



National College for
Teaching & Leadership

Mr Christopher Houghton: Professional conduct panel outcome

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

December 2017

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

Teacher:	Mr Christopher Houghton
Teacher ref number:	0157827
Teacher date of birth:	5 February 1976
NCTL case reference:	16249
Date of determination:	14 December 2017
Former employer:	St Bede's Catholic School and Sixth Form College, Lanchester, Durham ("the School").

A. Introduction

A professional conduct panel ("the panel") of the National College for Teaching and Leadership ("the National College") convened on 14 December 2017 at 53 to 55 Butts Road, Earlsdon Park, Coventry CV1 3BH to consider the case of Mr Christopher Houghton.

The panel members were Mr John Elliott (lay panellist – in the chair), Mrs Fiona Tankard (teacher panellist) and Mrs Alison Walsh (teacher panellist).

The legal adviser to the panel was Ms Surekha Gollapudi of Eversheds Sutherland (International) LLP solicitors.

In advance of the meeting, the National College agreed to a request from Mr Houghton that the allegations be considered without a hearing after taking into consideration the public interest and the interests of justice. Mr Houghton provided a signed Statement of Agreed Facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Houghton or his representative.

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

Mr Houghton was represented by Mr Ken Smith of the Association of Teachers and Lecturers.

The meeting took place in private, save for the announcement of the panel's decision, which was announced in public and recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 29 November 2017.

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

1. Had inappropriate contact with Pupil A, including by:
 - a. exchanging one or more text messages with her
 - b. staying overnight with Pupil A in the same room in a hotel on or around 21 January 2017
2. Provided false and/or misleading information to the headteacher in that he:
 - a. stated that he had not been in contact with Pupil A by text messaging, when he had in fact been in such contact since approximately October 2016
 - b. suggested that his actions on or around 21 January 2017 were as a result of his believing there was an immediate risk to Pupil A's life, which was untrue
 - c. stated that the decision to stay in a hotel was spontaneous, when the hotel was in fact pre-booked
3. In so doing as may be found proven at allegation 1 above, he:
 - a. disregarded management advice given on:
 - i. 10 March 2016
 - ii. 7 December 2016
 - b. was sexually motivated
4. In so doing as may be found proven at allegation 2, he was dishonest.

Mr Houghton has admitted the facts of allegations 1, 2, 3 and 4 and that they amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

C. Preliminary applications

There were no preliminary applications.

D. Summary of evidence

Documents

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

Section 1: Chronology, anonymised pupil list – pages 2 to 4

Section 2: Notice of Referral response and Notice of Meeting – pages 6 to 14c

Section 3: Statement of Agreed Facts and presenting officer representations– pages 16 to 25

Section 4: NCTL documents – pages 27 to 180

Section 5: Teacher documents – pages 182 to 188

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

Statement of Agreed Facts

The panel considered a Statement of Agreed Facts signed by Mr Houghton on 13 November 2017.

E. Decision and reasons

The panel announced its decision and reasons as follows:

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

In advance of the meeting, the National College agreed to a request from Mr Houghton that the allegations be considered without a hearing. The panel has the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel noted that in statements made by Mr Houghton prior to his signing the Statement of Agreed Facts prepared for this meeting, he did not accept the totality of the allegations, in particular, the allegation of sexual motivation. The panel placed weight on the teacher's clear acceptance of the allegations, including that of sexual motivation within the Statement of Agreed Facts. The panel did not therefore determine that a hearing was necessary or appropriate in this case.

Mr Houghton had been employed at the School as a teacher in business studies from 1 September 2002. During the course of the academic year 2016/2017, [redacted]. As a result of this both Pupil A and Pupil A's mother relied on additional support from Mr Houghton. It is alleged that Mr Houghton had inappropriate contact with Pupil A, through exchanging text messages on his personal phone over a period of time and booking a

hotel room where he spent the night with her. Mr Houghton offered reasons for this behaviour to the headteacher which he subsequently admitted were untrue.

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. You:

1. Had inappropriate contact with Pupil A, including by:

a. exchanging one or more text messages with her

This allegation was admitted by Mr Houghton within the Statement of Agreed Facts dated 13 November 2017.

Mr Houghton had previously admitted he had exchanged text messages with Pupil A in January 2017 during the School's investigation.

The panel found that Mr Houghton's admissions were consistent with the evidence and therefore found allegation 1.a. proven.

b. staying overnight with Pupil A in the same room in a hotel on or around 21 January 2017

This allegation was admitted by Mr Houghton within the Statement of Agreed Facts dated 13 November 2017.

Mr Houghton also made this admission during the School's investigation in January 2017.

The panel found that Mr Houghton's admissions were consistent with the evidence and therefore found allegation 1.b. proven.

