiday after she finished her GCSEs. Likewise it was agreed that the contact with Former Pupil B occurred during the summer holidays after Former Pupil B finished her GCSEs. It was agreed that pupils become former pupils when they are removed from the school roll on the last Friday of June in any given year.

It was submitted by Mr Sugden's representative that Mr Sugden did not approach Former Pupil A and there is no evidence before the panel to suggest (neither was it alleged by the presenting officer) that Mr Sugden groomed Former Pupil A before she left the school. Likewise there was no evidence before the panel to suggest any similar activity with Former Pupil B. The presenting officer submitted that due to the proximity of the relationship to when Former Pupil A and Former Pupil B left the school that this conduct brought the profession into disrepute and/or amounted to unacceptable professional conduct. The presenting officer referred the panel to paragraph 2 of the publication Keeping children safe in Education information for all school and college staff July 2015 that states "Children includes everyone under the age of 18" and also paragraph 6 that states "The Teacher's Standards 2012 state that teachers, including headteachers, should safeguard children's wellbeing and maintain public trust in the teaching profession as part of their professional duties".

Mr Sugden's representative submitted that Former Pupil A was a former pupil and over the age of consent (16) and also referred the panel to Article 8 of the Human Rights Act 1998 "Right to a private and family life". Mr Sugden's representative submitted that as Former Pupil A was a former pupil and Mr Sugden no longer taught Former Pupil A that he was entitled to a private life under Article 8 and asked the panel to discount the proximity of the allegation to when Former Pupil A left school. Mr Sugden's representative submitted that the length of time passed between becoming a former pupil and when the relationship developed is immaterial and stated that a finding is to be made on conduct as opposed to morals.

The panel considered the documents provided by Greater Manchester Police and specifically the comments that he discussed his marital difficulties and home life with Former Pupil A. Mr Sugden developed a relationship with Former Pupil A shortly after she completed her GCSEs which only began, and rapidly developed, as a result of the teacher-pupil relationship established when Former Pupil A was still on the school roll. The panel noted that Former Pupil A was 15 years of age when she and her year group were removed from the school roll at the end of June 2013.

Having carefully considered the evidence before them, the panel concluded that on the balance of probabilities, Mr Sugden's actions in respect of Former Pupil A were sexually motivated. It has been found proven that Mr Sugden corresponded with Former Pupil A via his personal email account, that he arranged to meet with Former Pupil A on more than one occasion and, by his own admission, passionately kissed Former Pupil A.

In respect of Former Pupil B, the panel concluded that the evidence before them did not prove, on the balance of probabilities, that Mr Sugden was sexually motivated in his contact with her. The panel concluded that whilst the conduct may have been inappropriate, it was not sexually motivated.

4. On your application form for the post at the School you:

a. Stated you had left Barlow Roman Catholic School on 31 August 2010 when you actually left on 30 April 2010;

The panel noted that in the response to the Notice of Proceedings dated 1 December 2016 and in Mr Sugden's witness statement dated 22 April 2017, that he stated on his application form to the School that he left Barlow Roman Catholic School on 31 August 2010 when he actually left on 30 April 2010. The panel found that this allegation was proven.

b. Stated your reason for leaving was because of "family illness" when the correct reason for you leaving was due to you having been investigated about an inappropriate relationship with a pupil and you left your employment under a Compromise Agreement;

Mr Sugden stated within his response to the Notice of Proceedings dated 1 December 2016 and in his witness statement dated 22 April 2017 that his main reason for leaving Barlow Roman Catholic School was due to family illness. In addition, Mr Sugden submitted that there were other factors in his life at the time that contributed to his decision to leave.

Mr Sugden accepts that a compromise agreement was in place when he left Barlow Roman Catholic School however this was not in respect of an investigation about an inappropriate relationship with a pupil.

The panel considered the evidence available to them and found that there was insufficient evidence before them to prove the correct reason for leaving Barlow Roman Catholic School.

5. Your actions set out at 4 above were dishonest in that you attempted to conceal the correct date, and true reason why, you left Barlow Roman Catholic School.

The panel only considered dishonesty in respect of the allegations at 4.a. , since it has found allegation 4.b. not proven. It considered the advice provided by the legal adviser in respect of dishonesty. The panel heard submissions from the presenting officer that Mr Sugden was dishonest in his completion of the application form for the position of science teacher at the School. It was submitted that Mr Sugden attempted to conceal the correct date and reason of departure in an attempt to avoid questions being asked.

Mr Sugden's representative submitted that Mr Sugden proposed Barlow Roman Catholic School as a referee within his application form and as such this would not reflect the actions of a person attempting to conceal a date of departure.

Mr Sugden's representative further submitted that Mr Sugden did provide the true reason for his departure in that there was a family illness. It is correct that Mr Sugden had been investigated about an inappropriate relationship with a pupil however this allegation was unfounded and he was reinstated to his position in the school before he left under the terms of a compromise agreement.

Due to the very nature of a compromise agreement, the panel has not seen a copy of the agreement. Having considered the evidence before it, the panel concludes that there is insufficient evidence to prove that Mr Sugden's actions amount to dishonesty and the allegation is found 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 Sugden in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Sugden 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 Sugden fell significantly short of the standards expected of the profession.

Accordingly, the panel is satisfied that Mr Sugden 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 findings of misconduct are serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

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

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and/or 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 and declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Sugden, which involved an inappropriate relationship with a former pupil (Former Pupil A), there is a strong public interest consideration in respect of the protection of pupils given the serious findings of inappropriate relationships with a recent former pupil.

