



Teaching  
Regulation  
Agency

# **Mr Courtney Pettifor: Professional conduct panel meeting outcome**

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

**December 2022**

## Contents

Introduction	3
Allegations	4
Preliminary applications	6
Summary of evidence	6
Documents	6
Statement of agreed facts	7
Decision and reasons	7
Findings of fact	8
Panel's recommendation to the Secretary of State	16
Decision and reasons on behalf of the Secretary of State	20

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

<b>Teacher:</b>	Mr Courtney Pettifor
<b>Teacher ref number:</b>	1738730
<b>Teacher date of birth:</b>	5 January 1995
<b>TRA reference:</b>	19933
<b>Date of determination:</b>	19 December 2022
<b>Former employer:</b>	Witchford Village College, Witchford

### **Introduction**

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 19 December 2022 by way of a virtual meeting to consider the case of Mr Courtney Pettifor.

The panel members were Mr Peter Ward (lay panellist – in the chair), Ms Joanna Hurren (teacher panellist) and Ms Penny Griffith (lay panellist).

The legal adviser to the panel was Ms Natalie Kent 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 Pettifor that the allegations be considered without a hearing. Mr Pettifor 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 Carolyn Thackstone of Browne Jacobson LLP solicitors, Mr Pettifor or his representative, Mrs Nathalie Potter of Olliers Solicitors.

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 14 December 2022.

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

1. He failed to maintain appropriate boundaries with one or more pupils in that he sent emails to them between approximately January 2020 to January 2021 which:
  - a) were thousands in number;
  - b) included messages sent late at night and/or during holidays and/or weekends and/or during national lockdowns;
  - c) were inappropriate in tone;
  - d) used “x” to denote kisses;
  - e) included him ‘sending hugs’ or words to that effect;
  - f) used emojis including hearts and/or winking faces;
  - g) used one or more nicknames;
  - h) stated “you love me” or words to that effect;
  - i) stated “you mean more to me than you realise” or words to that effect
  - j) using terms of endearment including but not limited to:
    - i. babe;
    - ii. sweetheart;
    - iii. darling;
    - iv. my lovely;
    - v. special girl;
  - k) requested that one or more pupils send an image of themselves to him;
  - l) commented on one or more pupils’ physical appearance, including but not limited to:
    - i. stating that they could be a model;

- ii. stating that they were stunning;
  - iii. referring to their figure;
  - iv. asking about their tan lines;
- m) stated 'I'll run past your window every day up until Sunday from now, just for you x' or words to that effect, with reference to passing her home address;
- n) requested that one or more pupils contact him using your personal contact details once they left the school;
- o) offered free tutoring to one or more pupils;
- p) offered to chat to one or more pupils using Zoom;
- q) alerted and/or encouraged one or more pupils towards his use of TikTok;
- r) provided his home address;
2. His conduct as may be found proven at Allegation 1 was notwithstanding:
- a) advice and /or warnings issued to him by the school in respect of his conduct towards pupils in or around:
    - i. Autumn 2019;
    - ii. Spring 2020;
    - iii. Autumn 2020;
    - iv. December 2020
  - b) a parent of Pupil C telephoning him to inform him that his contact with Pupil C was blurring professional boundaries;
  - c) a parent of Pupil D contacting him to request that he stop contacting Pupil D.
3. He failed to notify the school of one or more safeguarding concerns in respect of:
- a) Pupil D
  - b) Pupil F
4. He failed to report the contact from one or more parents at Allegation 2(b) and/or 2(c) to the school.

5. During a school investigatory interview in respect of his alleged conduct at Allegation 1 he claimed that he had been contacting:
  - a) Pupil D as part of a formal mentoring arrangement when this was not in fact the case;
  - b) Pupil C as a result of personal ties to her family when in fact a parent of Pupil C had contacted him as at Allegation 2(b).
6. His conduct as may be found proven at Allegations 3 and/or 5 was dishonest and/or lacked integrity.