2. Provided false and/or misleading information to your headteacher in that you:

a. stated that you had not been in contact with Pupil A by text messaging, when you had in fact been in such contact since approximately October 2016

This allegation was admitted by Mr Houghton within the Statement of Agreed Facts dated 13 November 2017.

The panel saw evidence that the School had been concerned about the relationship between Mr Houghton and Pupil A from early 2016. The headteacher had given Mr Houghton written management warnings in relation to his behaviour, in March 2016 and

December 2016. The panel accepted evidence that Mr Houghton had not heeded the advice given to him and instead, had text messaged Pupil A from October 2016 using his personal mobile. Mr Houghton accepted that he lied about his contact with Pupil A during a meeting with the headteacher in December 2016.

The panel found that Mr Houghton's admissions were consistent with the evidence and therefore found allegation 2.a. proven.

b. suggested that your actions on or around 21 January 2017 were as a result of your believing there was an immediate risk to Pupil A's life, which was untrue

This allegation was admitted by Mr Houghton within the Statement of Agreed Facts dated 13 November 2017.

During the School's disciplinary investigation, Mr Houghton provided evidence in which he confirmed he had stayed in a hotel room overnight with Pupil A on the evening of 21 January 2017. His initial statement to the School on 23 January 2017 said that "[redacted]" Mr Houghton went on to say that "[redacted]". The only option I thought remained was to get a room in the adjoining hotel."

Mr Houghton subsequently admitted that the hotel room had been pre-booked 7 nights earlier.

The panel considered Mr Houghton's later admission to be cogent and compelling evidence that he had planned the stay at the hotel, and it was not as a result of immediate safeguarding concerns for Pupil A's welfare.

The panel found that Mr Houghton's admissions were consistent with the evidence and therefore found allegation 2.b. proven.

c. stated that the decision to stay in a hotel was spontaneous, when the hotel was in fact pre-booked

This allegation was admitted by Mr Houghton within the Statement of Agreed Facts dated 13 November 2017.

The admission is consistent with the evidence and the panel found it proven for the same reasons as given at allegation 2.b. above.

3. In so doing as may be found proven at allegation 1 above, you:

a. disregarded management advice given on:

i. 10 March 2016

ii. 7 December 2016

This allegation was admitted by Mr Houghton within the Statement of Agreed Facts dated 13 November 2017.

The panel saw evidence of two management advice letters addressed to Mr Houghton each specifically reminding him of the proper professional boundaries that should be maintained with Pupil A. His admitted actions following receipt of those letters were contrary to that advice.

The panel found that Mr Houghton's admissions were consistent with the evidence and therefore found allegation 3.a. proven.

b. were sexually motivated

The panel considered whether on the balance of probabilities reasonable persons would think the words and actions found proven could be sexual. The panel then considered whether, in all the circumstances of the conduct in the case, it was more likely than not that the teacher's purpose of such words and actions was sexual.

The panel considered whether, even in the absence of any direct evidence, sexual motivation should be inferred from all the circumstances of the case. The panel had in mind the evidence of the teacher's character and considered whether such evidence had any bearing on the teacher's credibility or propensity to have carried out the alleged facts or to the circumstances in which the teacher found himself.

The panel noted that Mr Houghton initially denied sexual motivation, but subsequently admitted it within the Statement of Agreed Facts dated 13 November 2017.

As set out above, the panel considered that allegation 1 was proven.

Mr Houghton stated his motivation for maintaining contact with Pupil A by text message was to provide pastoral support. As the panel had not seen any evidence of the content of the text messages between Mr Houghton and Pupil A, it did not consider on the balance of probabilities that sexual motivation was proven in relation to allegation 1.a.

On the balance of probabilities, the panel found sexual motivation proven in respect of allegation 1.b.

4. In so doing as may be found proven at allegation 2, you were dishonest.

This allegation was admitted by Mr Houghton within the Statement of Agreed Facts dated 13 November 2017.

This admission was consistent with evidence from the School's investigation that Mr Houghton had repeatedly concealed inappropriate contact with Pupil A.

The panel was particularly concerned that [redacted] were initially given as the reason for booking a hotel room; this was dishonest given that the room was booked seven days prior to the stay.

The panel found allegation 4 proven.

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

Having found 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 Houghton in relation to the facts found proven, involved breaches of the Teachers’ Standards. The panel considers that by reference to Part Two, Mr Houghton 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 Houghton amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel has also considered whether Mr Houghton’s conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and the panel has found that the offences of serious dishonesty and sexual activity are relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual’s conduct would amount to unacceptable professional conduct.

The panel notes that allegation 1 took place outside of the education setting. It involved the exchange of text messages between Mr Houghton and Pupil A using his personal mobile and also their staying in a hotel room together overnight.

