



Teaching
Regulation
Agency

Mr David Norledge: Professional conduct panel meeting outcome

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

July 2022

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

Teacher: Mr David Norledge

Teacher ref number: 0686298

Date of determination: 4 July 2022

Former employer: Chellaston Academy, Derby

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 4 July 2022 by way of a virtual meeting, to consider the case of Mr David Norledge.

The panel members were Mr Oluremi Alabi (lay panellist – in the chair), Ms Monique Harlin (teacher panellist) and Mr Duncan Tilley (lay panellist).

The legal adviser to the panel was Ms Josie Beal of Birketts LLP solicitors.

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mr Norledge that the allegations be considered without a hearing. Mr Norledge 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, Ms Ruth Miller of Fieldfisher LLP, Mr Norledge or any representative for Mr Norledge.

The meeting took place in private by way of a virtual meeting.

Allegations

The panel considered the allegations set out in the notice of meeting dated 20 June 2022.

It was alleged that Mr Norledge was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that while employed as a teacher at Chellaston Academy, he:

1. Between, 30 June 2017 and 10 May 2020, on one or more occasion, he failed to maintain appropriate professional boundaries with former Pupil A by:
 - a) Corresponding with former Pupil A via his school email address in respect of matters unrelated to the school;
 - b) Corresponding with former Pupil A on his personal email address in respect of matters unrelated to the school;
 - c) Arranged/attempted to arrange 'catch ups' with former Pupil A on more than one occasion after former Pupil A had left the School;
 - d) Offering former Pupil A a lift in a vehicle; and
 - e) Hugged former Pupil A on more than one occasion when she was still a pupil at the School.
2. Between, 30 June 2017 and 10 May 2020, on one or more occasion, he made inappropriate contact with former Pupil A on a regular basis including:
 - a) On or around 30 August 2017 at 19:34, he emailed former Pupil A , "I genuinely am not sure how I am going to survive without our daily chats" or words to that effect;
 - b) On or around 22 May 2018 at 15:34, he emailed former Pupil A, "that will be a long time between seeing each other. Four months. Longest it's been [sad face emoji] " or words to that effect; and
 - c) On or around 5 September 2017 at 14.22, he emailed former Pupil A "you should definitely believe in yourself, I do big time" or words to that effect;
3. His conduct as set out at 1 and/or 2 made former Pupil A feel uncomfortable.

In his response to the notice of referral dated 20 October 2021 and in the statement of agreed facts, signed on 4 February 2022, Mr Norledge admitted the facts of allegations 1, 2 and 3 and that his behaviour amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

- Section 1: Chronology, anonymised pupil list and list of key people – pages 1 to 2
- Section 2: Notice of referral, response and notice of meeting – pages 3 to 18
- Section 3: Statement of agreed facts and presenting officer representations – pages 19 to 24
- Section 4: Teaching Regulation Agency documents – pages 25 to 213
- Section 5: Teacher documents – pages 214 to 347

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

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Norledge on 4 February 2022 and by the presenting officer on 11 February 2022.

Decision and reasons

The panel carefully considered the case and reached the following decision and reasons:

In advance of the meeting, the TRA agreed to a request from Mr Norledge for the allegations to be considered without a hearing. The panel had 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 did not determine that such a direction was necessary or appropriate in this case.

Mr Norledge commenced employment at Chellaston Academy ('the School') as a teacher of business and communication systems, PE, leisure and tourism and leisure and recreation, on 1 September 2007.

On 10 September 2020, the police attended the school and informed the headteacher that a complaint of harassment had been made by a former pupil against Mr Norledge, in respect of Mr Norledge communicating with the former pupil.

Mr Norledge ceased working at the School on 18 December 2020 and the School referred the matter to the TRA.

A referral was made to the Disclosure and Barring Service ('DBS'). The DBS decided not to place Mr Norledge on the barred lists, but reserved the right to review this decision.

The police did not take any further action against Mr Norledge on the basis that the allegation of harassment was not convincing; the former pupil had not told Mr Norledge or made it clear to him that the contact was to stop and had instead replied to several emails. Furthermore, the police did not deem the content of the emails to be inappropriate, sexual or inciting, nor did the former pupil suggest they had caused her alarm, harassment or distress. The police informed the presenting officer firm, Fieldfisher LLP, that the former pupil did not want to make or pursue a formal complaint and *"just wanted Mr Norledge speaking to"*.