Mr Pettifor admitted the facts of allegations 1 to 6 and that his behaviour amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute as set out in the response to the notice of referral signed by Mr Pettifor on 18 January 2022 and in the statement of agreed facts signed by Mr Pettifor on 24 March 2022.

## Preliminary applications

Whilst there were no preliminary applications, the panel did consider whether there was a need to amend allegation 4 to correct the reference to 2(a) and 2(b) where it should have referred to 2(b) and 2(c). The panel were referred to the power to amend an allegation under 5.82, where it is "*in the interests of justice to do so*".

The panel considered that to make this amendment would not change the substance of the allegation and would not result in prejudice to either the teacher or the TRA. The amendment merely corrected what appeared to be a typographical error. The panel therefore determined to amend the allegation accordingly.

## Summary of evidence

### Documents

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

- Section 1: Chronology and anonymised pupil list – pages 6 to 8
- Section 2: Notice of referral, response and notice of meeting – pages 10 to 22
- Section 3: Statement of agreed facts and presenting officer representations – pages 24 to 34
- Section 4: TRA documents – pages 36 to 962

- Section 5: Teacher documents – pages 964 to 970

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 Pettifor and the presenting officer on 24 March 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 Pettifor 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 Pettifor was employed as a PE teacher at Witchford Village College ('the School') between 18 January 2018 and 23 March 2021.

In the autumn term of 2019, Individual H at the time raised concerns with Individual B, [REDACTED], regarding Mr Pettifor's relationships and mentoring of Year 10/11 girls. Individual B addressed this with Mr Pettifor, and Mr Pettifor was advised to spend less time with KS4 girls during social time as well as being advised how to safeguard himself during 1:1 meetings.

In the spring term of 2020, Individual B reported that he was directed to speak to Mr Pettifor due to his closeness with some Year 11 female pupils and his frequency of being around them. Individual B continued to monitor Mr Pettifor and reminded him again in the autumn term to keep his distance from Year 11 pupils during social time.

During the autumn term of 2020, a formal investigation was carried out by the [REDACTED], Individual C. During the investigation, it transpired that a parent of one of the students, Pupil C, called Mr Pettifor during the first lockdown between March to June 2020, and made him aware that she was unhappy with the tone and lack of formality of his emails with her daughter.

In December 2020, the [REDACTED], Individual D, spoke to Mr Pettifor informally following concerns that were raised by a member of staff about his interactions with certain Year 11 students.

On 13 January 2021, Pupil A contacted Individual C with screenshots of emails that Mr Pettifor had sent to a student, who had since left the School, when she was in Year 11. Individual C sent the email she received to the [REDACTED], Witness A. The emails showed Mr Pettifor sending kisses to Pupil B and writing in a manner which was very informal.

On 14 January 2021, Individual D commissioned Witness A to carry out an investigation; she then contacted the LADO and EPM. [REDACTED]. Witness A gave Individual C access to Mr Pettifor's emails to students who would have been in KS4 from January 2020 to January 2021. The School found thousands of emails to various pupils.

On 28 January 2021, the LADO emailed confidential minutes of the meeting to Witness A confirming that the police would not be involved at this stage but that they had logged Mr Pettifor's name should an incident come to their attention. The LADO confirmed concerns regarding the content of the emails and requested a follow up meeting after the School's disciplinary procedure was complete to decide next steps.

On 23 March 2021, the disciplinary meeting concluded that gross misconduct had taken place and Mr Pettifor was subsequently dismissed.