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

The findings of misconduct are very serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

Having found the facts of particulars 1, 2, 3 and 4 proved, the panel found that Mr Houghton's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

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

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

The panel found that Mr Houghton's conduct involved both serious breaches of accepted professional boundaries between a teacher and a student and dishonesty. The panel agreed that there was a strong public interest consideration in respect of the protection of pupils given the serious findings of inappropriate contact with a pupil.

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

The panel agreed that there was also a strong public interest consideration in declaring proper standards of conduct in the profession as the conduct found against Mr Houghton 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 Houghton.

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

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up;
- 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 the appropriateness of a prohibition order, the panel went on to consider whether or not there were sufficient mitigating factors to militate against the appropriateness and proportionality of a prohibition order, particularly taking into account the nature and severity of the behaviour in this case.

The panel considered that Mr Houghton's actions were deliberate. Whilst it acknowledged that there was some evidence that he was [redacted] at the time of the School's investigation, there was no evidence to suggest he was acting under duress at the relevant times.

The panel accepted that Mr Houghton was considered to be an enthusiastic and effective classroom teacher who had achieved good results with pupils of all abilities.

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 would be sufficient.

The panel is of the view that, applying the standard of the ordinary intelligent citizen, recommending no prohibition order would not be a proportionate and appropriate response. Recommending that publication of adverse findings by themselves is sufficient in this case would unacceptably compromise the public interest considerations present, despite the severity of the 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 Houghton. 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 recommend a review period. The Advice states that a prohibition order applies for life, but there may be circumstances in any given case that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against the recommendation of a review period, including serious dishonesty and serious sexual misconduct. The panel considered that these behaviours were both present.

The panel found that Mr Houghton showed a lack of insight into his actions. In particular, the panel considered Mr Houghton's statement that "I know that I failed to follow the correct procedures but my genuine concern was that, should I have done so, I wouldn't have been able to provide the kind of help that the student needed. She relied on me entirely and consequently I felt an obligation to help her in any way I could. Even knowing what was at stake I felt I had to help this young person in the way I did when she was in desperate need. Should I have spoken to the safeguarding officer about this I would not have been able to provide this help."

The panel considered that in the light of his admission of sexual motivation this statement was inaccurate and also demonstrated his continued belief that his judgment superseded the well documented safeguarding policies and procedures which govern the teaching profession. The panel felt there was a continuing risk that this behaviour could be repeated.

The panel was therefore satisfied that a review period would not be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provision for a review period.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of sanction and review period.

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

In this case, the panel has found the majority of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In the case of the one allegation where the panel did not find it proven I have put this matter from my mind. The panel has made a recommendation to the Secretary of State that Mr Houghton should be the subject of a prohibition order, with no provision for a review period.

In particular the panel has found that Mr Houghton 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 also satisfied that the conduct of Mr Houghton amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel has also considered whether Mr Houghton's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and the panel has found that the offences of serious dishonesty and sexual activity are relevant.

The findings of misconduct are particularly serious as they include both a finding of serious dishonesty and a finding of sexual activity.

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 Houghton, 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 found: “serious findings of inappropriate contact with a pupil.” A prohibition order would therefore prevent such a risk from being present. I have also taken into account the panel’s comments on insight and remorse which the panel sets out as follows, “that Mr Houghton showed a lack of insight into his actions.” The panel has also commented that Mr Houghton’s comments meant, “there was a continuing risk that this behaviour could be repeated.”

In my judgement the lack of insight means that there is some risk of the repetition of this behaviour and this risks the future well-being of pupils. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Houghton were not treated with the utmost seriousness when regulating the conduct of the profession. I am particularly mindful of the finding of serious dishonesty and sexual misconduct in this case and the impact that such a finding has on the reputation of the profession.

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

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

I have also considered the impact of a prohibition order on Mr Houghton himself. The panel observe, “Mr Houghton was considered to be an enthusiastic and effective classroom teacher who had achieved good results with pupils of all abilities.”

A prohibition order would prevent Mr Houghton from teaching 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 insight or remorse.

I have also placed considerable weight on the finding of the panel that Mr Houghton engaged in serious dishonesty and sexual misconduct.

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

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

I have gone on to consider the matter of a review period. In this case the panel has recommended that there should be no provision for a review.

I have considered the panel's comments, which take into account the published guidance by the Secretary of State "The Advice indicates that there are behaviours that, if proven, would militate against the recommendation of a review period, including serious dishonesty and serious sexual misconduct. The panel considered that these behaviours were both present."

I have considered whether allowing for no 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 serious dishonesty found and the sexual misconduct found and the lack of insight.

I consider therefore that allowing for no review period is necessary to satisfy the maintenance of public confidence in the profession.

This means that Mr Christopher Houghton is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Christopher Houghton shall not be entitled to apply for restoration of his eligibility to teach.

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

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

A handwritten signature in blue ink, appearing to be 'A. C. M.' with a flourish at the end.

Decision maker: Alan Meyrick

Date: 20 December 2017

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