Findings of fact

The findings of fact are as follows:

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

- 1. Between, 30 June 2017 and 10 May 2020, on one or more occasion, you failed to maintain appropriate professional boundaries with former Pupil A by:**
 - a) Corresponding with former Pupil A via your school email address in respect of matters unrelated to the school;**
 - b) Corresponding with former Pupil A on your personal email address in respect of matters unrelated to the school;**
 - c) Arranged/attempted to arrange 'catch ups' with former Pupil A on more than one occasion after former Pupil A had left the School;**
 - d) Offering former Pupil A a lift in a vehicle.**
 - e) Hugged former Pupil A on more than one occasion when she was still a pupil at the School.**

The panel noted that in the statement of agreed facts, which was signed by Mr Norledge on 4 February 2022, he admitted the facts of allegations 1(a)-(e).

Notwithstanding this, the panel considered the evidence provided in the bundle and made its own determination based on the evidence available to it.

The panel was provided with copies of emails that had been exchanged between Mr Norledge and Pupil A. It was apparent from those emails that Mr Norledge had:

- corresponded with Pupil A in respect of matters unrelated to the School;
- attempted to arrange catch ups with her after she had left the School; and
- offered Pupil A a lift in a vehicle. Mr Norledge intended this to be a lift in a school minibus, but accepted that he did not specify this.

The email addresses had been redacted from the emails provided to the panel, presumably to avoid the disclosure of personal data. However, the bundle separated out the email tranches between those sent from Mr Norledge's school email address and those sent from his personal email account and Mr Norledge admitted to sending emails from his school and personal email accounts. In a letter from Mr Norledge's legal representative dated 23 June 2021, it was explained that Mr Norledge did not intend to start communicating with Pupil A through his personal email address. Mr Norledge's recollection was that he had sent an email to Pupil A from his iPhone and it automatically sent from his personal email address by accident. Mr Norledge was very sorry for this initial oversight and recognised that he should have then corrected this and reverted all communication back to his school email address.

The emails did not refer to Mr Norledge hugging Pupil A, but the panel was provided with an unsigned and undated statement from Pupil A, which was taken from the police records. Within this statement Pupil A stated that Mr Norledge had hugged her. Furthermore, Mr Norledge admitted that he had hugged Pupil A on two occasions.

The panel considered that, by reason of his conduct as described at allegations 1(a) to 1(e), Mr Norledge had failed to maintain appropriate professional boundaries.

On examination of the documents before the panel, and the admissions in the signed statement of agreed facts, the panel was satisfied that allegations 1(a), 1(b), 1(c), 1(d) and 1(e) were proven.

2. Between, 30 June 2017 and 10 May 2020, on one or more occasion, you made inappropriate contact with former Pupil A on a regular basis including:

- a) On or around 30 August 2017 at 19:34, you emailed former Pupil A , "I genuinely am not sure how I am going to survive without our daily chats" or words to that effect;**

- b) On or around 22 May 2018 at 15:34, you emailed former Pupil A, "that will be a long time between seeing each other. Four months. Longest it's been [sad face emoji] " or words to that effect;**
- c) On or around 5 September 2017 at 14.22, you emailed former Pupil A "you should definitely believe in yourself, I do big time" or words to that effect;**

The panel noted that in the statement of agreed facts, which was signed by Mr Norledge on 4 February 2022, he admitted the facts of allegations 2(a)-(c).

Notwithstanding this, the panel considered the evidence provided in the bundle and made its own determination based on the evidence available to it.

The panel was provided with copies of emails that had been exchanged between Mr Norledge and Pupil A. It was apparent from those emails that Mr Norledge had:

- emailed Pupil A on 30 August 2017 stating: *"I genuinely am not sure how I am going to survive without our daily chats"*;
- emailed Pupil A on 22 May 2018 stating: *"that will be a long time between seeing each other! Four months. Longest it's been [sad face emoji]"*; and
- emailed Pupil A on 5 September 2017 stating: *"you should definitely believe in yourself, I do big time"*.

The panel considered that Mr Norledge's contact with Pupil A as described in allegations 2(a) to 2(c) was inappropriate.

On examination of the documents before the panel, and the admissions in the signed statement of agreed facts, the panel was satisfied that allegations 2(a), 2(b) and 2(c), were proven.

3. Your conduct as set out at 1 and/or 2 made former Pupil A feel uncomfortable.

The panel noted that in the statement of agreed facts, which was signed by Mr Norledge on 4 February 2022, he admitted the facts of allegation 3.

Notwithstanding this, the panel considered the evidence provided in the bundle and made its own determination based on the evidence available to it.

The panel was provided with an email from Pupil A to Mr Norledge dated 9 September 2020 within which she stated: *"Thank you for your support over the years however the emails are now making me feel uncomfortable, so I would appreciate it if you didn't contact me anymore."*

On examination of the documents before the panel, and the admissions in the signed statement of agreed facts, the panel was satisfied that allegation 3 was proven.

In summary, the panel found allegations 1(a), 1(b), 1(c), 1(d), 1(e), 2(a), 2(b), 2(c) and 3 proven.