## **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. You failed to maintain appropriate boundaries with one or more pupils in that you sent emails to them between approximately January 2020 to January 2021 which:**
  - a) were thousands in number;**
  - b) included messages sent late at night and/or during holidays and/or weekends and/or during national lockdowns;**
  - c) were inappropriate in tone;**
  - d) used "x" to denote kisses;**
  - e) included you 'sending hugs' or words to that effect;**
  - f) used emojis including hearts and/or winking faces;**
  - g) used one or more nicknames;**



- h) stated “you love me” or words to that effect;**
- i) stated “you mean more to me than you realise” or words to that effect**
- j) using terms of endearment including but not limited to:**
  - i. babe;**
  - ii. sweetheart;**
  - iii. darling;**
  - iv. my lovely;**
  - v. special girl;**
- k) requested that one or more pupils send an image of themselves to you;**
- l) commented on one or more pupils’ physical appearance, including but not limited to:**
  - i. stating that they could be a model;**
  - ii. stating that they were stunning;**
  - iii. referring to their figure;**
  - iv. asking about their tan lines;**
- m) stated ‘I’ll run past your window every day up until Sunday from now, just for you x’ or words to that effect, with reference to passing her home address;**
- n) requested that one or more pupils contact you using your personal contact details once they left the school;**
- o) offered free tutoring to one or more pupils;**
- p) offered to chat to one or more pupils using Zoom;**
- q) alerted and/or encouraged one or more pupils towards your use of TikTok;**
- r) provided your home address;**

The panel noted that Mr Pettifor admitted the facts of allegation 1 in its entirety, as set out in the response to the notice of referral signed by Mr Pettifor on 18 January 2022 and in the statement of agreed facts signed by Mr Pettifor on 24 March 2022.

Mr Pettifor admitted that he failed to maintain appropriate boundaries with one or more pupils in emails he sent to them between January 2020 and January 2021. It was Mr Pettifor's position that, due to him being a young teacher, students would choose to confide in him with their problems. Mr Pettifor stated that he was approached every break time and lunchtime and would try to assist all students as much as he could. Mr Pettifor stated that he became overwhelmed with emails and understood that he became unprofessional and boundaries were crossed.

Mr Pettifor admitted that he sent emails to pupils between January 2020 and January 2021 which were "*thousands in number*". It was Mr Pettifor's position that due to [REDACTED], he became terrified that if he did not respond to emails from pupils then "*something awful could happen*". Mr Pettifor submitted that this accounts for the numerous emails at all times of the day. Mr Pettifor admitted that boundaries were crossed in terms of language within his emails.

The panel noted the witness statement of Witness A. Witness A submitted that she was first informed about the emails Mr Pettifor had been sending to pupils on 13 January 2021 when Individual C sent her an email after school stating that a pupil in Year 11 had contacted her about his concerns regarding emails Mr Pettifor had sent to his female friend. The pupil sent across examples of such emails in the form of two or three screenshots.

Witness A contacted the [REDACTED], Individual J, and the [REDACTED], Individual D, to discuss next steps the following day. Individual D then commissioned Witness A to start an investigation. Witness A contacted the LADO and a HR firm, Education Personnel Management, to seek advice. The incident occurred prior to lockdown and lockdown was still currently in place at the time. [REDACTED] Witness A submitted that there was no immediate risk to students.

Witness A asked IT to suspend Mr Pettifor's access to his school email account and sent a suspension letter to him on 22 January 2021. Witness A was also granted access to Mr Pettifor's emails and found that he had sent thousands of emails to numerous pupils. Witness A liaised with Individual E, Data Protection Officer, about reviewing the emails.

Witness A attended an interview with Mr Pettifor, after which she interviewed Individual B, Individual F, [REDACTED], and three pupils who had a high frequency of communications with Mr Pettifor. Witness A found that some of the pupils had been "*quite vulnerable*" and had been working with Individual F. Witness A also interviewed Individual G [REDACTED], as she had raised concerns about Mr Pettifor in the past.

The panel considered the witness statement of Witness A who stated that she had "*asked IT to give me access to all of Mr Pettifor's emails and found he had sent thousands of emails to numerous pupils*". The panel was provided with a large number of emails between Mr Pettifor and pupils in year 11, many of which had been sent late at

night or during holidays and weekends. The panel was provided with emails which covered the specific conduct alleged at each of the allegations 1(d)-(r) and considered that these were inappropriate in tone due to their informal, overfriendly and intimate nature.