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

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

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 Sugden.

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

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

Even though there were 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 mitigate 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. The panel considered there was no evidence that Mr Sugden's actions were not deliberate and that Mr Sugden, by his own admission, knew that his actions were not appropriate. Mr Sugden has a previously good record.

The panel was provided with character references for Mr Sugden which confirm that Mr Sugden is a good person and that his family is now a priority for him. It was submitted by Mr Sugden's representative that Mr Sugden is settled in his family life. The headteacher of Barlow High School also provided evidence that Mr Sugden was a good teacher and was awarded for his abilities as a teacher.

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 the teacher 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 Sugden. The panel accepts that it did not have the benefit of Mr Sugden's oral evidence however

it was clear from Mr Sugden's witness statement that he was aware that the boundaries in respect of relationships with former pupils was blurred and this was a significant factor in the panel forming their 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 to decide to recommend that a review period of the order should be considered. The panel was 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 mitigate against a review period being recommended. One of these behaviours includes serious sexual misconduct, e.g. where the act was sexually motivated and resulted in or had the potential to result in, harm to a person or persons, particularly where the individual has used their professional position to influence or exploit a person. The panel has found that Mr Sugden has been responsible for:

- exchanged email messages with Former Pupil A from his personal email account;
- arranged to meet and/or met with Former Pupil A outside of School;
- went to Former Pupil A's house on one or more occasions;
- had a meal at Former Pupil A's house;
- kissed Former Pupil A;
- hugged Former Pupil B;
- sent Former Pupil B an email ending with "x"; and
- stated that he left Barlow Roman Catholic School on 31 August 2010 when he actually left on 30 April 2010.

Whilst Mr Sugden confirmed early on in the investigation into his actions that he formed an inappropriate relationship with Former Pupil A and accepted that it was morally wrong, the panel has been provided with insufficient evidence in its mind that reflects that Mr Sugden has shown remorse for his actions. The panel has had limited evidence to show his level of insight into his behaviours.

The panel concluded that the findings indicated a situation in which a review period would be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for Mr

Sugden to be able to apply to have the prohibition order reviewed after a period of 5 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 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.

I have taken particular care to put from my mind those allegations that were either withdrawn by the Presenting Officer – and therefore found not proven – or simply found not proven by the panel. I have also noted that the panel did not find proven the allegation that the behaviour in respect of Former Pupil B was sexually motivated. The panel did find that the behaviour in respect of Former Pupil A was sexually motivated. I have also noted that the panel did not make a finding of dishonesty in respect of allegation 5.

The panel has made a recommendation to the Secretary of State that Mr Sugden should be the subject of a prohibition order, with a review period of five years.

In particular, the panel has found that Mr Sugden 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 has concluded that it is satisfied that the conduct of Mr Sugden fell significantly short of the standards expected of the profession.

Accordingly, the panel is also satisfied that Mr Sugden is guilty of unacceptable professional conduct.

The panel has set out how it has taken into account the ways in which the teaching profession is viewed by others and that it has 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 writes that its findings of misconduct are serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

The panel therefore has also found that Mr Sugden's actions constitute conduct that may bring the profession into disrepute.

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 Sugden, 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 Sugden's behaviour "involved an inappropriate relationship with a former pupil (Former Pupil A)," A prohibition order would therefore prevent such a risk from being present in the future. I have also taken into account the panel's comments on insight and remorse. The panel comment that Mr Sugden, "accepted that it was morally wrong, the panel has been provided with insufficient evidence in its mind that reflects that Mr Sugden has shown remorse for his actions. The panel has had limited evidence to show his level of insight into his behaviours."

In my judgement this limited degree of insight means that there is some risk of the repetition of this behaviour and this risks future pupils' welfare. 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 Sugden were not treated with the utmost seriousness when regulating the conduct of the profession.

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

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

I have also considered the impact of a prohibition order on Mr Sugden himself. I have taken into account the panel’s comment “that Mr Sugden was a good teacher and was awarded for his abilities as a teacher.

A prohibition order would prevent Mr Sugden from teaching for the period of its duration. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case I have placed considerable weight on the panel’s comments concerning this case. The panel has said, “it was clear from Mr Sugden’s witness statement that he was aware that the boundaries in respect of relationships with former pupils was blurred.”

I have also placed considerable weight on the finding of the panel concerning his lack of insight and the blurring of boundaries.

I have given less weight in my consideration of sanction, to the contribution that Mr Sugden 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.

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

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

I have considered the panel’s comments on the behaviours:

“Mr Sugden has been responsible for:

- exchanged email messages with Former Pupil A from his personal email account;
- arranged to meet and/or met with Former Pupil A outside of School;
- went to Former Pupil A’s house on one or more occasions;

- had a meal at Former Pupil A's house;
- kissed Former Pupil A;
- hugged Former Pupil B;
- sent Former Pupil B an email ending with "x"; and

stated that he left Barlow Roman Catholic School on 31 August 2010 when he actually left on 30 April 2010."

The panel has also said that a 5 year review period would be proportionate.

I have considered whether a 5 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, there are three factors that in my view mean that a two year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the behaviours found proven, the sexual misconduct found and the lack of sufficient insight or remorse.

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

This means that Mr Peter Sugden 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 8 June 2022, 5 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Peter Sugden remains prohibited from teaching indefinitely.

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

Mr Peter Sugden 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: Jayne Millions

Date: 1 June 2017

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