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

Having found the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

The panel noted that in the statement of agreed facts, which was signed by Mr Norledge on 4 February 2022, Mr Norledge admitted that the facts of each of the allegations amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute. Notwithstanding this, the panel considered the evidence provided in the bundle and made its own determination based on the evidence available to it.

The panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as 'the Advice'.

The panel was satisfied that the conduct of Mr Norledge, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Norledge was 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
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.

The panel was satisfied that Mr Norledge's conduct fell short of the standards expected of the profession, although it considered that it was at the less serious end of the spectrum.

There was no evidence before the panel to suggest that there was an ulterior motive to Mr Norledge's conduct, and the panel did not consider that Mr Norledge had a hidden agenda in this regard. The panel was of the view that the communications amounted to over-friendly emails containing relaxed comments that were more akin to a friendship and

crossed the barrier between the relationship of a teacher and a former pupil. In this sense, there was a failure to maintain professional boundaries and the panel considered that Mr Norledge ought to have known better than to engage in such conduct.

However, there was no suggestion that the communications had caused or was likely to cause Pupil A any harm. The panel noted that the email correspondence began in June 2017 (Pupil A left the School in/around July 2017) and continued sporadically until September 2020. The communication was reciprocal and sometimes initiated by Pupil A. There was no indication that the correspondence made her feel uncomfortable until her email of 9 September 2020. Furthermore, there was no evidence before the panel that Mr Norledge had attempted to contact Pupil A after she told him that she felt uncomfortable.

The panel understood, from a letter from Mr Norledge's legal representatives, that, [REDACTED].

In summary, whilst the panel concluded that Mr Norledge had failed to maintain professional boundaries, having considered his behaviour (as found proven) holistically, it did not believe that there was a serious cause for concern, or any safeguarding concern.

The panel did not consider that Mr Norledge's conduct amounted to serious misconduct falling significantly short of the standard of behaviour expected of a teacher, or that his conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

Accordingly, the panel was not satisfied that Mr Norledge was guilty of unacceptable professional conduct.

The panel went on to consider whether Mr Norledge's actions amounted to conduct that may bring the profession into disrepute. In doing so, the panel took 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 also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way they behave.

Although the panel considered that the misconduct was at the less serious end of the spectrum, the panel did conclude that there had been a failure to maintain professional boundaries. As such, the panel considered that the conduct displayed would be likely to have a negative impact on Mr Norledge's status as a teacher, potentially damaging the public perception.

The panel therefore found that Mr Norledge's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of particulars 1(a)-(e), 2(a)-(c) and 3 proved, the panel further found that Mr Norledge's conduct amounted to conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of conduct that may bring the profession into disrepute, it was 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 had to consider whether it would be an appropriate and proportionate measure, and whether it would be 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 had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely: the safeguarding and wellbeing of pupils and the protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

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

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Norledge.

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 proved. The panel did not find any of the behaviours set out in the Advice to be relevant in this case. Whilst the panel found that there was a departure from the Teachers' Standards, it did not consider it to be a "serious departure".

The panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

There was evidence that Mr Norledge's actions were deliberate. Although the panel accepted that Mr Norledge did not intend to engage in inappropriate communications with Pupil A, the panel accepted that on balance his behaviour had crossed this boundary.

There was no evidence to suggest that Mr Norledge was acting under extreme duress.

The panel was not provided with any evidence indicating that Mr Norledge displayed exceptionally high standards in both personal and professional conduct or that he had contributed significantly to the education sector. However, the panel considered that Mr Norledge was a dedicated teacher and took into account character references submitted on behalf of Mr Norledge, which attested to his unblemished record as a teacher. In particular, the panel noted:

- [REDACTED]
 - *“David was a very competent teacher, especially at Key Stage 4 where he held a Teaching and Learning Responsibility for overseeing the Key Stage within the department.”*
 - *“Supporting myself and other young teachers demonstrated his commitment to his colleagues and the care he had for the teaching the pupils received. David demonstrated strong ethics and values in assessing pupil’s work for their GCSE grades.”*
 - *“All of David’s classes had a calm feeling to them, even during the pressures of exam season. I personally put this down to the excellent professional relationship David was able to develop with his groups of all ages.”*
 - *“Dave’s strength as a form tutor was clear to me in my first year as a Student Progress Leader. He always had positive feedback in any quality assurance I was asked to do, and these were always in the presence of other staff. Like pupils in his lessons, his tutor group always seemed to be enjoying their morning in David’s presence.”*
- [REDACTED]
 - *“In all of these occasions I found him to be professional, honest and dedicated. I know he took great pride in supporting and helping each student, whether academically in class, practically with the skills element of PE or pastorally as a form tutor.”*
 - *“He dedicated a large proportion of his own time every year to putting on extra-curricular activities for students across the school and this was something that he really enjoyed. This commitment demonstrates how David went above and beyond to offer the best school experience for all his students.”*
 - *“David was a well-liked member of staff, by both pupils and other colleagues. He was eternally positive and cheerful, and staff and students found him approachable and caring.”*

The panel took into account submissions from Mr Norledge’s legal representative dated 23 June 2021 and 22 March 2022. Within these documents it was explained that, having

reflected on his communications and interactions with Pupil A, Mr Norledge accepted that they could be perceived as inappropriate. It was expressed that Mr Norledge's priority always was the safeguarding of students; he would never intentionally harm a student.