Therefore, as a result of the emails which had been provided, the panel found allegation 1(a)-(r) proved. The panel further determined that this conduct amounted to a failure to maintain professional boundaries.

**2. You conduct as may be found proven at Allegation 1 was notwithstanding:**

**a) advice and /or warnings issued to you by the school in respect of your conduct towards pupils in or around:**

- i. Autumn 2019;**
- ii. Spring 2020;**
- iii. Autumn 2020;**
- iv. December 2020**

**b) a parent of Pupil C telephoning you to inform you that your contact with Pupil C was blurring professional boundaries;**

**c) a Parent of Pupil D contacting you to request that you stop contacting Pupil D.**

The panel noted that Mr Pettifor admitted the facts of allegation 2 in its entirety, as set out in the response to the notice of referral signed by Mr Pettifor on 18 January 2022 and in the statement of agreed facts signed by Mr Pettifor on 24 March 2022.

Mr Pettifor admitted that his conduct which is admitted at allegation 1 was notwithstanding advice and/or warnings given by the School. Mr Pettifor admitted that he recalled being approached by Individual H and being informed that he needed to be careful. Mr Pettifor further admitted that advice and/or warnings were issued to him by the School in respect of his conduct towards pupils in or around the times listed at allegation 2(a)(i)-(iv).

Mr Pettifor also admitted that a parent of Pupil C telephoned to inform him that his contact with Pupil C was blurring professional boundaries, and that a parent of Pupil D contacted him to request he stopped contacting Pupil D.

The panel was provided with the investigation report of Witness A which set out that Mr Pettifor had received the following warnings in respect of his conduct with year 11 females: (1) in Autumn 2019 from Individual B; (2) in Autumn 2020 from Individual B.

The panel was provided with the witness statement of Witness A which appended correspondence from Individual B and which set out that he had previously had concerns in respect of Mr Pettifor's relationships with students, and had "*had a conversation with [Mr Pettifor] about safeguarding himself*". Individual B continued "*this academic year I had to speak to him again about it as he began doing it again*".

The panel was also provided with an email from Pupil C's mother to Witness A in which she states, "*I found the tone of Mr Pettifor's email exchange with [Pupil C] informal and worthy of a conversation with him directly so that teacher/student lines didn't become misconstrued by [Pupil C] as friendship*." Pupil C's mother continues, "*I believe that Mr Pettifor was quite surprised by my call*".

The panel noted that Mr Pettifor had admitted to allegation 2(c). However the panel had not been provided with documentary evidence for this allegation and noted that the reference to Pupil D's mother in Witness A's investigatory report appeared to be in error and referred to emails from Pupil C's mother.

The panel found, on the balance of probabilities and given the documentary evidence provided, allegation 2(a) and 2(b) proved but found allegation 2(c) not proved.

### **3. You failed to notify the school of one or more safeguarding concerns in respect of:**

#### **a) Pupil D**

#### **b) Pupil F**

The panel noted that Mr Pettifor admitted the facts of allegation 3 in its entirety, as set out in the response to the notice of referral signed by Mr Pettifor on 18 January 2022 and in the statement of agreed facts signed by Mr Pettifor on 24 March 2022.

Witness A set out in her witness statement that during the review of Mr Pettifor's emails, the School found that Mr Pettifor had not been logging key safeguarding concerns. These concerns were in relation to the close relationships Mr Pettifor had with 5 key students and the School found no record about the relationship or concerns. During the investigation, it was also raised that the [REDACTED] and Individual G had raised concerns to Individual C regarding Mr Pettifor.