Mr Norledge believed that the School actively encouraged all teachers, but particularly those with responsibilities as a form tutor, to build relationships with their form tutees and it was submitted that it would be unrealistic to expect that this relationship would cease entirely once a student had left the School. Further, it was submitted that the school handbook did not specifically prohibit teachers from having contact with former students.

It was submitted that Mr Norledge unequivocally accepts full responsibility for his conduct and understands the seriousness of his actions. The panel accepted that Mr Norledge was deeply remorseful for his actions and that his contact with Pupil A caused her to feel uncomfortable.

Mr Norledge also demonstrated genuine remorse, repentance and insight into his actions. It was clear from the submissions before the panel that Mr Norledge had learnt from his actions. The documents before the panel indicated that he had read widely on the subject of maintaining professional boundaries and felt more aware and better informed. Furthermore, he had expressed an intention to attend a CPD course on maintaining professional boundaries. In light of this, the panel was satisfied that Mr Norledge had reflected on, and learnt from, his conduct, such that it was very unlikely his conduct would be repeated if he were to teach again.

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 was of the view that, applying the standard of the ordinary intelligent citizen, recommending no prohibition order was a proportionate and appropriate response.

Given that the nature and severity of the behaviour was at the less serious end of the possible spectrum and, having considered Mr Norledge's insight and remorse, the panel determined that a recommendation for a prohibition order would not be appropriate in this case.

The panel considered that the publication of the adverse findings would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were acceptable, and those that were not, and that the publication would meet the public interest requirement of declaring and upholding proper standards of the profession.

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.

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

In this case, the panel has found all of the allegations proven and found that those proven facts amount to conduct that may bring the profession into disrepute. In this case, the panel has found the allegations do not amount to unacceptable professional conduct. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr David Norledge should not be the subject of a prohibition order. The panel has recommended that the findings of conduct likely to bring the profession into disrepute, should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Mr Norledge 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
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.

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

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 a less intrusive measure, such as the published finding of 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 Norledge, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed, “whilst the panel concluded that Mr Norledge had failed to maintain professional boundaries, having considered his behaviour (as found proven) holistically, it did not believe that there was a serious cause for concern, or any safeguarding concern.”

I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “It was submitted that Mr Norledge unequivocally accepts full responsibility for his conduct and understands the seriousness of his actions. The panel accepted that Mr Norledge was deeply remorseful for his actions and that his contact with Pupil A caused her to feel uncomfortable.” 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, “Although the panel considered that the misconduct was at the less serious end of the spectrum, the panel did conclude that there had been a failure to maintain professional boundaries. As such, the panel considered that the conduct displayed would be likely to have a negative impact on Mr Norledge’s status as a teacher, potentially damaging the public perception.”

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order 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 conduct that may bring the profession into disrepute, 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 Norledge himself and the panel comment “The panel was not provided with any evidence indicating that Mr Norledge displayed exceptionally high standards in both personal and professional conduct or that he had contributed significantly to the education sector. However, the panel considered that Mr Norledge was a dedicated teacher and took into account character references submitted on behalf of Mr Norledge, which attested to his unblemished record as a teacher.”

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

In this case, I have placed considerable weight on the panel's comments concerning the insight or remorse. The panel has said, "Mr Norledge also demonstrated genuine remorse, repentance and insight into his actions. It was clear from the submissions before the panel that Mr Norledge had learnt from his actions. The documents before the panel indicated that he had read widely on the subject of maintaining professional boundaries and felt more aware and better informed. Furthermore, he had expressed an intention to attend a CPD course on maintaining professional boundaries. In light of this, the panel was satisfied that Mr Norledge had reflected on, and learnt from, his conduct, such that it was very unlikely his conduct would be repeated if he were to teach again."

I have also placed considerable weight on the finding of the panel that "Given that the nature and severity of the behaviour was at the less serious end of the possible spectrum and, having considered Mr Norledge's insight and remorse, the panel determined that a recommendation for a prohibition order would not be appropriate in this case."

For these reasons, I have concluded that a prohibition order is not proportionate or in the public interest. I consider that the publication of the findings made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.

A handwritten signature in black ink, appearing to read 'S Buxcey', with a stylized, cursive script.

Decision maker: Sarah Buxcey

Date: 6 July 2022

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