The panel found that Pupil D and Pupil F were vulnerable children and the contents of the emails each with Pupil D and Pupil F constituted a safeguarding concern which ought to have been properly raised and logged. The panel noted that Mr Pettifor did not hold any safeguarding position within the School. The panel had been provided with no evidence that the necessary safeguarding referrals had been made by Mr Pettifor and indeed the evidence of Witness A was that the School, "*found that Mr Pettifor had not been logging key safeguarding concerns*."

The panel considered that this conduct showed a total lack of appreciation for due process and safeguarding procedures, which could have led to a heightened risk of harm of any one of those pupils.

The panel therefore found allegation 3(a) and 3(b) proved.

**4. You failed to report the contact from one or more parents at Allegation 2(b) and/or 2(c) to the school.**

As the panel did not find allegation 2(c) proven, this allegation was considered in respect of 2(b) only.

The panel noted that Mr Pettifor admitted the facts of allegation 4, as set out in the response to the notice of referral signed by Mr Pettifor on 18 January 2022 and in the statement of agreed facts signed by Mr Pettifor on 24 March 2022.

The panel noted the evidence of Witness A that Mr Pettifor had *“failed to report that the mother had contacted him to his line manager despite the concerns flagged by the mother”*.

On the basis of Witness A’s evidence, the panel found allegation 4 proved.

**5. During a school investigatory interview in respect of your alleged conduct at Allegation 1 you claimed that you had been contacting:**

- a) Pupil D as part of a formal mentoring arrangement when this was not in fact the case;**
- b) Pupil C as a result of personal ties to her family when in fact a parent of Pupil C had contacted you as at Allegation 2(b).**

The panel noted that Mr Pettifor admitted the facts of allegation 5 in its entirety, as set out in the response to the notice of referral signed by Mr Pettifor on 18 January 2022 and in the statement of agreed facts signed by Mr Pettifor on 24 March 2022.

The panel was provided with a copy of the investigation report which included the note of the meeting with Mr Pettifor in which he had made the claims alleged at 5(a) and 5(b).

The investigation report also had appended to it a copy of the note of a meeting with Individual F who stated that, *“the mentoring process wasn’t formalised and was an informal arrangement”*.

The panel also noted Witness A’s witness statement in which she stated, *“I managed to speak to the mother of Student C who had said that Mr Pettifor was friends with Student C’s cousin. However, the cousin lived separately and was older in age, so it was not likely that he saw Student C socially. I believe that Mr Pettifor was confused about*

*boundaries and thought that due to the personal connection, he was able to contact student C.”*

The panel found allegation 5(a) and 5(b) proved.

**6. You conduct as may be found proven at Allegations 3 and/or 5 was dishonest and/or lacked integrity.**

The panel noted that Mr Pettifor admitted the facts of allegation 6, as set out in the response to the notice of referral signed by Mr Pettifor on 18 January 2022 and in the statement of agreed facts signed by Mr Pettifor on 24 March 2022.

The panel firstly considered whether Mr Pettifor had failed to act with integrity in respect of allegation 3. The panel considered the case of *Wingate & Anor v The Solicitors Regulation Authority*. The panel considered that Mr Pettifor had failed to act within the higher standards expected of a teacher by not notifying the School of safeguarding concerns in respect of two pupils.

The panel considered the disclosure of such information from Pupil D and Pupil F to be relevant information about which Mr Pettifor should have informed the School. The information was relevant to the School, and would be relevant at any School, because teachers are placed in a position of trust. The panel considered that Mr Pettifor had a clear duty to follow the safeguarding policies and make a referral and had failed to do so.

The panel found that Mr Pettifor had not acted with integrity over his failure to disclose such information. The panel considered that this was a serious departure particularly given the vulnerability of the pupils and the circumstances surrounding the information. The panel also considered that the nature of the communication with these pupils demonstrated an over-reliance and potentially an infatuation, which in itself would have necessitated raising a safeguarding concern.

In respect of allegation 5, the panel then considered whether Mr Pettifor had acted dishonestly in relation to the proven facts. In reaching its decision on this, the panel considered the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockford*. The panel considered that Mr Pettifor had deliberately misled the School in stating there was a formal mentoring arrangement despite knowing this was not the case. The panel also did not consider there was credibility in the suggestion that Mr Pettifor had believed it was acceptable to contact Pupil C because of personal ties with her family. The panel did not consider that any family ties with Pupil C were relevant to him carrying out his professional responsibilities and would not have justified his conduct in any event.

On the balance of probability, the panel found allegation 6 proved.

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

Having found all of the allegations proved with the exception of 2(c), 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.

In doing so, 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 Pettifor, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Pettifor 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
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Pettifor fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Pettifor's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

The panel found that none of these offences was relevant.

The panel noted that a number of the allegations took place outside the education setting in that Mr Pettifor was communicating with pupils late at night/during holidays/at weeks/during national lockdowns. However, the panel believed this touched upon Mr Pettifor's profession as a teacher, as Mr Pettifor was communicating with current pupils at the School.

Accordingly, as a result of the numerous and sustained breaches of the teaching standards involving multiple failures to observe proper boundaries with several pupils, the panel was satisfied that Mr Pettifor was guilty of unacceptable professional conduct.

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.

The findings of misconduct were serious, involving sustained and multiple failings to safeguard pupils, and the conduct displayed would inevitably have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

Of particular concern to the panel was the severely detrimental impact Mr Pettifor's behaviour could have on the vulnerable pupils going forward. The panel felt that Mr Pettifor had not appreciated how impressionable these pupils were and had acted naively and inappropriately in forming inappropriate relationships with pupils with insufficient regard for the need to safeguard pupils.

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

Having found the facts of particulars 1(a)-(r), 2(a), 2(b), 3(a), 3(b), 4, 5(a), 5(b) and 6 proved, the panel further found that Mr Pettifor'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 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.

In the light of the panel's findings against Mr Pettifor, which involved inappropriate communication with pupils and being dishonest/lacking integrity, there was a strong public interest consideration in respect of the protection of pupils given the serious findings of inappropriate relationships with children and failings to make safeguarding referrals.

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

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

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 Pettifor.

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 Pettifor. 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. 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 safeguarding and well-being of pupils, and particularly where there is a continuing risk.
- abuse of position or trust (particularly involving pupils).
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE).
- a deep-seated attitude that leads to harmful behaviour.
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been repeated or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, 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 no evidence that Mr Pettifor's actions were not deliberate.

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

No evidence was submitted to attest to Mr Pettifor's previous history or ability as a teacher. No evidence was submitted which demonstrates exceptionally high standards in both personal and professional conduct or that Mr Pettifor contributed significantly to the education sector.

Mr Pettifor submitted that he was a young teacher and, naturally, students would choose to confide in him with their problems. Mr Pettifor was approached by both male and female students; however, male students would tend to approach him in person whilst female students preferred to send emails. Mr Pettifor submitted that the fact that the numerous emails were with female students should not in any way be used against him.

During the pandemic and national lockdown between 2020 and 2021, Mr Pettifor submitted that all staff were informed the School was being taken over by Eastern Learning Alliance and that as a result the principal was stepping down and retiring. Mr Pettifor stated that staff morale was extremely low and the changes made were radical and put more stress on the already overworked staff.

Mr Pettifor further submitted that, [REDACTED]. This was as a direct result of the takeover of the School and how much pressure he found himself to be under. [REDACTED].

[REDACTED].

[REDACTED]

Mr Pettifor is now a manager at a local gym and has built up a personal training business. Mr Pettifor believes this helps with his mental health, and he is able to practice mindfulness whilst at the gym. Mr Pettifor is currently undertaking a level 3 exercise referral course which would allow him to engage with patients referred from the NHS.

The panel noted a letter from the Disclosure and Barring Service to Mr Pettifor, dated 17 January 2022, confirming that it would take no further action in relation to Mr Pettifor's inappropriate emails sent to students.

Having considered the above, 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, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Pettifor of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Pettifor. Whilst Mr Pettifor admitted the allegations, the total lack of insight and no evidence of remorse for his actions or the impact they had on the vulnerable young people was a significant factor in forming that opinion. Accordingly, the panel made 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 that a review period of the order should be considered. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. The panel found that Mr Pettifor was not responsible for any such behaviours.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. One of these behaviours include fraud or serious dishonesty. The panel found that Mr Pettifor was responsible for lacking integrity and being dishonest but did not consider that this was sufficient to engage this provision.

The panel's primary concern was that Mr Pettifor had over a prolonged period, consistently breached guidelines and policies which were intended to safeguard pupils, despite several warnings from senior leadership within the School. The panel was concerned that this behaviour appeared to be deeply entrenched within Mr Pettifor, such that he did not appear to appreciate why his conduct was inappropriate and the effect his conduct may have on young and vulnerable individuals. The panel considered that significant further insight into his actions is required before Mr Pettifor could be considered suitable to return to teaching.

The panel decided 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 a review period in not less than 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 both sanction and review period.

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 proved with the exception of 2(c) and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. As the panel has found allegation 2 (c) not proven, I have put those matters entirely from my mind.

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

In particular, the panel has found that Mr Pettifor is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Pettifor fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include findings of inappropriate communication with pupils and being dishonest/lacking integrity. The panel described the misconduct as, "sustained and multiple failings to safeguard pupils."

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 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 Pettifor, 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/safeguard pupils. The panel has observed, "Of particular concern to the panel was the severely detrimental impact Mr Pettifor's behaviour could have on the vulnerable pupils going forward. The panel felt that Mr Pettifor had not appreciated how impressionable these pupils were and had acted naively and inappropriately in forming inappropriate relationships with pupils with insufficient regard for the need to safeguard pupils." 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, which the panel describe as, Mr Pettifor having a "total lack of insight and no evidence of remorse for his actions or the impact they had on the vulnerable young people". In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing 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, "the conduct displayed would inevitably have a negative impact on the individual's status as a teacher, potentially damaging the public perception." I am particularly mindful of the finding of dishonesty/lack of integrity 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 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 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 Pettifor himself, he has subsequently secured work outside of teaching and the panel comment "No evidence was submitted to attest to Mr Pettifor's previous history or ability as a teacher. No

evidence was submitted which demonstrates exceptionally high standards in both personal and professional conduct or that Mr Pettifor contributed significantly to the education sector.” A prohibition order would prevent Mr Pettifor from teaching and would clearly deprive the public of his contribution to the profession for the period that it is in force. I have given less weight in my consideration of sanction therefore, to the contribution that Mr Pettifor 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, in light of the circumstances in this case, 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 intended aims of a prohibition order.

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

I have considered the panel’s comments “The panel’s primary concern was that Mr Pettifor had over a prolonged period, consistently breached guidelines and policies which were intended to safeguard pupils, despite several warnings from senior leadership within the School. The panel was concerned that this behaviour appeared to be deeply entrenched within Mr Pettifor, such that he did not appear to appreciate why his conduct was inappropriate and the effect his conduct may have on young and vulnerable individuals. The panel considered that significant further insight into his actions is required before Mr Pettifor could be considered suitable to return to teaching.”

I have considered whether a different review period or not allowing a 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, factors mean that allowing a five year review period is sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the dishonesty/lack of integrity found, the lack of either insight or remorse, and that the conduct found proven had taken place over a prolonged period and consistently breached guidelines and policies which were intended to safeguard pupils.

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 Courtney Pettifor 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 28 December 2027, five 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 Pettifor remains prohibited from teaching indefinitely.

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

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

A handwritten signature in black ink, appearing to read "John Knowles". The signature is written in a cursive, flowing style.

**Decision maker: John Knowles**

**Date: 21 December 2022**

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